

**Section I**  
**Notices of Development of Proposed Rules  
 and Negotiated Rulemaking**

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE NO.:                   RULE TITLE:  
 6D-4.002                    President

PURPOSE AND EFFECT: This rule establishes qualifications and responsibilities of the President of the Florida School for the Deaf and the Blind as its Chief Executive Officer.

SUBJECT AREA TO BE ADDRESSED: Substantive changes to this rule to create, in one rule, instead of several, organization and responsibilities for administrators and other personnel at the Florida School for the Deaf and the Blind.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) 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: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE NO.:                   RULE TITLE:  
 6D-4.003                    Business Manager

PURPOSE AND EFFECT: This rule establishes qualifications and responsibilities of the Business Manager of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Substantive changes to this rule to create, in one rule, instead of several, organization and responsibilities for administrators and other personnel at the Florida School for the Deaf and the Blind.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) 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: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE NO.:                   RULE TITLE:  
 6D-5.003                    Other Personnel

PURPOSE AND EFFECT: This rule establishes duties and responsibilities of other members of the staff at the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Substantive changes to this rule to create, in one rule, instead of several, organization and responsibilities for administrators and other personnel at the Florida School for the Deaf and the Blind.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) 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: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE NO.:                   RULE TITLE:  
 6D-7.006                    Pupil Progression Plan and  
   Requirements for Graduation

PURPOSE AND EFFECT: This rule establishes the Board of Trustees' approval of the revised Pupil Progression Plan and Requirements for Graduation for students at the Florida School for the Deaf and the Blind in compliance with State Board of Education Rules and Section 1003.49, F.S.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Pupil Progression Plan and Requirements for Graduation.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1003.49 FS.

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

DATE AND TIME: Saturday, August 19, 2006, 9:00 a.m.

PLACE: Center for Leadership Training, Moore Hall, FSDB Campus, St. Augustine, Florida

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

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

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE NO.: 6D-14.002  
 RULE TITLE: Transportation Policies and Procedures

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

SUBJECT AREA TO BE ADDRESSED: Policies and Procedures Manual of the Transportation Department of the Florida School for the Deaf and the Blind.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4) FS.

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

DATE AND TIME: Saturday, August 19, 2006, 9:00 a.m.

PLACE: Center for Leadership Training, Moore Hall, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084-2799

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

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE NO.: 6D-16.002  
 RULE TITLE: Human Resource Management and Development

PURPOSE AND EFFECT: This rule establishes the guidelines for the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Human Resource Management and Development Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36 (4), 1002.36(4)(f)5. FS.

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

DATE AND TIME: Saturday, August 19, 2006. 9:00 a.m.

PLACE: Leadership Training Building, Moore Hall, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084-2799

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER NO.: 9B-60  
 RULE CHAPTER TITLE: Florida Building Energy Rating System

RULE NOS.: 9B-60.002  
 RULE TITLES: Definitions

9B-60.003 Department Activities

9B-60.004 Florida Building Energy Rating System, Adopted

9B-60.005 Training and Certification Program

9B-60.008 Guidelines for Uniformity, Adopted

PURPOSE AND EFFECT: Section 553.992, F.S., requires the Department of Community Affairs (the Department) to update the Building Energy-Efficiency Rating System in accordance with the procedures of Chapter 120, F.S. Section 553.995(2), F.S., requires the BERS program to be compatible with standard federal rating systems and state building codes and standards, where applicable. The proposed rule changes coincide with changes made to the national standard governing home energy rating systems. Updating to this standard allows Florida to maintain its accreditation with the National Association of State Energy Officials (NASEO), which has positioned itself to provide certifications for builders wishing to claim federal tax credits from the Internal Revenue Service.

Although the effect of upgrading to a new computer program initially causes a divergence between the BERS program and Florida's energy code, both the energy code and the BERS rating reports provide information required by Section 553.902, F.S., levels of insulation, the amount and type of glass, and the HVAC and water heating system efficiencies. Efforts to ameliorate this divergence in compliance tools include a translation program to take code compliance files and transfer the information to the BERS program, and a proposal

to upgrade the energy code to the EnergyGauge USA program during the 2007 code update cycle. The EPL Display Card referenced in Section 553.9085, F.S., currently utilizes an Estimated Energy Performance Score, which mimics the current Class 3 BERS rating. This "score" will be maintained until the code is changed.

The revised standard proposed as a change to Rule 9B-60.008, F.A.C., the 2006 Mortgage Industry National Home Energy Rating Systems Standards (HERS), amended November 7, 2005, requires the following additional changes to the program. These changes are reflected in the proposed revisions to Chapter 9B-60, F.A.C.:

1. The HERS Score is changed to a HERS Index with the Reference Standard for a home becoming a ratio when compared to the Design home.
2. The ratings will no longer be based on the Florida energy code because the computer program used to calculate energy code compliance is not capable of meeting the new National HERS Standards. Rather, the program will utilize the EnergyGauge USA program, which meets the new Standards.
3. Class 1 raters will be required by the Standards to pass the RESNET National Core Exam. Recertification of raters will no longer require peer review and reevaluation.
4. Reporting of ratings will be via website upload.

**SUBJECT AREA TO BE ADDRESSED:** Adopts the 2006 Mortgage Industry National Home Energy Rating Systems Accreditation Standards, amended November 7, 2005, promulgated by the Residential Energy Services Network (RESNET) and the National Association of State Energy Officials, and amends applicable portions of the rule to reflect this change. Changes name of Home Energy Rating System "HERS Score" to "HERS Index" and amends definition of HERS Index to make it consistent with the 2006 Mortgage Industry National Home Energy Rating Systems Standards. Provides that the HERS Index will be determined using the software system called EnergyGauge® USA, version 2.5. Amends certification requirements for Raters to include achievement of a passing score on the RESNET National Core Exam.

**SPECIFIC AUTHORITY:** 553.992, 553.994, 553.998 FS.

**LAW IMPLEMENTED:** 553.992, 553.995, 553.995(1)(c), (4), 553.996 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):**

**DATE AND TIME:** August 11, 2006, 10:00 a.m. – 12:00 Noon

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

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact: Ila Jones, Community Program Administrator, Department of

Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (voice) or 1(800)955-9771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Ann Stanton, Building Codes Analyst, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0964, SunCom 278-0964

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

#### **DEPARTMENT OF REVENUE**

**RULE NO.:** 12-13.0076  
**RULE TITLE:** Calculation of Penalty Subject to Compromise for Reasonable Cause  
**PURPOSE AND EFFECT:** The purpose of the rule development is to create Rule 12-13.0076, F.A.C. (Calculation of Penalty Subject to Compromise for Reasonable Cause), to incorporate the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise. This system is currently under development by the Department for purposes of providing guidelines for determining the amount of compromise of penalty. The effect of the proposed amendments, when adopted, will be that the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise will be incorporated into the guidelines for determining the amount of compromise of penalty established in this administrative rule.

**SUBJECT AREA TO BE ADDRESSED:** The subject area to be addressed is the development of proposed Rule 12-13.0076, F.A.C., for purposes of including the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise currently under development by the Department.  
**SPECIFIC AUTHORITY:** 213.06(1), 213.21(5) FS.

**LAW IMPLEMENTED:** 213.21(3) FS.

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

**DATE AND TIME:** August 9, 2006, 10:00 a.m.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Robert Babin, Senior Attorney, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4842, or e-mail (babinr@dor.state.fl.us).

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance

and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-13.0076 Calculation of Penalty Subject to Compromise for Reasonable Cause.

(1) Scope and Definitions.

(a) Section 213.21, F.S., authorizes the Department to compromise a taxpayer's liability for penalty when the taxpayer's noncompliance is due to reasonable cause and not willful negligence, willful neglect, or fraud. In order to ensure consistency in the exercise of the authority to compromise penalty contained in Section 213.21, F.S., the Department will use the provisions of this rule to calculate the amount of penalty that will be compromised pursuant to Section 213.21, F.S. The Department will apply the provisions of this rule even when no request to compromise penalty is made by the taxpayer.

(b) The provisions of this rule do not apply when the taxpayer's noncompliance is due to willful negligence, willful neglect, or fraud, nor do the provisions of this rule apply when the assessment or compromise of penalty is mandated by Florida law. The provisions of this rule only apply when the department exercises its discretionary authority to compromise penalties on the grounds of reasonable cause.

(c) The provisions of this rule are not to be construed to prohibit the Executive Director, a Deputy Executive Director, the General Counsel, the Deputy General Counsel, the Program Director of the General Tax Administration, the Deputy Program Director of the General Tax Administration, the designees of the Director or Deputy Program Director of the General Tax Administration, or the Director of Technical Assistance and Dispute Resolution from exercising his or her delegated compromise authority to prevent an unreasonable result due to the specific facts and circumstances that would affect the relative value of the factors under consideration.

(d) For the purposes of this rule, the term "issue" means a reason set forth in the Department's work papers given to the taxpayer for any finding of a tax deficiency. A taxpayer's total tax liability for an audit assessment or billing may result from one or more issues. For example, a sales tax audit may involve audit changes for "disallowed exempt sales" and "fixed asset purchases." In this example, "disallowed exempt sales" and "fixed asset purchases" are separate and distinct issues.

(2) Determination of the Amount of Penalty Compromise.

(a) If the Department determines that a taxpayer's noncompliance is not due to willful negligence, willful neglect, or fraud, the Department shall compromise all penalty in

excess of 25 percent of the taxpayer's tax liability. The Department shall determine the amount of compromise authority to exercise with regard to the remaining 25 percent of penalty by using the Penalty Scoring Matrix provided in subsection (3). The Penalty Scoring Matrix and the provisions of this rule will be applied to each issue to result in a percentage, which will be applied to the penalty amount related to that issue. If all issues under consideration involve the same responses to the Penalty Scoring Matrix, the Penalty Scoring Matrix and other provisions of this rule will only be applied once, and the resulting penalty percentage will be applied for all issues.

(b) The penalty percentage is calculated based upon the response to each question listed within the Penalty Scoring Matrix. Point values are assigned to the questions based upon whether the question is answered "yes" or "no."

(c) Questions 3(a) through 3(i) of the Penalty Scoring Matrix each list various facts and circumstances, which will be considered in answering those questions. If one or more of the facts and circumstances listed under each question are determined by the Department to apply to the issue(s), an affirmative response will be entered for that question and a corresponding point value will be assigned. When the facts and circumstances listed do not apply to the issue(s), a negative response will be entered and the corresponding point value will be assigned.

(d) When the Department determines that facts and circumstances exist that require an affirmative answer to any Question 3(a) through 3(i) but the specific fact or circumstance is not listed, the Department will identify that fact or circumstance and provide an affirmative answer to the relevant question.

(e) The percentage to be applied to the penalty amount under consideration is controlled by the following schedule:

1. If the sum of the point values assigned is not greater than 7 points, the Department will compromise all penalty that is subject to compromise on the grounds of reasonable cause.

2. If the sum of the point values assigned is greater than 7 points but not greater than 14 points, the Department will compromise all penalty in excess of 5 percent.

3. If the sum of the point values assigned is greater than 14 points but not greater than 22 points, the Department will compromise all penalty in excess of 10 percent.

4. If the sum of the point values assigned is greater than 22 points but not greater than 29 points, the Department will compromise all penalty in excess of 15 percent.

5. If the sum of the point values assigned is greater than 29 points but not greater than 36 points, the Department will compromise all penalty in excess of 20 percent.

6. If the sum of the point values assigned is greater than 36 points, the Department will only compromise penalty in excess of 25 percent pursuant to paragraph (2)(a) of this rule.

(f) If the application of this rule results in a full compromise of all penalty subject to compromise on the grounds of reasonable cause, the Department is not required to provide the taxpayer with the results of the Penalty Scoring Matrix. However, the Department shall provide the results of the Penalty Scoring Matrix when the application of this rule

results in less than a full compromise of penalty subject to compromise on the grounds of reasonable cause, or when the results are requested by the taxpayer.

(3) Penalty Scoring Matrix.

Step	Decision Question	YES/NO	Pts. For YES	Pts. For NO
1.	Has the Department previously assessed this issue against the taxpayer in an assessment for which the taxpayer's appeal rights have expired or has this issue been ultimately adjudicated against the taxpayer?		20	0
1.a.	Has the Department issued at least two such assessments?		10	0
1.b.	Has the Department issued at least three such assessments?		15	0
1.c.	Did the taxpayer take action that would correct this issue in a reasonable time after the taxpayer's appeal rights expired or the issue was ultimately adjudicated against the taxpayer?		-10	0
2.	For this issue, did the taxpayer collect but fail to remit tax to the Department?		30	0
3.	Do one or more of the following apply to this issue in this audit?			
3.a.	Did the taxpayer reasonably rely on and follow the express terms of written advice issued by the DOR after the DOR was apprised of all relevant facts, and is it now possible to verify such advice?		-5	0
a.1.	Yes. The taxpayer was issued written advice unassociated with an audit.			
a.2.	Yes. The taxpayer was issued advice on this issue during conduct of a prior audit. Explain:			
a.3.	Yes. Other. Explain:			
a.4.	No.			
3.b.	Did the assessment result from the taxpayer's limited knowledge of business, limited education, or limited experience in Florida tax matters?		-2.5	0
b.1.	Yes. The taxpayer has a limited knowledge of business.			
b.2.	Yes. The taxpayer has limited education.			
b.3.	Yes. The taxpayer has limited experience in Florida tax matters.			
b.4.	Yes. Other. Explain:			
b.5.	No.			
3.c.	Did the taxpayer timely meet filing requirements?		-2.5	5
c.1.	Yes. The taxpayer timely filed complete returns.			
c.2.	Yes. Other. Explain:			
c.3.	No.			
3.d.	Were there any changes in law or the DOR's administration of law that directly affected compliance for this issue?		-5	0

d.1.	<u>Yes. The applicable law changed. Explain:</u>		
d.2.	<u>Yes. DOR's administration of the applicable law changed. Explain:</u>		
d.3.	<u>Yes. Other. Explain:</u>		
d.4.	<u>No.</u>		
3.e.	<u>Are the tax issues, their application, or the taxpayer's operational or financial situation complex?</u>	-2.5	0
e.1.	<u>Yes. The situation is complex. Explain:</u>		
e.2.	<u>Yes. There is contradictory written information provided by the attorney general's office, the DOR, or a Florida court. Explain:</u>		
e.3.	<u>Yes. Other. Explain:</u>		
e.4.	<u>No.</u>		
3.f.	<u>Has the taxpayer instituted remedies to correct this issue?</u>	-5	0
f.1.	<u>Yes, and the taxpayer provided supporting documentation showing that the error has been corrected.</u>		
f.2.	<u>Yes. Other. Explain:</u>		
f.3.	<u>No.</u>		
3.g.	<u>Did the taxpayer reasonably rely on written advice of a person competent in Florida tax matters, and did the taxpayer solicit the advice timely and with full disclosure of all relevant facts?</u>	-2.5	0
g.1.	<u>Yes. The taxpayer relied upon verifiable advice from a C.P.A., attorney, or trade association.</u>		
g.2.	<u>Yes. The taxpayer relied upon verifiable advice from an outside consultant or outside bookkeeping service.</u>		
g.3.	<u>Yes. Other. Explain:</u>		
g.4.	<u>No.</u>		
3.h.	<u>Is the additional tax due less than 5% of the total tax reported/remitted during the audit period?</u>	-2.5	0
3.i.	<u>Did any extenuating or uncontrollable circumstances exist that prevented the taxpayer from complying?</u>	-10	0
i.1.	<u>Yes. There was a disaster or catastrophic events beyond the control of the taxpayer.</u>		
i.2.	<u>Yes. There was a death, illness or incapacity of the taxpayer, the taxpayer's immediate family, or a key employee which had an effect on compliance.</u>		
i.3.	<u>Yes. There were other facts that affected compliance. Explain:</u>		
i.4.	<u>No.</u>		

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.21(3) FS. History--New \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-57  
 RULE CHAPTER TITLE: Railroad Safety and Clearance Standards, and Public Railroad-Highway Grade Crossings

RULE NO.: 14-57.012  
 RULE TITLE: Standards for Opening and Closing of Railroad-Highway Grade Crossings – Opening and Closure

PURPOSE AND EFFECT: The rule is being amended to add consideration of closing one or more public highway-rail grade crossings to offset opening a new crossing.

SUBJECT AREA TO BE ADDRESSED: Rule subsection 14-57.012(2), F.A.C., is being amended to add consideration of closing one or more public highway-rail grade crossings to offset opening a new crossing.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 335.141 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-57.012 Standards for Opening and Closing of Railroad-Highway Grade Crossings – Opening and Closure.

(1) No change.

(2) Opening and Closing Public Railroad-Highway Grade Crossings. The Department will accept applications for the opening and closing of public railroad-highway grade crossings from the governmental entity that has jurisdiction over the public street or highway; any railroad operating trains through the crossing; any other applicant for a public railroad-highway grade crossing provided there is in existence an agreement between the applicant and governmental entity to assume jurisdiction as a public crossing. The Department, on behalf of the State of Florida, will also open or close public railroad-highway grade crossings in accordance with the criteria set forth herein. Closure applications will also be accepted from individual citizens or groups, such as neighborhood associations. Opening or closure of public railroad-highway grade crossings shall be based upon Notices of Intent issued by the Department, administrative hearings conducted pursuant to Chapter 120, Florida Statutes, or upon a Stipulation of Parties executed by any applicant, governmental entity, the appropriate railroad, and the Department. The

burden of proof for the opening or closing of a crossing is on the applicant. Acceptance of any application for processing by the Department shall not be construed as indicating the Department’s position regarding the application. If the preliminary review of the application does not support the crossing opening or closure, the applicant will be advised of these findings. The applicant may choose to withdraw the application or continue the process. If withdrawn, the process is concluded. An applicant may suspend an application at any time. If the applicant chooses to pursue the opening or closure of the public railroad-highway crossing, the railroad and governmental entity having jurisdiction at the location are notified and provided a copy of the application. The governmental entity should provide a public forum for community involvement and contact affected individuals or groups to obtain input on impacts to the community. The expense of crossing closures or openings, which shall include installation, maintenance, and replacement of grade crossing traffic control devices and grade crossing surfaces, will be the responsibility of the applicant, unless otherwise negotiated and accepted by all parties.

(a) Opening of Public Railroad-Highway Grade Crossings. In considering an application to open a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.

5. Closure of one or more public railroad-highway grade crossings to offset opening a new crossing.

~~6.5.~~ Design of the grade crossing and road approaches.

~~7.6.~~ Presence of multiple tracks and their effect upon railroad and highway operations.

(b) through (4) No change.

Specific Authority 334.044(2) FS. Law Implemented 335.141 FS. History–New 3-20-03, Amended \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-203.101  
 RULE TITLE: Canteen Operations

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to decrease the limit on inmate weekly canteen purchases from \$100 to \$65.00.

SUBJECT AREA TO BE ADDRESSED: Inmate trust fund fees.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 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: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.101 Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase \$65.00 ~~\$100.00~~ of canteen merchandise on a weekly basis.

(3) through (8) No change.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History—New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-3-03, 12-14-04, 6-16-05,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-203.201  
 RULE TITLE: Inmate Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that inmates are charged one percent of their total weekly canteen purchases and \$0.50 for each deposit and inmates housed at Work Release Centers are assessed a \$1.00 fee for each weekly cash draw. The rule is also amended to provide a waiver of fees for Veterans of the United States Armed Forces and reduce the maximum amount of weekly canteen purchases and weekly draw from the inmate trust fund accounts.

SUBJECT AREA TO BE ADDRESSED: Inmate trust fund fees.

SPECIFIC AUTHORITY: 944.09, 944.516, 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of no more than \$6.00 per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged one percent of their total weekly canteen purchases \$1.00 for each weekly draw, and \$0.50 for each deposit and each special withdrawal. Inmates housed at Work Release Centers (WRC's) will be assessed a \$1.00 fee for each weekly cash draw. These fees are waived for Veterans of the United States Armed Forces.

(2) No change.

(3)(a) Inmates with sufficient balances in their individual inmate trust fund accounts shall be allowed to spend an amount set by the Secretary not to exceed \$65.00 ~~\$100~~ a week at the institution's canteen for personal use. Inmates on work release with sufficient balances in their individual inmate trust fund accounts shall be allowed to request a weekly draw set by the Secretary not to exceed \$65.00 ~~\$100~~ to be expended for personal use. In order to request an expenditure of funds in excess of the authorized canteen limit or weekly draw, the inmate shall complete Form DC2-304, Inmate Trust Fund Special Withdrawal. Form DC2-304 is hereby incorporated by reference. This form may be obtained from any institution or facility or from the Bureau of Finance and Accounting, Inmate Trust Fund Section, Centerville Station, P. O. Box 12100, Tallahassee, Florida 32317-2100 or from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-13-03. If the withdrawal is for the purpose of making a deposit to a savings or similar interest bearing account in the inmate's name, the check drawn upon the inmate trust fund shall be made payable to the savings institution which has been chosen by the inmate, with the inmate as a reference, and shall be mailed to the savings institution. If an inmate requests a copy of a cancelled check or requests to stop payment on a check, the inmate shall be responsible for the fees charged to process these transactions. Requests for special withdrawals submitted without the required signatures or on other than the approved form will be returned to



the inmate without processing. Inmates wishing to send funds to inmates at other institutions must obtain approval from the wardens at both institutions.

(b) No change.

(4) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516, 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, 5-12-05,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.210  
 RULE TITLE: Optometric Services

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference Update July 2006 to the Florida Medicaid Optometric Services Coverage and Limitations Handbook. The handbook update includes Medicaid coverage for eyeglasses and for visual exams for the purpose of prescribing eyeglasses for recipients age 21 and older. The handbook update also contains coverage of lacrimal punctum plugs and revisions in provider enrollment policies due to the National Provider Identifier (NPI). The effect will be to incorporate by reference in the rule Update July 2006 to the Florida Medicaid Optometric Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Optometric Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 FS.

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

DATE AND TIME: Monday, August 7, 2006, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.210 Optometric Services.

(1) No change.

(2) All optometric practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and

Limitations Handbook, January 2006, updated July 2006, 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, 409.907, 409.908, 409.9081 FS. History--New 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, 5-24-05, 8-18-05, 5-22-06,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.230  
 RULE TITLE: Physician Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update September 2006 to the Florida Medicaid Physician Services Coverage and Limitations Handbook. The handbook was revised to include the hospitalist program policies. The effect will be to incorporate by reference in rule update September 2006 to Florida Medicaid Physician Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Physician Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

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

DATE AND TIME: Monday, August 7, 2006, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Diane Weller, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)410-3037

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2006, updated September 2006, 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.

(3) through (4) No change.

(5) The following forms that are included in Chapter 5 of the Florida Medicaid Physician Services Coverage and Limitations Handbook are incorporated by reference: Enrollment Notification Letter, September 2006, one page; and Enrollment Notification Letter, Spanish version, September 2006, one pages. Copies of the Enrollment Notification Letters are available from the Bureau of Medicaid Services, 2727 Mahan Drive, M.S. #20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 6-27-04, 8-3-04, 8-31-05,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference in rule Update July 2006 to the Florida Medicaid Visual Services Coverage and Limitations Handbook. The handbook update includes Medicaid coverage for eyeglasses for recipients age 21 and older. The handbook also contains revisions in provider enrollment policies due to the National Provider Identifier (NPI). The effect will be to incorporate by reference in the rule Update July 2006 to the Florida Medicaid Visual Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Visual Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, August 7, 2006, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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, updated July 2006, 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, 5-22-06,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE CHAPTER NO.: 61C-5  
 RULE CHAPTER TITLE: Florida Elevator Safety Code

RULE NO.: 61C-5.006  
 RULE TITLE: Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation; Delinquency Fee; Certificate Replacement

PURPOSE AND EFFECT: The purpose of this rule development is to adopt a single fee for certificate of operation annual license renewals, effective with the August 1, 2007 renewal cycle; clarify application for permit to alter and permit extension requirements; clarify certificate of operation annual license renewal requirements; and to create consistency between the rule language and statutes.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses fee and documentation requirements for certificate of operation annual license renewals; application for permit to alter and permit extension requirements; and creates consistency between the rule language and statutes. Copies of the rule may be obtained from John Calpini in the Bureau of Elevator Safety Tallahassee office at (850)488-9098.

SPECIFIC AUTHORITY: 399.03(2), 399.07(1), 399.10 FS.

LAW IMPLEMENTED: 399.03, 399.07, 399.061 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Calpini, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)488-9098

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.006 Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation; Delinquency Fee; ~~Temporary Operation Permits Certificate Replacement.~~

(1) Application for elevator permit to install erect or relocate ~~move~~ shall be accompanied by a fee of \$250 plus the appropriate fee as specified in paragraph 61C-5.006(4)(a), Florida Administrative Code. Every permit issued becomes invalid unless the work authorized by such permit is commenced within 6 months ~~1 year~~ after issuance, or ~~of~~ if the work authorized by such permit is suspended or abandoned for a period of 60 days ~~1 year~~ after the time the work is commenced, ~~provided that,~~ For good cause, one or more discretionary extensions of time, for periods not exceeding 90 days each may be allowed. Such discretionary extensions shall be in writing and signed by the director of the Division of Hotels and Restaurants or the director's his designee. The following grounds for extension shall constitute good cause for the granting of an discretionary extension:

(a) ~~An extension of time shall be granted due to delays in construction, including delay arising from the non-availability of parts necessary to complete construction; the occurrence of a natural disaster or civil disturbance; the injury, illness, or death of an involved material party to the construction; or other hardship as approved by the director or the director's designee; except when the director or the director's his designee determines that the delay is the fault of the contractor or applicant, or where the delay results from failure to diligently pursue construction.~~

(b) ~~An extension of time shall be granted due to delays caused by the injury, illness or death of an involved material party to the construction.~~

~~(c) The director shall also grant an extension of time where failure to grant the requested extension will impose hardship on the party requesting the permit; except when the director or his designee determines that the necessity for the extension is due to the party's own negligence and the necessity for the extension would have been avoided by the party's exercise of due diligence.~~

(2) Application for elevator permit to alter shall be accompanied by a fee of \$200. Each application for alteration shall also be accompanied by a list of the alterations to be performed under the permit.

(3) The annual license renewal period of certificates of operation commences on August 1 of each year. ~~A renewal application for a certificate of operation filed with the division after August 1 of each year must be accompanied by a delinquency fee of \$50 in addition to the annual renewal fee and any other fees required by law. For the purpose of this section, A~~ all certificates of operation will expire on July 31, at 11:59 p.m. of each year. Applications for renewal certificates of operation not postmarked and paid by August 1 of each year will be deemed delinquent. The following items are required for renewal and must be submitted to the Bureau of Elevator Safety prior to issuance of a renewal certificate of operation:

(a) Proof of a current satisfactory inspection;

(b) Those elevators or other conveyances not requiring an inspection pursuant to Section 399.061(1)(a), Florida Statutes, shall annually submit proof of a current satisfactory inspection or an attestation to the presence of a current service maintenance contract as defined in Section 399.01(10), Florida Statutes, which is in compliance with Rule 61C-5.013, Florida Administrative Code, including the date of the most recent routine examination. The duration of the service maintenance contract shall equal or exceed the license renewal period;

(c) The annual license renewal fee and any other fees required by law; and

(d) A delinquent certificate of operation renewal application must be accompanied by a delinquency fee of \$50 in addition to the annual license renewal fee and any other fees required by law.

(4)(a) ~~Annual certificate of operation fees for elevators are based on whether or not a service maintenance contract to insure safe elevator operation is consistently in force. In addition, The fee shall be based on a the following schedules of \$45 for each elevator class as follows:~~

<u>TYPE OF INSTALLATION</u>	<u>CLASS</u>	<u>TYPE OF INSTALLATION</u>	<u>CLASS</u>
<u>Traction Passenger</u>	<u>01</u>	<u>LU/LA (Limited Use/Limited Application)</u>	<u>09</u>
<u>Hydraulic Passenger</u>	<u>02</u>	<u>Dumbwaiter</u>	<u>10</u>
<u>Traction Freight</u>	<u>03</u>	<u>Escalator</u>	<u>12</u>
<u>Hydraulic Freight</u>	<u>04</u>	<u>Sidewalk Elevator</u>	<u>14</u>
<u>Hand Power Passenger</u>	<u>05</u>	<u>Material Lift/Dumbwaiter with Automatic Transfer Device</u>	<u>15</u>
<u>Hand Power Freight</u>	<u>06</u>	<u>Special Purpose Personnel Elevator</u>	<u>16</u>

Moving Walk  
Inclined Lift

07  
08

Inclined Stairway Chairlift  
Inclined & Vertical Wheelchair Lift

17  
18

This fee schedule applies to all annual certificate of operation renewals beginning with the August 1, 2007 license renewal cycle.

(b) All annual certificate of operation renewals preceding the 2007 license renewal cycle shall be based on the following schedules:

NUMBER OF LANDINGS

Elevators Elevators serving 0 – 2 landings  
Elevators serving 3 – 5 landings  
Elevators serving 6 – 10 landings  
Elevators serving 11 – 15 landings  
Elevators serving over 15 landings

FEE UNDER  
SERVICE  
MAINTENANCE  
CONTRACT

\$32  
\$36  
\$41  
\$45  
\$45

FEE NO  
SERVICE  
MAINTENANCE  
CONTRACT

\$72  
\$77  
\$81  
\$86  
\$90

~~(2)(b)~~ Fee based on type of installation, regardless of the number of landings:

TYPE OF INSTALLATION

Special purpose Elevators, Manlifts, Moving Walks

FEE UNDER  
SERVICE  
MAINTENANCE  
CONTRACT

\$45

FEE NO  
SERVICE  
MAINTENANCE  
CONTRACT

\$90

~~(c) Fee for Temporary Operating Permits — \$100. The permit shall be issued for a period not to exceed 30 days.~~

(5) through (6) No change.

Specific Authority ~~399.03(2), 399.07(1), 399.07(1)(d), 399.07(2)(d), 399.10 FS. Law Implemented 399.03, 399.061, 399.07, 399.07(1)(d), 399.07(2)(d) FS. History—New 8-21-79, Amended 11-20-79, 10-8-81, 4-21-82, 8-1-82, 11-27-83, 9-19-84, 10-8-85, Formerly 7C-5.06, Amended 10-31-88, 7-1-92, 10-11-92, Formerly 7C-5.006, Amended 2-2-94, 1-1-98, 5-24-01, \_\_\_\_\_.~~

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers Board**

RULE NO.:  
61G3-16.0092

RULE TITLE:  
Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/ADS) Education Provider Requirements

PURPOSE AND EFFECT: The Board proposes to amend the rule to change the time for providing list of attendees taking the course for continuing education purposes from 5 business days to 30 business days and to add “prior to the licensee’s renewal date, whichever occurs sooner”.

SUBJECT AREA TO BE ADDRESSED: HIV/AIDS education provider requirements.

SPECIFIC AUTHORITY: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2178, 455.2179, 455.2228 FS.

~~(1)(a)~~ Fees based on type of installation and number of landings. Hand-operated, electric, hydraulic passenger and freight elevators, escalators, side walk elevators, power operated dumbwaiters, material lifts and dumbwaiters with automatic transfer devices, inclined stairway chairlifts, inclined and vertical wheelchair lifts and inclined elevators.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: Robyn Barineau, Executive Director, Barbers Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0790

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G3-16.0092 Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements.

(1) through (5) No change.

(6) Providers shall maintain a system of recordkeeping which provides for storage of approved courses. Providers shall maintain a roster of participants for four years. The records and roster shall be available for inspection by the Board or Department. Providers must electronically provide to the Department a list of attendees taking the course for continuing education purposes within 30 ~~5~~ business days of the completion of the course or prior to the licensee’s renewal date, whichever occurs sooner. The list of attendees submitted electronically to the Department shall not include applicants

taking the course for initial licensure. For home study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the licensee. This list shall include the provider's name and provider number, the name and license number of the attendee, the date the course was completed and the course number. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider.

Specific Authority 455.2228, 476.064(4) FS. Law Implemented 455.2178, 455.2179, 455.2228 FS. History--New 9-12-01, Amended

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE NO.: 61G7-5.0033  
 RULE TITLE: Consolidated and Combined Financial Statements

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for consolidated and combined financial statement.

SUBJECT AREA TO BE ADDRESSED: Consolidated and Combined Financial Statements.

SPECIFIC AUTHORITY: 468.522, 468.525(3)(e) FS.

LAW IMPLEMENTED: 468.525(3)(e) 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: Richard Morrison, Executive Director, Board of Employee Leasing Companies, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Employee Leasing Companies**

RULE NO.: 61G7-10.002  
 RULE TITLE: Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for the reporting of change of status.

SUBJECT AREA TO BE ADDRESSED: Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name.

SPECIFIC AUTHORITY: 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS.

LAW IMPLEMENTED: 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 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: Richard Morrison, Executive Director, Board of Employee Leasing Companies, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-21.007  
 RULE TITLE: Re-examination

PURPOSE AND EFFECT: Purpose and effect is to establish the minimum passing score to demonstrate an applicant who has failed the licensing examination has acquired the knowledge necessary to demonstrate minimum competency.

SUBJECT AREA TO BE ADDRESSED: Re-examination.

SPECIFIC AUTHORITY: 455.217(2) FS.

LAW IMPLEMENTED: 455.217(2), 471.011, 471.013, 471.015 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-21.007 Re-examination.

If an applicant fails three times to pass the examination, the applicant must take additional courses in order to reapply for examination. The applicant must submit to the Board of

Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours, with grades no lower than a "C" or its equivalent, of college level courses in the applicant's area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(2)(a), (b), and (d), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(2)(d), F.A.C.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 471.011, 471.013, 471.015 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, 2-3-05,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.003  
 RULE TITLE: Continuing Professional Education  
 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: Continuing Professional Education.

SPECIFIC AUTHORITY: 120.55(1)(a)4, 455.213(6), 455.2177, 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.312(1)(a), (c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Johnson, Division Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:	RULE TITLES:
62-505.200	Definitions
62-505.300	General Program Information
62-505.350	Financially Disadvantaged Small Community Grant Funding
62-505.360	Rural Hardship Community Grant Funding
62-505.420	Project Allowances
62-505.600	Priority List Information
62-505.650	Priority Determination
62-505.655	Ranking Projects for Priority List Development
62-505.680	Priority List Management
62-505.700	Planning, Design, Construction, and Post-construction Requirements
62-505.800	Audit Required

PURPOSE AND EFFECT: The Department has developed rule amendments to clarify and update grants to financially disadvantaged small communities.

SUBJECT AREA TO BE ADDRESSED: The Small Community Wastewater Facilities Grants Program provides financial assistance in the form of grants to municipalities for planning, design, construction, and technical services associated with construction of point source water pollution control projects. Rule development will address priority list development and scoring, allowable costs, grant percentage determination; planning and design prerequisites; procurement, grants associated with State Revolving Fund loans; and rule clarification and organization.

SPECIFIC AUTHORITY: 403.1835, 403.1838 FS.

LAW IMPLEMENTED: 403.1838 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.

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 7 days before the workshop/meeting by contacting: Robert Holmden, Bureau of Water Facilities Funding, MS #3505, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8358; or e-mail [robert.holmden@dep.state.fl.us](mailto:robert.holmden@dep.state.fl.us) If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Holmden, Bureau of Water Facilities Funding, MS #3505,

Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8358; or e-mail robert.holmden@dep.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 Chiropractic Medicine

RULE NO.: 64B2-13.004  
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.025(7), 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.025(7), 456.036(10), 460.408 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

#### DEPARTMENT OF HEALTH

##### Board of Chiropractic Medicine

RULE NO.: 64B2-13.0045  
RULE TITLE: Continuing Education Course  
Required for Initial Licensure,  
Renewal, or Reactivation

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education course required for initial, renewal, or reactivation of license.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation.

SPECIFIC AUTHORITY: 456.013, 456.033, 460.408(3) FS.

LAW IMPLEMENTED: 456.033, 456.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

#### DEPARTMENT OF HEALTH

##### Board of Chiropractic Medicine

RULE NO.: 64B2-13.007  
RULE TITLE: Continuing Education During Initial Licensure Period

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education during initial licensure period.

SUBJECT AREA TO BE ADDRESSED: Continuing Education During Initial Licensure Period.

SPECIFIC AUTHORITY: 456.013(6), 460.405, 460.408 FS.

LAW IMPLEMENTED: 456.013(6), 460.408 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

#### DEPARTMENT OF HEALTH

##### Board of Chiropractic Medicine

RULE NO.: 64B2-15.001  
RULE TITLE: Deceptive and Misleading Advertising Prohibited; Policy; Definition

PURPOSE AND EFFECT: The Board proposes a rule amendment to address chiropractic specialties recognized by the Board.

SUBJECT AREA TO BE ADDRESSED: Deceptive and Misleading Advertising Prohibited; Policy; Definition.

SPECIFIC AUTHORITY: 460.405 FS.  
 LAW IMPLEMENTED: 456.062, 460.413(1)(d) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.:                   RULE TITLE:  
 64B2-16.0075               Citations  
 PURPOSE AND EFFECT: The Board proposes a rule amendment to assess the penalty amount in rule citations.  
 SUBJECT AREA TO BE ADDRESSED: Citations.  
 SPECIFIC AUTHORITY: 456.039(3), 456.077, 460.405 FS.  
 LAW IMPLEMENTED: 456.035, 456.039(3), 456.072(3), 456.073 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.:                   RULE TITLE:  
 64B2-17.006               Retention of Chiropractic Records;  
   Time Limitations  
 PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for the time limitation for the retention of chiropractic records.  
 SUBJECT AREA TO BE ADDRESSED: Retention of Chiropractic Records; Time Limitations.  
 SPECIFIC AUTHORITY: 456.056, 460.405 FS.  
 LAW IMPLEMENTED: 456.057(12), 456.058 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.:                   RULE TITLE:  
 64B2-18.0075               Direct Supervision of Registered  
   Chiropractic Assistant  
 PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for direct supervision of a registered chiropractic assistant.  
 SUBJECT AREA TO BE ADDRESSED: Direct Supervision of a Registered Chiropractic Assistant.  
 SPECIFIC AUTHORITY: 460.405, 460.4166 FS.  
 LAW IMPLEMENTED: 460.4166 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:                   RULE TITLE:  
 64B8-42.005               Additional Educational  
   Requirements for Initial Licensure  
 PURPOSE AND EFFECT: The Board proposes to review the rule to remove unnecessary language and to update and clarify requirements for additional educational for initial licensure.  
 SUBJECT AREA TO BE ADDRESSED: Additional educational requirements for initial licensure.  
 SPECIFIC AUTHORITY: 456.013(7), 456.033 FS.  
 LAW IMPLEMENTED: 456.13(7), 456.033 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, Electrolysis Council/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 Medicine

RULE NO.:                   RULE TITLE:  
64B8-44.003               Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to comply with the requirements of subsection 456.072(1)(t), F.S., providing for discipline of licensees who fail to notify patients of practitioner's license type and for advertisements naming a practitioner that fail to notify the practitioner's license type.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.072(1)(t), 456.079, 458.309, 468.507 FS.

LAW IMPLEMENTED: 456.072(1)(t), 456.079, 468.517, 468.518(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: Susan Love, Executive Director, Electrolysis Council /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 Medicine

RULE NO.:                   RULE TITLE:  
64B8-45.006               Continuing Education on HIV/AIDS

PURPOSE AND EFFECT: The Board proposes to review the rule to update and to clarify requirements for continuing education on HIV/AIDS.

SUBJECT AREA TO BE ADDRESSED: Continuing education on HIV/AIDS.

SPECIFIC AUTHORITY: 456.033 FS.

LAW IMPLEMENTED: 456.033 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, Electrolysis/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 Nursing Home Administrators

RULE NO.:                   RULE TITLE:  
64B10-11.012             Notification of Change of Address or  
Employing Facility

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for notification of change of address or employing facility.

SUBJECT AREA TO BE ADDRESSED: Notification of Change of Address or Employing Facility.

SPECIFIC AUTHORITY: 456.035, 468.1685(1), (5), (7), (8) FS.

LAW IMPLEMENTED: 456.035, 468.1685(1), (5), (7), (8) 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

## DEPARTMENT OF HEALTH

### Board of Occupational Therapy

RULE NO.:                   RULE TITLE:  
64B11-2.007             Medical Error Prevention Education  
for Initial Licensure

PURPOSE AND EFFECT: The Board proposes a substantial rewrite of the rule to remove unnecessary language and to remove reference to Section 456.033, F.S., as it is no longer relates to initial licensure.

SUBJECT AREA TO BE ADDRESSED: Removal of HIV/AIDS education requirement for initial licensure.

SPECIFIC AUTHORITY: 456.013(7), 456.033, 468.204 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 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:

64B11-2.007 ~~HIV/AIDS~~ and Medical Error Prevention Education for Initial Licensure.

~~(1) In order to comply with Section 456.033, Florida Statutes, each applicant for licensure as an Occupational Therapist must obtain for initial licensure a minimum of two hours of continuing education by participation in an approved formal training activity or self-study program on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. In addition, the course shall include information on current Florida Law on Acquired Immune Deficiency Syndrome and its impact on testing, confidentiality of test results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 381.25, Florida Statutes.~~

~~(2) As part of the application, the applicant shall confirm completion of the required course by submitting a copy of the course completion certificate. If the course has not been completed at the time of licensure, the applicant shall, upon the submission of an affidavit of good cause, be allowed 6 months to complete this requirement.~~

~~(3) The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the HIV/AIDS education listed on the form for a period of not less than four (4) years from the date the course was taken. The Board will audit at random a number of licensees as is necessary to assure that the HIV/AIDS education requirement has been met.~~

~~(4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been~~

approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, patient safety, and for applications filed on or after July 1, 2004, must include contraindications and indications specific to occupational therapy management, including medication and side effects.

Specific Authority 456.013(7), ~~456.033~~, 468.204 FS. Law Implemented 456.013(7), ~~456.033~~ FS. History—New 12-11-96, Formerly 59R-61.016, Amended 7-28-99, 6-25-02, 2-19-04, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-3.005                      RULE TITLE: Medical Error Prevention Education for Initial Licensure

PURPOSE AND EFFECT: The Board proposes a substantial rewrite of the rule to remove unnecessary language and to remove reference to Section 456.033, F.S., as it is no longer relates to initial licensure.

SUBJECT AREA TO BE ADDRESSED: HIV/AIDS education requirement for initial licensure.

SPECIFIC AUTHORITY: 456.013(7), 456.033, 468.204 FS.

LAW IMPLEMENTED: 456.013(7), 456.033 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:

64B11-3.005 ~~HIV/AIDS~~ and Medical Error Prevention Education for Initial Licensure.

~~(1) In order to comply with Section 456.033, Florida Statutes, each applicant for licensure as an Occupational Therapy Assistant must obtain for initial licensure a minimum of two hours of continuing education by participation in an approved formal training activity or self-study program on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. The course shall consist of education on the modes of transmission, infection control procedures, clinical management, and prevention of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome. In addition, the course shall include information on current Florida Law on Acquired Immune Deficiency Syndrome and its impact on testing, confidentiality of test~~

results, treatment of patients, and any protocols and procedures applicable to human immunodeficiency virus counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.

(2) As part of the application, the applicant shall confirm completion of the required course by submitting a copy of the course completion certificate. If the course has not been completed at the time of licensure, the applicant shall, upon the submission of an affidavit of good cause, be allowed 6 months to complete this requirement.

(3) The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the HIV/AIDS education listed on the form for a period of not less than four (4) years from the date the course was taken.

(4) All applicants for licensure shall submit to the Board proof of completion of a 2-hour course relating to the prevention of medical errors. The course must have been approved by the Board and may be one offered by a facility licensed pursuant to Chapter 395, Florida Statutes. The course shall include a study of root-cause analysis, error reduction and prevention, patient safety, and for applications filed on or after July 1, 2004, must include contraindications and indications specific to occupational therapy management, including medication and side effects.

Specific Authority 456.013(7), ~~456.033~~, 468.204 FS. Law Implemented 456.013(7), ~~456.033~~ FS. History—New 12-11-96, Formerly 59R-62.013, Amended 4-5-98, 7-28-99, 6-25-02, 2-19-04, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.:                      RULE TITLE:

64B11-4.003                      Standards for Practice; Discipline

PURPOSE AND EFFECT: The Board proposes to review the rule for any necessary changes to implement disciplinary guidelines for the new violation addressed in Section 456.072(1)(5), F.S.

SUBJECT AREA TO BE ADDRESSED: Standards of practice and discipline.

SPECIFIC AUTHORITY: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.217 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/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 Occupational Therapy**

RULE NO.:                      RULE TITLE:

64B11-5.001                      Requirements for License Renewal of an Active License; Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove unnecessary language removing reference to end of life care and palliative health care as well as HIV/AIDS education.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for license renewal of an active license.

SPECIFIC AUTHORITY: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 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:

64B11-5.001 Requirements for License Renewal of an Active License; Continuing Education.

Continuing education includes attendance and participation as required at a live presentation such as workshop, seminar, conference, or in-service educational programs. It may also include participation in other continuing education activities that require a formal assessment of learning. Examples include, but are not limited to, electronic or web-based courses, formalized self-study courses and continuing education articles. An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) through (3) No change.

(4) HIV/AIDS – ~~As part of the twenty six (26) hours of continuing education required herein for license renewal, the licensee shall complete one (1) hour of HIV/AIDS education as set forth in Section 456.033, F.S., or a course in end-of-life care and palliative health care, so long as the licensee has~~

~~completed an approved one (1) hour HIV/AIDS course in the immediately preceding biennium no later than upon first renewal.~~

(5) through (7) No change.

(8) Exemption – Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium, except for the two (2) hour prevention of medical errors course requirement referenced above and required by Section 456.013, F.S., ~~and except for the one (1) hour HIV/AIDS education or end of life care and palliative health care course referenced above as required by Section 456.033, F.S.~~

(9) through (15) No change.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.013, 456.033, 456.036, 468.219 FS. History–New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, 6-25-02, 5-7-03, 3-28-04, 10-24-04,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-5.003  
RULE TITLE: Requirements for Reactivation of an Inactive License

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove unnecessary language for end of life palliative health care and HIV/AIDS education.

SUBJECT AREA TO BE ADDRESSED: Requirements for reactivation of an inactive license.

SPECIFIC AUTHORITY: 456.036, 468.204, 468.219 FS.

LAW IMPLEMENTED: 456.036, 468.219 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:

64B11-5.003 Requirements for Reactivation of an Inactive License.

(1) An inactive license for an occupational therapist or occupational therapist assistant shall be reactivated upon demonstration that the licensee has satisfied the following requirements:

(a) through (c) No change.

~~(d) Completed one (1) hour of approved continuing education in the area of HIV/AIDS or end of life palliative health care as authorized and prescribed in subsection~~

~~64B11-5.001(4), F.A.C., for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.~~

~~(d)(e)~~ Completion of two (2) hours of approved continuing education relating to the prevention of medical errors, as authorized and prescribed in subsection 64B11-5.001(5), F.A.C., for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.

(2) through (5) No change.

Specific Authority 456.036, 468.204, 468.219 FS. Law Implemented 456.036, 468.219 FS. History–New 4-17-95, Formerly 59R-64.020, Amended 10-18-01, 8-2-05, 5-29-06,\_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NO.: 69B-211.320  
RULE TITLE: Curriculum Standards for Special Designation

PURPOSE AND EFFECT: The rule adds Professional Property Insurance Adjuster (PPIA) and Certified Claims Adjuster (CCA) as special designations for curriculum standards as established by the rule in accordance with the new legislation.

SUBJECT AREA TO BE ADDRESSED: Persons seeking the professional claims adjuster designation and persons providing training for the designation.

SPECIFIC AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 FS.

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

DATE AND TIME: Tuesday, August 8, 2006, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Hazel Muhammad, Chief, Bureau of Licensing, Division of Insurance Agents and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5460

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 the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), F.S., the Department of Financial Services establishes the following curriculum standards:

(1) No change.

(2) For designation as an Accredited Claims Adjuster (ACA), ~~or~~ Professional Claims Adjuster (PCA), Professional Property Insurance Adjuster (PPIA) or Certified Claims Adjuster (CCA), the requirement is at least 40 course hours:

(a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History--New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended 1-17-05, \_\_\_\_\_.

## Section II Proposed Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Health Quality Assurance

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
59A-31	Disputed Reimbursement Rule
RULE NOS.:	RULE TITLES:
59A-31.002	Disputed Reimbursement
59A-31.003	Petition Form
59A-31.004	Carrier Response Form
59A-31.005	Petition Requirements
59A-31.006	Consolidation of Petitions
59A-31.007	Service of Petition on Carrier and Affected Parties
59A-31.008	Computation of Time
59A-31.009	Carrier Response Requirements
59A-31.010	Effect of Non-Response by Carrier
59A-31.011	Complete Record
59A-31.012	Joint Stipulation of the Parties
59A-31.013	Petition Withdrawal
59A-31.014	Overutilization Issues Raised in Reimbursement Dispute Resolution
59A-31.015	Managed Care Arrangements

PURPOSE AND EFFECT: The purpose of the proposed rules is to substantially reword the existing rule to establish uniform procedures and form filing requirements for health care providers and employer/carriers regarding AHCA resolution of workers' compensation reimbursement disputes.

SUMMARY: The proposed rule enumerates the procedural requirements of the Agency's Reimbursement Dispute process. SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 440.13(7), 440.134(25)(e), 440.591 FS.

LAW IMPLEMENTED: 440.13(7) FS.

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

DATE AND TIME: August 11, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Room 104-J, Hartman Bldg., 2012 Capital Circle, S.E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Beverly J. Williams, Medical Health Care Program Analyst, AHCA, Workers' Compensation Unit, 2012 Capital Circle, Southeast, Tallahassee, Florida 32399-4232

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 59A-31.002 Disputed Reimbursement.

Specific Authority 440.13(7) FS. Law Implemented 440.13(2)(a)(i) FS. History--New 5-15-1991, Formerly 38F-7.517, 4L-7.517, F.A.C. Amended 4-2-06, Repealed \_\_\_\_\_.

#### 59A-31.003 Petition Form.

(1) The Petition for Resolution of Reimbursement Dispute Form (AHCA Form 3160-0023) is hereby incorporated by reference. This form may be obtained on the Internet at <http://www.fldfs.com/wc/forms.html> or by contacting the Agency at (850)413-1613.

(2) A petition to contest carrier disallowance or adjustment of payment pursuant to Section 440.13(7)(a), F.S., must be on the Petition for Resolution of Reimbursement Dispute form. Any submission seeking to contest the disallowance or adjustment of payment by a carrier pursuant to Section 440.13(7)(a), F.S., must include a completed Petition for Resolution of Reimbursement Dispute form.

Specific Authority 440.13(7)(e) FS. Law Implemented 440.13(7)(a) FS. History--New \_\_\_\_\_

#### 59A-31.004 Carrier Response Form.

(1) The Carrier Response to Petition for Resolution of Reimbursement Dispute form (AHCA Form 3160-0024) is hereby incorporated by reference. This form may be obtained on the Internet at <http://www.fldfs.com/wc/forms.html> or by contacting the Agency at (850)413-1613.

(2) The Carrier Response to Petition for Resolution of Reimbursement Dispute form shall be considered a required element of the requested documentation to the Agency under Section 440.13(7)(b), F.S. The Carrier Response to Petition for Resolution of Reimbursement Dispute form shall be the only form accepted by the Agency upon which a carrier may submit to the Agency its response to a Petition for Resolution of Reimbursement Dispute. Any submission by a carrier pursuant to Section 440.13(7)(b), F.S., that does not include a completed Carrier Response to Petition for Resolution of Reimbursement Dispute form shall result in a notice of deficiency by the Agency. A carrier shall have 10 calendar days from receipt of the notice of deficiency to cure the deficiency identified in the Agency notice of deficiency. Failure to timely cure the deficiency shall constitute failure to submit requested documentation to the Agency.

Specific Authority 440.13(7)(e) FS. Law Implemented 440.13(7)(b) FS. History—New \_\_\_\_\_.

#### 59A-31.005 Petition Requirements.

(1) All documents and records that support the allegation contained in the petition must accompany the petition. A petition that is accompanied by all items specified below will not be dismissed for failure to submit supporting documents and records:

(a) A copy of each Explanation of Bill Review received from the carrier providing notice of disallowance or adjustment of payment in this dispute.

(b) A copy of the medical bill or medical bills or request for reimbursement for which payment was disallowed or adjusted by the carrier on the contested Explanation of Bill Review(s).

(c) All medical documentation and records submitted to the carrier in support of the medical bill(s) or request(s) for reimbursement, which are the subject of this dispute.

(d) If the answer to question 5 on the Petition for Resolution of Reimbursement Dispute form is yes, a copy of all applicable provision(s) of the reimbursement contract.

(e) Provider's documentation of authorization by carrier for non-emergency treatment for the date(s) of service covered by the petition.

(f) Documentation of health care provider notification to the carrier, pursuant to Section 440.13(3)(b), F.S., for emergency treatment for the date(s) of service included in the petition.

(2) If the petitioner does not submit a completed Petition for Resolution of Reimbursement Dispute form, accompanied by all of the items specified in subsection 59A-31.005(1), F.A.C., the petitioner will be notified by the Agency of the deficiency in submission. The petitioner shall have 10 calendar days from receipt of the notice of deficiency to cure the deficiency by providing to the Agency the items specified in the Agency notice along with proof of proper service of the

curative documentation on the carrier. If the Agency does not receive the curative documentation and proof of service of the curative documentation on the carrier within 10 days after petitioner's receipt of the notice of deficiency, the petition will be dismissed with prejudice.

(3) Documents and records accompanying the petition must be submitted in hard copy.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7) FS. History—New \_\_\_\_\_.

#### 59A-31.006 Consolidation of Petitions.

(1) If multiple petitions addressing the same substantive issue(s) have been filed by petitioner contesting disallowance or adjustment of payment by the same carrier, the Agency may, in its discretion, consolidate the petitions into a single determination.

(2) If the Agency consolidates multiple petitions into a single determination, the timetable for rendering a determination upon a consolidated petition shall be expanded to 120 days after Agency receipt of all documentation.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(e) FS. History—New \_\_\_\_\_.

#### 59A-31.007 Service of Petition on Carrier and Affected Parties.

(1) The petitioner shall effectuate service on the carrier and on all affected parties by serving a copy of the petition and all documents and records in support of the petition, by United States Postal Service (USPS) certified mail on the entity identified on the Explanation of Bill Review as the entity the carrier designates to receive service on behalf of the carrier and all affected parties. If the Explanation of Bill Review does not specifically identify the name and mailing address of the entity the carrier designates to receive service on behalf of the carrier and all affected parties, as required by paragraph 69L-7.602(5)(q), F.A.C., the petitioner may effectuate service of the petition on the carrier and all affected parties by serving a copy of the petition and all documents and records in support of the petition by United States Postal Service (USPS) certified mail, on the entity who issued the Explanation of Bill Review at the address from which the Explanation of Bill Review was issued.

(2) A Petition for Resolution of Reimbursement Dispute must be served on the carrier and all affected parties by United States Postal Service (USPS) certified mail. Service on the carrier shall include all documents and records submitted to the Agency in support of the petition.

(3) Service by certified mail means service by United States Postal Service (USPS) certified mail. Service by United States Postal Service (USPS) delivery other than certified mail or service by common carrier does not constitute service by certified mail, as required by statute, even if carrier delivery and receipt of the petition are confirmed.

(4) If a carrier has not been properly served in accordance with this subsection, the petitioner will be notified by the Agency of the deficiency in service. The petitioner shall have 10 calendar days from receipt of the notice of deficiency in service to provide the Agency with proof the deficiency in service identified in the notice of deficiency has been cured by proper service. If the Agency does not receive proof of proper service within 10 days after petitioner's receipt of the notice of deficiency, the petition will be dismissed with prejudice. For purposes of this rule, "proof of proper service" means that a copy of the petition and all documents and records in support of the petition have been sent by United States Postal Service (USPS) certified mail to the proper entity at the proper address as set forth in this rule, and a certified mail receipt number is provided to the Agency to confirm mailing.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a) FS. History--New \_\_\_\_\_.

#### 59A-31.008 Computation of Time.

(1) Pursuant to paragraph 69L-7.602(5)(q), F.A.C., notice of disallowance or adjustment of payment, which begins the 30 day time period in Section 440.13(7), F.S., shall only be through receipt of an Explanation of Bill Review issued by or on behalf of a carrier. Therefore, the 30 day time period within a petition must be served upon the Agency begins upon receipt of the Explanation of Bill Review by the health care provider or by an entity designated by the provider to receive such notice on behalf of the health care provider. The health care provider shall document receipt of the Explanation of Bill Review using a date stamp, which clearly reflects date of receipt, or by using a verifiable login process. Documentation of receipt through a date stamp or verifiable login process shall accompany the petition. A date stamped Explanation of Bill Review will be accepted as proof of date of receipt by date stamp. A copy of the applicable portion of the login roster showing the date of login of the Explanation of Bill Review will be accepted as proof of receipt through a verifiable login process. If receipt cannot be established through a date stamp or verifiable login process, the health care provider may provide with the petition a copy of the envelope in which the Explanation of Bill Review was sent which clearly and legibly shows the postmark date, in which case receipt will be deemed to be 5 calendar days from the postmark date on the envelope in which the Explanation of Bill Review was sent. If the health care provider does not establish the date of its receipt of the Explanation of Bill Review by any of the methods set forth in this paragraph through documentation accompanying the Petition, the health care provider receipt of the Explanation of Bill Review will be deemed to be 5 calendar days from the issue date on the Explanation of Bill Review. An affidavit attesting to date of receipt will not be accepted as proof of date of receipt.

(2) Petitioning the Agency shall be effectuated upon service of the petition upon the Agency. The timeliness of a Petition for Resolution of Reimbursement Dispute shall be calculated based upon service of the petition upon the Agency. Service upon the Agency shall be by United States Postal Service (USPS) mail, by common carrier, or by hand delivery. If service is by United States Postal Service mail, the date of service shall be postmark date. If service is by common carrier, the date of service shall be the common carrier pick-up date. If service is by hand delivery, the date of service is the date the petition is hand delivered to: Receptionist, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida. Service by hand delivery is available Monday through Friday between 8:00 a.m. and 5:00 p.m., Eastern Time, excluding state holidays.

(3) Carrier date of receipt of the petition by certified mail will be established by reference to the United States Postal Service (USPS) certified mail receipt date. Timely submission by the carrier of the Carrier Response to Petition for Resolution of Reimbursement Dispute form and accompanying documentation to the Agency shall be determined based upon the date of service of the Carrier Response to Petition for Resolution of Reimbursement Dispute form and accompanying documentation to the Agency. If service is by United States Postal Service mail, the date of service shall be the postmark date. If service is by common carrier, the date of service shall be the common carrier pick-up date. If service is by hand delivery, the date of service is the date the petition is hand delivered to: Receptionist, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida. Service by hand delivery is available Monday through Friday between 8:00 a.m. and 5:00 p.m., Eastern Time, excluding state holidays.

(4) Neither the request for, nor the conducting of, an on-site audit or referral of the health care provider for peer review consultation or independent medical examination shall toll the timeframe for petitioning the Agency for the resolution of a reimbursement dispute as set forth in Section 440.13(7)(a), F.S., or for the carrier to submit requested documentation under Section 440.13(7)(b), F.S.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a), (b) FS. History--New \_\_\_\_\_.

#### 59A-31.009 Carrier Response Requirements.

(1) The Carrier Response to Petition for Resolution of Reimbursement Dispute form, accompanied by all requested information, must be served on the Agency within 10 days after receipt of a copy of the petition by certified mail. The carrier's response to the petition must include a completed Carrier Response to Petition for Resolution of Reimbursement Dispute form (AHCA form 3160-0024). Failure of the carrier to meet these requirements constitutes waiver of all objection to the petition.

(2) The carrier shall provide the petitioner, using a delivery method which provides confirmation of date of delivery, at the petitioner's mailing address on the Petition for Resolution of Reimbursement Dispute form, copies of the Carrier Response to Petition for Resolution of Reimbursement Dispute form and all accompanying information served on the Agency in response to the petition.

(3) Documents and records accompanying the carrier's Response to Petition for Resolution of Reimbursement Dispute form must be in hard copy.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(b) FS. History--New \_\_\_\_\_.

#### 59A-31.010 Effect of Non-Response by Carrier.

(1) Failure of the carrier to timely submit a Carrier Response to Petition for Resolution of Reimbursement Dispute form (AHCA form 3160-0024) and accompanying documentation substantiating its disallowance or adjustment of payment constitutes a waiver of all objections to the petition. Waiver of all objections to the petition shall result in the Agency determination and final order being based solely upon the allegations and supporting documentation submitted by the petitioner.

(2) If a carrier has waived all objections to the petition under Section 440.13(7), F.S., with regard to a particular disallowance, adjustment or denial of payment, the carrier has also waived relief under Section 440.13(8) or 440.13(11), F.S., with regard to the payment(s) that was in dispute in the petition under Section 440.13(7), F.S.

Specific Authority 440.13(7), 440.591 FS. Law Implemented 440.13(7)(b) FS. History--New \_\_\_\_\_.

#### 59A-31.011 Complete Record.

The evidentiary record upon which the Agency determination will be made shall be the Petition for Resolution of Reimbursement Dispute and all supporting documents and records accompanying the petition and the Carrier's Response to Petition for Resolution of Reimbursement Dispute and all accompanying documents. However, if the petitioner and carrier enter into a joint stipulation of the parties pursuant to Rule 59A-31.012, F.A.C., the evidentiary record upon which the Agency determination will be made shall also include all additional supporting documentation submitted to the Agency by the parties within the 10 calendar day period provided for in Rule 59A-31.012, F.A.C.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(c) FS. History--New \_\_\_\_\_.

#### 59A-31.012 Joint Stipulation of the Parties.

Within 14 calendar days subsequent to service on the Agency of the carrier response, the petitioner and carrier may serve on the Agency a joint stipulation of the parties, mutually stipulate in writing that the reimbursement dispute be held in abeyance

for a specified time period, not to exceed 60 calendar days, for the parties to seek a resolution of the reimbursement dispute without the need for a determination by the Agency. Service of a joint stipulation of the parties on the Agency shall be by one of the methods by which a petition is served on the Agency in subsection 59A-31.008(2), F.A.C. At the conclusion of the specified time period in the joint stipulation of the parties, or upon earlier notice in writing served upon the Agency and the other party(ies) to the joint stipulation by any party to the joint stipulation of the parties that the negotiations to resolve the reimbursement dispute are at an impasse, the Agency will proceed to make a determination on the reimbursement dispute. At the time the abeyance of the dispute is concluded, the Agency will allow both parties 10 calendar days to serve any additional supporting documentation a party wishes to be considered in making a determination on the dispute. If a reimbursement dispute is held in abeyance pursuant to a joint stipulation of the parties, the 60-day time period for the Agency to issue a determination shall commence when the 10-day period for serving additional documentation ends.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7) FS. History--New \_\_\_\_\_.

#### 59A-31.013 Petition Withdrawal.

(1) Prior to the issuance of a determination the petitioner may voluntarily withdraw its Petition for Resolution of Reimbursement Dispute.

(2) Withdrawal of a petition shall be in writing and must clearly indicate:

(a) The name of the health care provider or facility requesting withdrawal;

(b) The name of the carrier against whom the petition has been initiated;

(c) The date(s) of service covered by the petition; and,

(d) The identity of the injured employee to whom medical services were delivered.

(3) The result of receipt by the Agency of a request for withdrawal of a petition shall be dismissed of the determination case by the Agency.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a), (c) FS. History--New \_\_\_\_\_.

#### 59A-31.014 Overutilization Issues Raised in Reimbursement Dispute Resolution.

If the carrier, in its response to the petition for Resolution of Reimbursement Dispute, asserts and submits documentation substantiating that a basis for disallowing petitioner's claim for payment is overutilization and the Agency, in its discretion, determines that the reimbursement dispute cannot be resolved without addressing issue, the Agency will issue a determination pursuant to Section 440.13(7), F.S., that the



reimbursement dispute cannot be resolved under Section 440.13(7), F.S., and is being converted to a proceeding under Section 440.13(8) and/or 440.13(11), F.S.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(b), (c) FS. History--New

#### 59A-31.015 Managed Care Arrangements.

A health care provider may not elect to contest under Section 440.13(7), F.S., disallowance or adjustment of payment by a carrier for services rendered pursuant to a managed care arrangement.

Specific Authority 440.13(7)(e), 440.134(25)(e), 440.591 FS. Law Implemented 440.13(7) FS. History--New

NAME PERSON ORIGINATING PROPOSED RULE:  
Beverly J. Williams, Medical Health Care Program Analyst  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Tom Warring, Chief, Bureau of  
Managed Health Care, Division of Health Quality Assurance  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 28, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 17, 2006

#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

##### **Medicaid**

RULE NO.: 59G-4.230  
RULE TITLE: Physician Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update September 2006 to the Florida Medicaid Physician Services Coverage and Limitations Handbook. The handbook update contains the policies and forms for the Recipient Assignment Program (R.A.P.). The 2004 Florida Legislature mandated that the Florida Medicaid Program implement a program to prevent excessive and inappropriate utilization of Medicaid goods and services by recipients in the MediPass and fee-for-service programs. The new program, referred to as the Recipient Assignment Program (R.A.P.), is similar to managed care in regard to the assignment of health care services to a primary care physician (PCP). The accepting PCP will act as a case manager or "gatekeeper" for coordination of the recipient's non-emergency medical services. Certain services are exempt from management by the PCP. The effect will be to incorporate by reference in rule update September 2006 to the Florida Medicaid Physician Services Coverage and Limitations Handbook.

In the Notice of Rule Development published in Vol. 31, No. 52, December 30, 2005, issue of the Florida Administrative Weekly, we stated that the effective date of the update was January 2006. We changed the effective date to September 2006.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule update September 2006 to the Florida Medicaid Physician Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in rule update September 2006 to the Florida Medicaid Physician Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

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

DATE AND TIME: Thursday, August 24, 2006, 2:00 p.m.

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: Kathy Canfield, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)414-0913

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004, updated January 2005-1, ~~and~~ January 2005-2, and September 2006, 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 agent. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) No change.

(4) The following forms that are included in Chapter 4 of the Florida Medicaid Physician Services Coverage and Limitations Handbook are incorporated by reference: Enrollment Notification Letter, September 2006, two pages; Enrollment Notification Letter, Spanish version, September 2006, two pages; Request for Change of Address for Recipient Assignment Program (R.A.P.), September 2006, one page;

Request for Change of Address for Recipient Assignment Program (R.A.P.), Spanish version, September 2006, one page; and the Recipient Assignment Program, Enrollee Physician Notification form, September 2006, two pages. The forms are available from the Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop #20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 6-27-04, 8-3-04, 8-18-05, 8-31-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kathy Canfield  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 5, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2005

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Administrative Hearings**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60Q-6 Rules of Procedure for Workers' Compensation Adjudications

RULE NOS.: RULE TITLES:

- 60Q-6.101 Scope
- 60Q-6.102 Definitions
- 60Q-6.103 Pleadings and Proposed Orders
- 60Q-6.104 Representation and Appearance of Counsel
- 60Q-6.105 Commencing a Case; Subsequent Petitions
- 60Q-6.106 Consolidation and Venue
- 60Q-6.107 Amendment and Dismissal of Petition for Benefits
- 60Q-6.108 Filing and Service
- 60Q-6.110 Mediation, Generally
- 60Q-6.111 Authority and Duties of Mediator
- 60Q-6.113 Pretrial Procedure
- 60Q-6.114 Discovery
- 60Q-6.115 Motion Practice
- 60Q-6.116 Prosecution of Claims and Petitions for Benefits
- 60Q-6.117 Emergency Conferences
- 60Q-6.118 Expedited Hearings
- 60Q-6.119 Abbreviated Final Orders
- 60Q-6.120 Summary Final Order
- 60Q-6.121 Evidence
- 60Q-6.122 Motion for Re-hearing and Amending or Vacating Order

- 60Q-6.123 Settlements under Section 440.20(11), Florida Statutes
- 60Q-6.124 Payment of Attorney's Fees and Costs Other Than Pursuant to Section 440.20(11), Florida Statutes
- 60Q-6.125 Sanctions
- 60Q-6.127 Procedure for Relief from Appellate Filing Fee and Costs
- 60Q-6.128 Destruction of Obsolete Records

**PURPOSE AND EFFECT:** Procedural rules for workers' compensation claims resolution were implemented on February 23, 2003, pursuant to the mandate in Section 440.45, Florida Statutes, that the Division of Administrative Hearings adopt procedural rules. Since Sections 440.015 and 440.44(2), Florida Statutes, require that the workers' compensation system be efficient and self-executing and that the Division of Administrative Hearings assume an active and forceful role in achieving that goal, it is necessary to amend the existing rules to conform with subsequent statutory changes and to incorporate changes that will improve the adjudicatory process based upon experience in utilizing the existing rules.

**SUMMARY:** The procedural rule revisions improve definitions, provide for confidentiality of exempt information, provide for electronic filing, revise motion practice, prohibit the filing of unnecessary documents, clarify summary final order procedures, specifically detail the contents of settlement agreements, and provide for the destruction of obsolete records, with a resulting more efficient and self-executing adjudicatory process.

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

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

**SPECIFIC AUTHORITY:** 61.14(8)(a), 440.25(4)(h) (i), 440.44(7), 440.45(1)(a), (4) FS.

**LAW IMPLEMENTED:** 61.14(8)(a), 440.192(1), 440.20(11), 440.25(1)-(4), 440.271, 440.29(2), 440.30, 440.32, 440.33(1), 440.34, 440.345, 440.44(7), 440.45(1)(a), (4), (5) FS.

**A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**

**DATE AND TIME:** Wednesday, August 16, 2006, 8:00 a.m.  
**PLACE:** Grand Ballrooms 1 and 2, Convention Level, Marriott World Center, 8701 World Center Drive, Orlando, Florida 32821

**DATE AND TIME:** Friday, August 25, 2006, 10:30 a.m.  
**PLACE:** Room E-112F, Florida Community College of Jacksonville, 3939 Roosevelt Boulevard, Jacksonville, FL 32205

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Administrative Law Judge Linda M. Rigot, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060, (850)488-9675

THE FULL TEXT OF THE PROPOSED RULES IS:

60Q-6.101 Scope.

These rules of procedure apply in all workers' compensation proceedings before the judges of compensation claims ~~and replace workers' compensation rules of procedure 4.010 through 4.900 and all forms referenced therein.~~

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.102 Definitions.

(1) through (2) No change.

(3) "Division" means the Division of Workers' Compensation, Department of ~~Financial Services Insurance.~~

(4) through (9) No change.

(10) "Pleading" means a petition for benefits or an amended petition, a motion, a response to a petition or a motion, a voluntary dismissal, a voluntary agreement to provide benefits, a stipulation changing the issues pending in a case, or a notice any document seeking relief under Chapter 440, Florida Statutes.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.192(1), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.103 Pleadings and Proposed Orders.

(1) No change.

(2) Exempt information. Except for the employee's social security number or equivalent on petitions for benefits and responses thereto, no pleading shall contain information exempt from public records disclosure. Exempt information shall be supplied in connection with a pleading only to the extent it is necessary to the judge's determination of disputed matters or required by Florida Statutes and shall be appended to a pleading in a separate document conspicuously marked "Exempt Information".

~~(3)(2)~~ All pleadings filed in paper form shall contain in the bottom 1 1/2 inches of each page only the following: "OJCC Case #" followed by the case number; ~~"Bar #" followed by the Florida Bar number of the attorney or the word "none" if the party is not represented,~~ "pleading #" followed by the title of the pleading; and "page #" followed by the page number; and ~~"of #" followed by the number of pages of the pleading.~~

~~(4)(3)~~ Proposed Orders. Except as provided in subsection 60Q-6.115(3), F.A.C., proposed orders shall not be submitted unless requested by the judge, and shall be accompanied by pre-addressed, postage-paid envelopes. They shall be clearly identified as proposed orders and shall be sent to all other

parties or, if represented, their attorneys of record prior to being submitted to the judge. Proposed orders shall be a separate document and not be included as a part of the motion request for the order. Proposed orders shall not be filed.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.192(1), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.104 Representation and Appearance of Counsel.

(1) Appearance of Counsel. An attorney who files a petition or claim on behalf of a party has entered an appearance and shall be deemed the party's attorney of record. All other attorneys appearing for a party in an existing case shall file promptly with the ~~OJCC and the~~ judge a notice of appearance and serve copies on all other parties or, if represented, their attorneys of record. The notice of appearance shall include the style of the proceeding; the case number; the name of the party on whose behalf the attorney is appearing; and the name, mailing address, telephone number, and Florida Bar number of the attorney.

(2) Substitution or Withdrawal of Counsel. During the pendency of any issues before the judge, a An attorney of record remains the attorney of record until ~~either:~~

(a) A stipulation for substitution has been filed with the ~~OJCC and the~~ judge and served on all other parties or, if represented, their attorneys of record; or

(b) No change.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.105 Commencing a Case; Subsequent Petitions.

(1) An employee or claimant seeking an award of benefits ~~party~~ commences a new case by filing a petition for benefits pursuant to Section 440.192, Florida Statutes, when there is not an existing case pertaining to the same employee claimant and date of accident.

(2) When the employee claimant and date of accident are the same as in an existing case, any subsequent petition for benefits or claim relating to that employee claimant and date of accident shall be filed in the existing case.

(3) No change.

(4) An employee or claimant who asserts he or she cannot provide a social security number or who asserts a legal basis for refusing to provide one shall file a verified motion for assignment of substitute identification number along with the initial petition or request for assignment of case number. All petitions, whether initial or subsequent, shall contain all known claims which are ripe, due, and owing on the date the petition is filed.

(5) No change.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.192, 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.106 Consolidation and Venue.

(1) The judge, on the judge's own initiative or on the motion of any party, may consolidate any claims or petitions pending before the judge for the purpose of a hearing or for any other purpose, except for a claim for reimbursement from the Special Disability Trust Fund, ~~with any pending petition for the purpose of a hearing or for any other purpose.~~

(2) Any motion to consolidate cases ~~belonging in the same venue~~ shall be filed in only the lowest-numbered case sought to be consolidated and shall be resolved by the judge to whom that case is assigned.

~~(3) Any motion to consolidate cases belonging in different venues shall be filed in the case assigned to the judge being asked to transfer the case to the other venue and shall contain the signatures of all parties, or, if represented, their attorneys of record.~~

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

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(4)(d), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended.

60Q-6.107 Amendment and Dismissal of Petition for Benefits.

(1) No change.

(2) A petition may only be amended by stipulation of the parties or by order of the judge, except that changes of addresses or phone numbers of parties or, if represented, their attorneys of record can be accomplished by filing a notice of change with the assigned judge.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.192, 440.45(1)(a), (4) FS. History–New 2-23-03, Amended.

60Q-6.108 Filing and Service.

(1) Filing.

(a) All petitions, amended petitions, responses to petitions, and requests for assignment of case number and initial pleadings relating thereto, ~~and other documents identified by the deputy chief judge by order~~ shall be filed with the OJCC. Except as otherwise provided in these rules, all motions, notices, pleadings, voluntary dismissals, any stipulations changing the issues pending in the case, or other documents shall be filed only with the judge.

(b) No change.

~~(c) Filing by electronic transmission is complete when the filing party receives an electronic acknowledgement of receipt.~~

~~(c)(d)~~ No change.

~~(d)(e)~~ No change.

~~(e)(f)~~ Any document, whether filed by electronic or other means, received by the OJCC or the judge after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day.

(f) Any attorney, party, or other person who elects to file any document by electronic transmission shall be responsible for any delay, disruption, interruption of the electronic signals, and readability of the document, and accepts the full risk that the document may not be properly filed as a result.

(2) through (6) No change.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.192, 440.45(1)(a), (4) FS. History–New 2-23-03, Amended.

60Q-6.110 Mediation, Generally.

(1) All petitions and claims pending at the time a mediation conference is held are deemed consolidated and will be mediated at that conference ~~unless the judge orders otherwise.~~

(2) ~~After state mediation has been scheduled,~~ parties who have agreed to private mediation or to re-schedule private mediation shall file with the judge at least 30 days prior to any ~~the scheduled state mediation conference~~ a notice substituting private mediation for state mediation or re-scheduling private mediation. The notice shall include the name of the private mediator, along with the date and time of the ~~state and~~ private mediations and shall state that the private mediation meets the statutory deadline, unless the deadline is waived by all parties.

(3) through (6) No change.

(7) Immediately following the conclusion of the mediation conference, the mediator, whether state, adjunct, or private, shall prepare a report stating which whether any of the issues or claims in dispute are resolved and which remain unresolved, and whether the parties completed a pretrial stipulation. The report shall identify by filing date each petition mediated. The claimant shall file with the judge within five days of the mediation conference the mediator's report and mediation settlement agreement, if any, together with any pretrial stipulation executed by the parties. ~~If the parties reached a settlement agreement, it shall be filed with the judge for approval only if the judge's approval is required by statute.~~

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(1)-(4), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended.

60Q-6.111 Authority and Duties of Mediator.

(1) Authority of Mediator.

(a) through (b) No change.

(c) The mediator shall have discretion to allow any party to appear at the mediation conference by telephone upon the party's written request furnished to the mediator and the opposing party or, if represented, the party's attorney of record no fewer than 5 days prior to the mediation conference.

(2) Duties of Mediator. The mediator shall inform the parties at the beginning of the mediation conference:

(a) through (f) No change.

(g) that any agreement reached at the mediation conference will be by mutual consent of the parties; reduced to writing; and may be subject to the approval of the presiding judge ~~if required by statute~~; and

- (h) No change.
- (3) through (4) No change.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(1)-(4), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended.

60Q-6.113 Pretrial Procedure.

- (1) No change.
- (2) ~~In pretrial stipulations and a conference necessitated by the failure of the parties to complete a pretrial stipulation at the mediation conference,~~ the parties shall:

- (a) State and simplify the issues including bifurcation of compensability;
- (b) Stipulate to such facts and the admissibility of documentary evidence as will avoid unnecessary proof;
- (c) through (f) No change.

(3) Where mediation has been waived by the deputy chief judge, the parties shall file a pretrial stipulation that conforms to the requirements of subsection (2) of this Rule no later than 30 days following the waiver order before the final hearing.

(4) Witness lists, exhibit lists, supplements, and amendments served, and exhibits exchanged less than 30 days before the final hearing must be approved by the judge or stipulated to by the parties.

- (5) No change.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(2)-(4), 440.29(2), 440.33(1), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended.

60Q-6.114 Discovery.

(1) Any party may commence with discovery methods specifically authorized by statute, including depositions, issuance of subpoenas and requests for production, prior to invoking the jurisdiction of the judge.

~~(2)(1)~~ Depositions.

- (a) No change.
- (b) Approval of the judge is not necessary to take a deposition by telephone. If a deposition is taken by telephone, the oath shall be administered in the physical presence of the witness by a notary public or other person authorized by law to administer oaths, ~~unless the physical presence is waived by all the parties.~~

- ~~(3)(2)~~ No change.
- ~~(4)(3)~~ No change.

~~(4) Surveillance.—Any evidence in the nature of surveillance is subject to discovery when it will be used at the final hearing provided the party intending to use the evidence is first given a reasonable opportunity to depose the party or witness who is the subject of the surveillance.~~

- (5) No change.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.30, 440.33(1), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended.

60Q-6.115 Motion Practice.

(1) Any request for an order or for other relief shall be by motion and shall have a title describing the relief requested. The judge may treat a non-standard request for relief from an unrepresented party as a motion. All motions shall be in writing unless made on the record during a hearing and shall fully state the relief requested and the grounds relied upon.

(2) Except for motions to dismiss for lack of prosecution, ~~p~~Prior to filing any motion, the movant shall personally confer with the opposing party or parties or, if represented, their attorneys of record to attempt to amicably resolve the subject matter of the motion. All motions shall include a statement that the movant has personally conferred or has used good-faith efforts to confer with all other parties or, if represented, their attorneys of record and shall state whether any party has an objection to the motion.

(3) A motion which is unopposed shall state why an order is necessary to execute the parties' agreement and, unless filed electronically, shall be accompanied by a proposed order which has a title describing the action being taken. The motion and proposed order shall specify the relief being requested or ordered in reasonable detail and not merely by reference to any other document.

~~(3) If the motion cannot be amicably resolved, does not require the taking of evidence, and does not require more than ten minutes to argue, the movant shall notice the motion to be heard on the judge's motion calendar. The movant shall coordinate the motion hearing with the other parties or, if represented, their attorneys of record but not with the judge's office. The motion shall be served at that time; however, the motion shall not be filed with the judge until three days before the motion calendar on which it has been set. No written response to the motion is necessary. The movant shall bring to the motion calendar a proposed order, which allows the judge to mark that the motion is granted or denied, together with stamped envelopes for mailing the order to the parties.~~

(4) If the motion has ~~For other motions which have not been amicably resolved,~~ the movant shall file the motion, which shall include a statement as to whether a hearing on the motion is necessary and, if so, the basis for requesting a hearing. The other parties may, within ten ~~seven~~ days of service of the written motion, file a response in opposition, which shall include a statement as to whether a hearing on the

motion is necessary and, if so, the basis for requesting a hearing. ~~The judge may dispose of Unless the judge determines that a hearing is necessary based upon the statements in the motion and/or response as to why a hearing is necessary, written motions will normally be disposed of without a hearing within ten days following the expiration of the time for service of a response by the other party or parties. If no order is entered within that ten-day period, the movant shall schedule a hearing time with the opposing party or parties or, if represented, their attorneys of record. If no hearing is scheduled within fourteen days following that ten-day period, the request for a hearing is deemed withdrawn.~~ Motion hearings may be conducted either in person or telephonically as the judge deems necessary.

(5) through (6) No change.

Specific Authority 440.25(4)(h), 440.45(1)(a), (4) FS. Law Implemented 440.25(4)(h), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.116 Prosecution of Claims and Petitions for Benefits.

(1) through (2) No change.

(3) The judge may conduct any proceedings by telephone conference. Testimony may be taken by telephone with the agreement of all parties ~~or~~ and approval by the judge.

(4) In the event that testimony is taken by telephone, the oath shall be administered in the physical presence of the witness by a notary public or officer authorized to administer oaths ~~unless the physical presence of the notary public or officer is waived by the parties.~~

(5) No change.

(6) Any attorney or unrepresented claimant who has filed a petition for benefits must file a pleading with the judge in order to cancel the corresponding final hearing. The pleading must be filed prior to the scheduled final hearing and shall indicate the manner in which each issue was resolved.

(7) At least two full business days prior to the final hearing, each party is required to file a brief memorandum consisting of a statement of relevant facts and written argument. All depositions a party intends to offer into evidence shall be filed with the memorandum.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(4), 440.29(2), 440.33(1), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.117 Emergency Conferences.

(1) A written request for an emergency conference shall be filed with the judge and served on all other parties or, if represented, their attorneys of record. It shall set forth in detail the facts giving rise to the request, its legal basis, the factual or medical basis for the claim that there is a bona fide emergency

involving the health, safety, or welfare of an employee, and the specific relief sought. Any documents relied upon should be specifically referenced and attached.

(2) After reviewing the merits of the request, the judge may summarily enter an order denying the request for an emergency conference or, after proper notice, conduct an evidentiary hearing to consider the request.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(4)(g), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.118 Expedited Hearings.

(1) Scope. This rule applies in those cases deemed by the judge appropriate for required to be expedited hearing pursuant to statute or by agreement of the parties.

(2) No change.

(3) No mediation conference and pretrial hearing shall be held unless requested in writing by a party within 10 days of service of the notice of expedited hearing.

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

Specific Authority 440.25(4)(i), 440.45(1)(a), (4) FS. Law Implemented 440.25(4)(i), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.119 Abbreviated Final Orders.

~~In cases in which compensability is not disputed, Any party may request within ten days from the date of an abbreviated final order that an the abbreviated final order be vacated and that a final compensation order containing separate findings of fact and conclusions of law be entered. The request shall be made by motion and shall be filed within 10 days of the date of the abbreviated final order sought to be vacated.~~

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(4)(d), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.120 Summary Final Order.

(1) The judge may enter a summary final order when such an order would be dispositive of the issues raised by the subject petition. Issues that would be dispositive include, but are not limited to, are whether there is coverage, whether the statute of limitations has run, whether the accident or occupational disease is compensable, whether the claim is barred by res judicata or a prior settlement, whether the judge has jurisdiction over the subject matter, whether the benefit sought has been paid, and whether the alleged employee is an independent contractor.

(2) Any party may file a motion for a summary final order when there is no genuine issue as to any material fact and the granting of the motion would be dispositive of the issues raised by the subject petition. A summary final order shall be rendered if the judge determines from the pleadings and depositions, together with affidavits, if any, that no genuine issue as to any material fact exists and that the moving party is

entitled as a matter of law to the entry of a final order. A summary final order may be rendered on the issue of entitlement to a benefit alone although there is a genuine issue as to the amount of the benefits. No motion for summary final order may be filed less than 45 ~~30~~ days prior to a scheduled final hearing.

(3) The opposing party shall file a response to motion for summary final order together with supporting depositions, affidavits and/or other documents within 30 days of service of the motion for summary final order. The judge shall grant an extension for good cause shown.

~~(4)(3)~~ When a motion for summary final order is denied, the judge shall impose sanctions pursuant to Rule 60Q-6.125~~(5)(4)~~ and ~~(6)(5)~~, F.A.C., if the judge determines that the motion violates subsection 60Q-6.125~~(2)(4)~~, F.A.C.

~~(5)(4)~~ No change.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.25(4)(h), 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.121 Evidence.

(1) No change.

(2) An objection to the admissibility of evidence not ruled on by the judge is deemed adverse to the party making the objection.

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

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.122 Motion for Re-hearing and Amending or Vacating Order.

(1) No change.

(2) The motion shall be limited to the following reasons:

~~(a) to call attention to typographical or technical errors;~~

~~(a)(b)~~ To challenge rulings that were outside the scope of the issues presented;<sup>5</sup> or

~~(b)(c)~~ No change.

(3) No change.

(4) Abbreviated final orders are not subject to a motion for re-hearing.

(5) A judge, on the judge's own initiative or on the motion of any party, may vacate or amend an order not yet final to correct clerical or technical errors, or where due consideration of a motion for re-hearing cannot be made before the order becomes final.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.45(1)(a), (4) FS. History–New 2-23-03, Amended \_\_\_\_\_.

60Q-6.123 Settlements Under Section 440.20(11), Florida Statutes.

(1) Settlements under Section 440.20(11)(a) or (b), F.S., involving unrepresented claimants.

(a) When a joint petition signed by the all parties is filed pursuant to Section 440.20(11)(a) or (b), F.S., it shall be accompanied by:

1. The settlement stipulation executed by the all attorneys of record and the employee or claimant;

2. A copy of any prior joint petition and order if indemnity benefits were previously settled, or, if unavailable, an affidavit from the claimant that indemnity was previously settled;

3. No change.

4. The employee's current work status and other sources of income, if not addressed in the joint stipulation social security disability, and, if any, monthly benefit amounts;

~~5. documentation establishing overall physical maximum medical improvement and psychiatric maximum medical improvement, if either is applicable;~~

~~6. when an estimate of future medical needs is not included, a statement that the parties elect to settle without this information;~~

5.7. A status statement letter from the Department of Revenue and a status statement from or the Clerk of the Circuit and County Courts, Central Depository, as to whether the claimant has or owes any child support arrearage or owes past due support, and, if so, the amount thereof;

6. A sworn statement by the employee that all existing child support obligations have been disclosed in the joint petition;

~~7.8.~~ A letter from counsel stating that the carrier will issue a check in the amount of the arrearage and/or past due support or such other amount to be approved by the judge and that the check will be sent to the Department of Revenue or the Clerk of the Circuit and County Courts, Central Depository;

~~8.9.~~ Any other documents evidence in the possession of the parties or and their attorneys, including any prior attorney's fee lien, that is material to the disposition of the settlement;

~~9.10.~~ No change.

~~10.11.~~ For settlements under Section 440.20(11)(b), F.S., the required notice to the employer, a maximum medical improvement report establishing overall physical maximum medical improvement and psychiatric maximum medical improvement if the latter applies, available documentation of the permanent impairment rating, information concerning the need for future medical care or an explanation as to why the information cannot be reasonably obtained, and other essential medical information.

(b) through (d) No change.

(2) Settlements under Section 440.20(11)(c), (d), and (e), F.S.

(a) When a motion for approval of attorney's fees and child support allocation is filed pursuant to Section 440.20(11)(c), (d), or (e), F.S., it shall be signed by the claimant and the claimant's attorney, furnished to all other parties, and contain be accompanied by:

1. A statement that the parties have reached a total settlement of the case;

2. The total monetary amount of the settlement payable by the employer/carrier;

3. The amount of attorney's fees and costs agreed to and payable by the claimant pursuant to the contract of representation and the net settlement proceeds to be disbursed to the claimant;

4. The amount of child support arrearages, if any, owed by the claimant, together with the amount of child support allocation the claimant requests be deducted from the settlement proceeds, after fees and costs, and remitted to the appropriate child support depository;

~~5.4- An attorney's fee data sheet setting forth the benefits obtained by claimant's counsel and the value of those benefits sufficient information to justify the amount of the attorney's fee and setting forth the benefits obtained by the claimant's attorney, and, depending upon the date of accident and the type of benefit involved, if the claimant's attorney seeks a fee in excess of the statutory percentage, an affidavit specifying the particular statutory criteria factors forming the basis for the variance if the claimant's attorney seeks an attorney's fee in excess of the statutory percentage fee; and~~

~~6.2- A status statement letter from the Department of Revenue and a status statement from or the Clerk of the Circuit and County Courts, Central Depository, as to whether the claimant has an arrearage or owes past due child support and, if so, the amount thereof, and a letter from counsel stating that the carrier will issue a check in the amount of the arrearage and/or past due child support or such other amount to be approved by the judge or that claimant's counsel will deposit the settlement proceeds in a trust account and will issue a check in the amount of the arrearage and/or past due child support or such other amount to be approved by the judge and that the check will be sent to the Department of Revenue or the Clerk of the Circuit and County Courts, Central Depository.~~

(b) No change.

(3) Settlement approval when more than one current support order exists. When more than one current support order exists, the judge may approve a proposed settlement only if it provides for an equitable share of settlement proceeds.

Specific Authority 61.14(8)(a), 440.45(1)(a), (4) FS. Law Implemented 61.14(8)(a), 440.20(11), 440.345, 440.45(1)(a), (4), (5) FS. History--New 2-23-03, Amended \_\_\_\_\_.

60Q-6.124 Payment of Attorney's Fees and Costs Other Than Pursuant to Section 440.20(11), Florida Statutes.

(1) Payment of Undisputed Attorney's Fees and Costs by Claimant. The claimant and his or her attorney may jointly move for the judge to approve the payment of an attorney's fee and reimbursement of costs. The motion shall be served on all parties and include a statement that claimant's counsel has not previously secured or received a fee on the benefits for which a

fee is now being sought, the claimant's signature, and an attorney's fee data sheet setting forth the benefits secured by claimant's counsel and the value of the benefits. ~~If claimant's counsel is seeking payment of a fee from the claimant which exceeds the statutory fee, counsel must submit an affidavit establishing the basis for approval of the fee.~~

(2) Payment of Undisputed Attorney's Fees and Costs by Employer/Carrier/Service Agent. The employee and the employer/carrier/service agent may stipulate to the payment of attorney's fees and costs. The stipulation submitted for the judge's approval shall be accompanied by an attorney's fee data sheet. If claimant's counsel is seeking payment of a fee from the employer/carrier which exceeds the statutory fee, counsel must submit an affidavit establishing the basis for approval of the fee. The claimant must be provided with notice of sign any stipulation providing for an employer/carrier-paid attorney's fee.

(3) Payment of Disputed Attorney's Fees and Costs.

(a) Any motion for attorney's fees and costs shall be filed; ~~under oath,~~ and shall include:

1. through 3. No change.

4. The statutory fee based on the benefit secured.

~~5.4- A detailed chronological listing of all time devoted to the claim, if applicable, and~~

~~6.5- No change.~~

(b) Within ~~30~~ 20 days after the motion is served, the opposing party or parties shall file a response to the motion, which includes a detailed recitation of all matters which are disputed in the form outlined in subsection 3(a)1-6. Failure to file a timely and specific full response to a motion for attorney's fees and costs shall, absent good cause, may result in acceptance of the allegations in the motion as true, ~~imposition of sanctions, or both.~~

(c) through (d) No change.

(e) The Statewide Uniform Guidelines for Taxation of Costs in Civil Actions shall be considered by the judge in determining the reasonableness of an award of cost reimbursement.

(4) No later than October 1 of each year, all self-insurers, third-party administrators, and carriers shall report by electronic transmission to the OJCC the amount of all attorney's fees paid to their defense attorneys in connection with workers' compensation claims during the prior July 1 through June 30 fiscal year.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.32, 440.34, 440.345, 440.45(1)(a),(4), (5) FS. History--New 2-23-03, Amended \_\_\_\_\_.

60Q-6.125 Sanctions.

(1) Generally. Failure to comply with the provisions of these rules or any order of the judge may subject a party or attorney to one or more of the following sanctions: striking of



claims, petitions, defenses, or pleadings; imposition of costs or attorney's fees; or such other sanctions as the judge may deem appropriate.

(2)(4) Representations to the Judge. By filing a pleading or other document or presenting argument before the judge at hearing, an attorney or unrepresented party is certifying to the best of that person's knowledge, information, and belief, formed after inquiry reasonable under the circumstances, that:

(a) through (b) No change.

(c) the allegations and other factual contentions are true and have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;

(d) the denials of factual contentions are true and warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

(3)(2) Determination of Violation. If, after notice and a reasonable opportunity to respond, the judge determines that subsection (2)(4) has been violated, the judge may impose an appropriate sanction.

(4)(3) How Initiated.

(a) A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subsection (2)(4). It shall be served but shall not be filed with or presented to the judge unless the challenged paper, claim, defense, allegation, or denial is not withdrawn or appropriately corrected within 21 days after service of the motion. If warranted, the judge may award to the party prevailing on the motion the cost of the proceeding and attorney's fees incurred in presenting or opposing the motion.

(b) On his or her own initiative, the judge may enter an order describing the specific conduct that appears to violate subsection (2)(4) and directing an attorney or party to show cause why sanctions should not be imposed.

(5)(4) Nature of Sanctions.

(a) No change.

(b) Monetary sanctions may not be awarded against a represented party for a violation of subsection (2)(4)(b).

(6)(5) No change.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.32, 440.33(1), (2), 440.45(1)(a), (4) FS. History—New 2-23-03, Amended.

60Q-6.127 Procedure for Relief from Appellate Filing Fee and Costs.

The procedure for relief from payment of the appellate filing fee and from the costs of the preparation of the record on appeal for the review of any order of a judge on the ground of indigency shall be in accordance with Fla. R. App. P. 9.180.

Specific Authority 440.45(1)(a), (4) FS. Law Implemented 440.271 FS. History—New

60Q-6.128 Destruction of Obsolete Records.

(1) All case files that have been closed and inactive for a period of two years are declared to be obsolete and may be destroyed. Designated personnel of the OJCC shall be responsible for the destruction of obsolete records and reports in accordance with applicable statutes and administrative rules.

(2) Recordings of hearings held before a judge shall become obsolete two years subsequent to the date of the hearing.

(3) Any forms, documents, reports or other records filed where this rule chapter specifically provides that filing is not required or requested shall be destroyed by the judge's office upon filing.

Specific Authority 440.44(7), 440.45(1)(a), (4) FS. Law Implemented 440.44(7) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Judge Linda M. Rigot

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Director and Chief Judge Robert S. Cohen and Deputy Chief Judge of Compensation Claims David W. Langham

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Professional Surveyors and Mappers

RULE NO.: RULE TITLE:

61G17-2.001 Grounds for Discipline

PURPOSE AND EFFECT: The Florida Board of Professional Surveyors and Mappers is revising paragraph 61G17-2.001(6)(g), F.A.C., to delete a citation to a repealed Rule.

SUMMARY: The Florida Board of Professional Surveyors and Mapper is deleting a citation to a repealed rule in Rule 61G17-2.001(6)(g), F.A.C.

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

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

SPECIFIC AUTHORITY: 455.227, 472.008, 472.033(2) FS.

LAW IMPLEMENTED: 455.227, 472.008, 472.015, 472.025, 472.033(1)(f), (g), (h), (2), 472.027 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-2.001 Grounds for Discipline.

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

(g) ~~Except as provided in Rule 61G17-2.0013, F.A.C.,~~ Licensees, whether individual people or business entities holding certificates of authorization, may not engage in any professional conflict of interest. An example of a professional conflict of interest would be a situation in which a county employee engages in the private practice of surveying and mapping on a project over which that person, as a county employee, has approval authority.

(h) through (7) No change.

Specific Authority 455.227, 472.008, 472.033(2) FS. Law Implemented 455.227, 472.008, 472.015, 472.025, 472.033(1)(f), (g), (h), (2), 472.027 FS. History—New 1-3-80, Formerly 21HH-2.01, Amended 9-1-88, Formerly 21HH-2.001, Amended 6-1-95, 10-13-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-2.0015  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Florida Board of Professional Surveyors and Mappers is updating Rule 61G17-2.0015, F.A.C., to revise the disciplinary guideline penalties for Violations of Sections 472.033(1)(h), 472.033(1)(i), and 455.227(1)(k) of the Florida Statutes.

SUMMARY: The Florida Board of Professional Surveyors and Mappers is increasing its disciplinary guideline penalties for violations of Sections 472.033(1)(h), 472.033(1)(i), and 455.227(1)(k) of the Florida Statutes.

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: 472.008, 472.033 FS.

LAW IMPLEMENTED: 472.033 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-2.0015 Disciplinary Guidelines.

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

(h) Failing to perform any statutory or legal obligation placed upon a licensed surveyor and mapper; violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department; (472.033(1)(h) & 455.227(1)(k), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, <u>probation</u> , and compliance with legal obligation	\$500 fine and <u>probation or</u> suspension until compliance with legal obligation
SECOND OFFENSE	\$500 fine <u>and probation or</u> <del>and</del> suspension until compliance with legal obligation	\$750 <u>fine and probation or</u> suspension until compliance with legal obligation plus extended probation

THIRD OFFENSE	\$750 fine and <u>probation or</u> suspension until compliance with legal obligation plus extended probation	\$1000 fine and revocation
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(i) Practicing on a revoked, suspended, inactive, or delinquent license; (472.033(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$ <u>1000</u> <del>500</del> fine and probation	\$ <u>1000</u> <del>750</del> fine, denial or suspension followed by probation or if already suspended an extended suspension followed by probation
SECOND OFFENSE	\$ <u>1000</u> <del>750</del> fine and denial or suspension followed by probation or if already suspended an extended suspension followed by probation	\$1000 fine and revocation

(j) through (4) No change.

Specific Authority 472.008, 472.033 FS. Law Implemented 472.033 FS. History--New 3-13-03, Amended 3-17-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Surveyors and Mappers  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH**  
**Board of Clinical Social Work, Marriage and Family and/or Mental Health Counseling**

RULE NO.: 64B4-3.008  
RULE TITLE: Supervision Required Until Licensure

PURPOSE AND EFFECT: The Board proposes to update the existing language to clarify supervision.

SUMMARY: The proposed rule amendment is for updating the existing language to clarify supervision.

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: 491.004(5), 491.014(4)(c), 491.005(6) FS.

LAW IMPLEMENTED: 491.012, 491.014(4)(c), 491.046(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.008 Supervision Required Until Licensure.

(1) An AH applicants who practice~~s~~ clinical social work, marriage and family therapy and/or mental health counseling must continue in "supervision" as defined in Rule 64B4-2.002, F.A.C., and use the term "registered clinical social work intern, registered marriage and family therapy intern, or registered mental health counseling intern" until he or she is they are in receipt of a license to practice the profession for which he or she has they have applied or a letter from the Department stating he or she is they are licensed, even if the two (2) year post-masters supervision requirement has been satisfied.

(2) All provisional licensees who practice clinical social work, marriage and family therapy and/or mental health counseling must continue in supervision as defined in Rule 64B4-2.002, F.A.C., until he or she is in receipt of a license or a letter from the Department stating he or she is licensed as a clinical social worker, marriage and family therapist, or mental health counselor.

Specific Authority 491.004(5), 491.014(4)(c), 491.005(6) FS. Law Implemented 491.012, 491.014(4)(c), 491.0046(3) FS. History--New 3-14-94, Formerly 61F4-3.008, 59P-3.008, Amended 10-28-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and/or Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and/or Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
65C-5 Batterer Intervention Program  
Certification Minimum Standards

- |            |                               |
|------------|-------------------------------|
| RULE NOS.: | RULE TITLES:                  |
| 65C-5.001  | Purpose                       |
| 65C-5.002  | Definitions                   |
| 65C-5.003  | Application for Certification |
| 65C-5.004  | Program Requirements          |
| 65C-5.005  | Program Content               |
| 65C-5.006  | Facilitator Eligibility       |
| 65C-5.007  | Assessment Requirements       |
| 65C-5.008  | Assessor Eligibility          |
| 65C-5.009  | Trainer Requirements          |
| 65C-5.010  | Monitoring                    |
| 65C-5.011  | Conflicts of Interest         |

PURPOSE AND EFFECT: These rules establish the minimum standards and procedures for the provision of intervention and assessment of batterers and for the approval of persons wishing to provide intervention and assessment services.

SUMMARY: Provides minimum standards for both programs and personnel who provide direct services to persons who are court ordered, referred by the department or other referral source, or volunteer to attend a batterer intervention program. Establishes procedures for the certification and monitoring of these providers.

SPECIFIC AUTHORITY: 741.325 FS.

LAW IMPLEMENTED: 741.32, 741.325, 741.327 FS.

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

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

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

DATE AND TIME: August 17, 2006, 2:30 – 4:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 2, Room 302W, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Renee Starrett, (850)921-4766

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-5.001 Purpose.

(1) The purpose of these rules is to establish the minimum standards and procedures for the provision of intervention and assessment of individuals who have committed a domestic violence offense and for the approval of persons wishing to provide intervention and assessment services to these individuals.

(2)(a) The purpose of a certified batterer intervention program shall be to provide the justice system with standardized programming to further the safety of victims and their children and to hold the perpetrators of domestic violence accountable for their acts.

(b) Batterer intervention programs are part of a coordinated community response and serve only as an additional tool that the community can use to hold batterers accountable. Courts should use batterer intervention programs in addition to, not instead of, appropriate legal sanctions such as jail, probation, restitution, fine or a combination of these.

(3) The purpose of a certified assessor shall be to determine if the batterer who has been referred to a batterer intervention program should also be referred for further evaluation.

Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History--New \_\_\_\_\_.

65C-5.002 Definitions.

For the purposes of this chapter, the following definitions apply:

(1) “Assessment” means a psychosocial evaluation to determine if those persons referred to a batterer intervention program would benefit from mental health or substance abuse treatment programs prior to or concurrent with batterer intervention.

(2) “Assessor” means a person who is certified hereunder to perform the psychosocial assessment for individuals who have been referred to a certified batterer intervention program.

(3) “Batterer” means a perpetrator of domestic violence, as defined in Section 741.28, F.S., or dating violence, as defined in Section 784.046, F.S.

(4) “Batterer Intervention Program” means a 29-week program that addresses the perpetration of violence by an intimate partner, spouse, ex-spouse, or a person who shares a child in common or who is a cohabitant in an intimate relationship for the purpose of exercising power and control by one over the other.

(5) “Certification” means a process of satisfying the requirements and minimum standards as set forth herein and in statute for establishing a certified batterer intervention program or certified assessor.

(6) “Certification Fee” means a fee charged by the department for state certification as a batterer intervention program or as an assessor.

(7) “Curriculum” means the approved educational content for a certified batterer intervention program.

(8) “Dating Violence” means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature as defined in Section 784.046(1)(d), F.S.

(9) “Department” means the Florida Department of Children and Families.

(10) “Direct service staff” means the on-site director responsible for the day to day operation of a certified batterer intervention program, or persons who are employed or contracted by a program to conduct orientation, facilitate groups or conduct assessments.

(11) “Domestic Violence” means the perpetration of violence between intimate partners, spouses, ex-spouses, or those who share a child in common or who are cohabitants in an intimate relationship for the purpose of exercising power and control by one over the other.

(12) “Facilitator” means a group leader for a certified batterer intervention program.

(13) “Good moral character” means a personal history of honesty, fairness, and respect for the rights of others and for laws of this state and nation.

(14) “Monitoring” means a process of reviewing the administrative and programmatic components of a certified batterer intervention program and certified assessor to ensure compliance with minimum standards as set forth herein and in statute.

(15) “Office of Certification and Monitoring” means the unit within the department responsible for the certification and monitoring of batterer intervention programs and assessors.

(16) “Participant” means an individual who is adjudged to have committed an act of domestic violence as defined in Section 741.28, F.S., or dating violence as defined by Section 784.046, F.S., those against whom an injunction for protection against domestic violence is entered, those referred by the department, and those who volunteer to attend a program.

(17) “Participant Fee” means the fee that shall be paid to the department by an individual who has been ordered by the court to attend a certified batterer intervention program, as provided for in Section 741.327(2), F.S.

(18) “Power and Control Model” means intervention that recognizes domestic violence where one partner in an intimate relationship systematically uses tactics of emotional and physical abuse in order to maintain power and control over the other.

(19) “Program” means the certified organization that provides a 29-week educational intervention for individuals who have committed an act of domestic violence. The program includes intake/enrollment, assessment, orientation, and 24 weekly group sessions.

(20) “Program Fee” means the fee assessed by the program as payment by the participant for services, as provided for in Section 741.325(6), F.S.

(21) “Provider” means the batterer intervention program and/or assessor certified by the department’s Office of Monitoring and Certification of Batterer Intervention Programs.

(22) “Psychoeducational Model” means a critical thinking program model that uses structured didactic interventions with batterers.

(23) “Victim” means an intimate partner, spouse, ex-spouse or those who share a child in common or who are cohabitants in intimate relationships against whom the batterer has committed an act of domestic violence.

Specific Authority 741.32, 741.325, 741.327, 784.046, 948.038 FS. Law Implemented 741.32, 741.325, 741.327 FS. History—New \_\_\_\_\_.

#### 65C-5.003 Application for Certification.

##### (1) Program Certification.

(a) Application for initial certification shall be made on form CF 831, Batterer Intervention Program Certification Application, which is incorporated by reference. The program’s policy and procedure manual, as set forth herein, forms, informational brochures and staff, educational, experiential, and training documentation shall be attached to the application and sent to the department’s Office of Certification and Monitoring. An application may be obtained from the department’s website. All program locations within a judicial circuit are included in the application and application

fee. Branch or satellite offices existing in other judicial circuits shall submit a separate application and application fee for each circuit.

(b) The individual owner, or the designated representative of a corporation or partnership shall sign the application.

(c) A non-refundable application fee of \$300 will be assessed per applicant for certification and shall be submitted with the application. Submission of an application and application fee does not ensure state certification.

(d) A batterer intervention program certification is issued in the name of the owner, corporation or partnership, is non-transferable, and is valid only for the program and location or locations named in the application, which has been approved by the department.

(e) If the provider wishes, during the certification period, to change the location of service or open additional locations within the circuit where certified, the provider shall notify the department, in writing, at least 45 days prior to the change. If the provider wishes to open additional locations in a circuit where it is not currently certified, the provider shall submit an initial application and application fee for certification.

(f) The certificate issued by the department or a copy thereof, shall be displayed within public view at the program's location or locations.

(g) Initial certification is provisional and valid for six (6) months. Upon the department's satisfaction that all minimum standards have been met as required herein and in statute, certification may be extended for an additional six (6) months. Thereafter, certification may be renewed for one (1) year. Certification shall be denied, suspended or revoked for failure to comply with any of the requirements detailed herein or in statute.

(h) Application for certification renewal shall be made on form CF 831, Application for Certification, Batterer Intervention Program. An application may be obtained from the department's website.

(i) A non-refundable fee of \$150 will be assessed per applicant for certification renewal and shall be received by the department's Office of Certification and Monitoring at least 30 days prior to the expiration date of the current certification to ensure that a lapse of certification does not occur. Submission of an application and application fee does not ensure renewal of state certification.

#### (2) Assessor Certification.

(a) Application for initial certification shall be made on form CF 840, Assessor Certification Application, which is incorporated by reference, and sent to the department's Office of Certification and Monitoring. An application may be obtained from the department's website.

(b) A non-refundable application fee of \$100 will be assessed per applicant for certification and shall be submitted with the application to the department. Submission of an application and application fee does not ensure state certification by the department.

(c) Certification is for one (1) year and may be denied, suspended or revoked for failure to comply with any of the requirements detailed herein or in statute.

(d) Certification is non-transferable and valid only for the person named in the certificate issued by the department.

(e) The certificate issued by the department or a copy thereof, shall be displayed at the location of service within public view.

(f) Application for certification renewal shall be made on form CF 840, Assessor Certification Application. A nonrefundable fee of \$75 will assessed per applicant for certification renewal and shall be received by the department's Office of Certification and Monitoring at least 30 days prior to the expiration date of the current certification expiration date to ensure that a lapse of certification does not occur. Submission of an application and application fee does not ensure renewal of state certification.

Specific Authority 741.325, 741.327 FS. Law Implemented 741.325, 741.327 FS. History--New \_\_\_\_\_.

#### 65C-5.004 Program Requirements.

(1) To qualify for certification, a batterer intervention program shall meet and comply with minimum standards as set forth herein and in statute.

(a) Community Collaboration and Coordination. To be effective in protecting victims and their children, as outlined in Section 741.32(1), F.S., the program must coordinate its efforts within the community, particularly with the local justice system, social service agencies, including the domestic violence centers, and state and local governments.

#### (b) Intake/Enrollment.

1. A list of certified programs compiled and updated by the department's Office of Certification and Monitoring will be provided to the batterer by the referral source, which may be accessed at the department's website. The program selected by the batterer shall perform the intake/enrollment, which shall include:

a. Explanation of program fees and sliding fee scale,

b. Enrollment form, CF 832, which is incorporated by reference,

c. Program contract, CF 833, which is incorporated by reference,

d. Participant fee payment agreement, CF 843, which is incorporated by reference, and

e. List of certified assessors.

2. The program shall not accept a participant who has been or is currently enrolled in another certified batterer intervention program unless approval to change programs is obtained, in writing, from the referral source, probation and parole, if applicable, and the previous program director.

3. Services shall not be denied to any person because of ethnicity, national origin, religion, age or disability. A non-discrimination clause shall be included in the program's policy and procedure manual.

(c) Fees.

1. Programs shall be self-supporting and funded with fees from the program participant as payment for intervention. The program shall establish a sliding fee scale method of payment for program fees and provisions to accept indigent clients into the program. Payment for services is important to the participant taking responsibility for the act of violence, however, programs shall not decline the admittance of a batterer based on the ability to pay. A program shall not collect from a participant that portion of the program fee that is exempted by Section 741.325(6), F.S.

2. The program shall collect a \$30 participant fee from each participant for attendance at each 29-week program and submit to the department's Office of Certification and Monitoring.

3. The batterer shall not be allowed to participate in a program or be formally assessed until payments of the appropriate fees are made in accordance with the established program policy.

(d) Orientation. The program shall conduct an orientation session prior to the start of the intervention with a minimum time period of one (1) hour and 30 minutes, excluding breaks. An outline of the orientation shall be given to each participant and a signed statement acknowledging attendance shall be placed in the participant's file. The orientation shall include:

1. Definition of domestic violence.

2. Domestic violence statistics.

3. Introduction of the power and control wheel.

4. Introduction of the equality wheel.

5. Overview of program rules, regulations, and expectations.

6. Outline of program content showing the dynamics of power and control, the effects of abuse on the victim, children and others, gender roles, socialization, and nature of the violence.

(e) Assessments. The program shall ensure that only those assessors certified by the department's Office of Certification and Monitoring conduct the psychosocial evaluations required herein.

(f) Groups.

1. The program shall use a 29-week psychoeducational group model that incorporates power and control dynamics in the curriculum.

2. The program shall conduct 24 weekly group sessions. Each session shall be for a time period of one (1) hour and 30 minutes, excluding breaks.

3. The program shall maintain a maximum group size of 24 participants with two (2) facilitators or 15 participants with one (1) facilitator. The minimum group size shall be three (3) members.

4. The program shall accept new members into the group on an ongoing basis.

5. The program shall ensure that all participants in the group are the same gender.

6. The program conducting a non-English speaking group shall have a facilitator who is fluent in that language.

7. The program shall use interpreters only when there are no approved facilitators within the local area who are fluent in the language of one or more of the participants.

8. The program must insure that a person who serves in the role of interpreter be duly qualified to interpret. Interpreters must not have a familial or personal relationship with the participant. A list of qualified interpreters may be found through the local court or from the Florida State Courts' website.

9. The program shall ensure group meetings are not suspended or cancelled for a period of more than one week.

(g) Victim Notification.

1. The program shall notify the victim, in writing, within three (3) business days of the batterer's enrollment in the program. The letter shall include contact information for the local certified domestic violence center, law enforcement, probation or parole, if applicable, and the state attorney's office. The letter shall include information on the goals and objectives of the certified batterer intervention program and advise the victim that information disclosed by the victim to program staff is not privileged communication as defined in Section 90.5036, F.S. The letter shall include a copy of A Partner's Guide to Batterer Intervention Program Classes for Men, which shall be furnished to the program by the department.

2. The program shall notify the victim, in writing, within three (3) business days of the batterer's discharge from the program. The letter shall include the reason for discharge: completion, termination, or transfer. The letter shall include contact information for the local certified domestic violence center, law enforcement, probation or parole, if applicable, and the state attorney's office.

3. The program shall keep copies of all notification letters to the victim in the batterer's file. Letters shall not disclose the physical address or any other contact information for the victim.

(h) Personnel.

1. The provider must have zero tolerance for domestic violence on the part of their employees. The provider must be as vigorous in their response to suspected crimes on the part of

their own employees as they are to all other domestic violence crimes. However, the provider shall also uphold their duty to the employee in terms of providing employee assistance; preventing harm to self or family; and continuing employment where appropriate, safe, and within the provider agency guidelines and statute.

2. All direct service personnel employed or contracted by a provider shall be required to undergo security background investigations as a condition of employment and continued employment. Background investigations shall be a level 1 screening as defined in Section 435.03, F.S., and shall include local criminal records checks through local law enforcement agencies, and statewide criminal records checks through the Florida Crime Information Center (FCIC), including a check for registered sex offenders/sexual predators, and injunctions for protection against domestic violence. The local law enforcement screening shall also be conducted for the employee's or contractor's previous address if she or he has lived in the current jurisdiction less than one (1) year. Such background investigations shall be conducted at the expense of the employing agency.

3. All direct service staff employed or contracted by a certified provider shall complete annually, as a condition of employment and continued employment, form CF 1649D, Affidavit of Good Moral Conduct, which is incorporated by reference.

4. A provider shall not employ an individual who has been a perpetrator of domestic violence or subject of an injunction for protection against domestic violence unless the applicant has successfully completed a certified batterer intervention program.

5. A provider shall not hire an individual under any form of community supervision including probation, pre-trial diversion, or parole.

6. A provider may grant an exemption from disqualification for employment, except as stipulated in paragraphs (h)4.-5. above, if the applicant can provide documentation that she or he has not been convicted of any of the disqualifying offenses for a minimum period of five (5) years.

7. The provider shall terminate the employment or contract of any direct service staff convicted or found guilty, regardless of adjudication, or having entered a plea of nolo contendere, to any disqualifying offense and notify the department's Office of Certification and Monitoring of the termination within 72 hours.

8. The provider shall ensure that direct service staff employed or contracted by the program meet all moral conduct, educational, experiential, and training requirements as required by rule.

9. The provider shall notify the department's Office of Certification and Monitoring, in writing, of any replacements in direct service staff and forward copies of their credentials prior to hiring for approval by the department.

(i) Policy and Procedure Manual.

1. The provider shall develop and maintain written policies and procedures that direct the operation of the batterer intervention program, at a minimum, on the following:

a. Mission Statement and Philosophy,

b. Days and Hours of Operation and Group Schedules,

c. Intake/Enrollment Procedure,

d. Orientation Outline,

e. Curriculum Outline and Description,

f. Recording Keeping and Reporting Policy and Procedures,

g. Fee Collection and Remittance Policy and Procedure,

h. Sliding Fee Scale Policy and Procedure,

i. Acceptance of Indigent Participants Policy and Procedure,

j. Non-discrimination Policy,

k. Accessibility to Persons with Disabilities Policy and Procedure,

l. Duty to Warn and Reporting of Criminal Behavior Policy and Procedure,

m. Reporting of Enrollment, Progress, and Discharge Information to Referral Source and Probation and Parole, if applicable, Policy and Procedure,

n. Personnel Policy,

o. Equal Opportunity Employer Policy,

p. Position Descriptions with educational, experiential and training requirements,

q. Continuing Education Requirements,

r. Code of Professional Ethics and Moral Conduct Policy,

s. Confidentiality Policy,

t. Non-fraternization Policy,

u. Conflict of Interest Policy,

v. Violence Free Life Style Policy,

w. Drug Free Workplace Policy,

x. Sexual Harassment Policy, and

y. Domestic Violence in the Workplace Policy.

2. The program procedures and policy manual shall be submitted with the certification application to the Office of Certification and Monitoring for approval.

(j) Record Keeping and Reporting Requirements.

1. General Requirements.

a. A provider shall maintain complete and accurate records regarding the program, personnel and program participants at the program's office. Records shall be available for review during the hours of operation by authorized department staff or its authorized department agents.



b. Copies of required records are acceptable for documentation.

2. Personnel Records.

a. The provider shall maintain complete and accurate records on each direct service staff employed or contracted by the program, which shall contain the following signed and dated information:

b. Name, address, home phone number, and date of birth,

c. Proof of identity, in the form of a copy of a government issued photo identification,

d. Proof of employment history check and security background investigations,

e. Job description,

f. A resume or employment application,

g. Documentation of required education and work experience,

h. Documentation of required training,

i. For individuals licensed under Chapters 490 and 491, F.S., a signed privacy act statement acknowledging confidentiality of information received,

j. Receipt of the program's policy and procedure manual, and

k. Affidavit of Good Moral Conduct, form CF 1649D, renewed annually.

3. Program Participant Records.

a. The provider shall maintain individual files on each program participant and retain the records for a minimum of five (5) years from the date of discharge. Files shall include the following signed and dated information:

b. Proof of identity, in the form of a government issued photo identification,

c. Copy of the court order and police report, if applicable,

d. Financial assessment,

e. Completed form CF 832, Participant Enrollment, which is incorporated by reference,

f. Completed form CF 833, Contract for Participation in a Certified Batterer Intervention Program, which is incorporated by reference,

g. Completed assessment,

h. Completed form CF 843, Participant Fee Payment Agreement, which is incorporated by reference,

i. Record of attendance at orientation and groups with the number of sessions attended, missed and made up, include excused and unexcused absences,

j. Record of payment of fees, including dates and amounts,

k. Copies of all notification letters to the victim. Letters shall not disclose the physical address or any other contact information for the victim.

l. Weekly progress notes,

m. Copies of progress reports to the referral source and probation and parole, if applicable,

n. Copy of non-compliance reports, if any, to the referral source and probation and parole, if applicable, and

o. Copy of the discharge report to the referral source and probation and parole, if applicable.

p. Reporting and Payment Requirements.

q. The provider shall submit completed form CF 832, Participant Enrollment Form, for each program participant discharged during the preceding month to the department's Office of Certification and Monitoring.

r. The provider shall submit a provider check no later than the 10th day of each month for the total amount of the participant fees collected during the preceding month to the department's Office of Certification and Monitoring. Provider checks are to be made payable to the Florida Department of Children and Families, and

s. The provider shall provide the referral source and probation and parole, if applicable, with periodic, written progress reports for each program participant.

(k) Discharge Criteria.

1. There are three categories of discharge from a certified program: completion, termination, and transfer.

a. Completion indicates that the participant has completed the assessment performed by a certified assessor, has been in compliance with the program's rules and contract, participated in the group at an acceptable level as determined by the provider, and paid required fees, both to the provider and the department.

b. Termination indicates the participant is inappropriate for the program according to the screening criteria outlined in rule as determined by a certified assessor or the program, or has not successfully met the requirements of the program as specified in the contract or program rules, and

c. Transfer indicates the participant has relocated to another program with the approval of the referral source, outgoing and incoming program directors. Each participant requesting transfer of credit must obtain a letter of referral from the previous program and present it to the new program prior to receiving any credit(s) for weeks completed. The referral letter shall include attendance dates at intake/enrollment, orientation, and group sessions, as well as dates of any excused absences and unexcused absences.

2. When a participant is discharged from the program, the provider shall complete the following:

a. Document the reason(s) for discharge for placement in the participant's file,

b. Inform the victim, referral source, and probation and parole, if applicable, in writing, of the discharge within three (3) business days, and

c. Submit the participant's original enrollment form, CF 832, to the department no later than the 10th day of the subsequent month.

(l) Health Insurance Portability and Accountability ACT (HIPPA). Where applicable, the providers shall comply with the Health Insurance Portability and Accountability Act (HIPPA) pursuant to 42 U.S.C. 132d, as well as all regulations promulgated under 45CFR Parts 160, 162 and 164.

(m) Electronic Communication. The department's primary communication with providers will be electronic. Providers shall have the capability to access the Internet and to electronically submit certification documentation as may be required by the department. Providers shall maintain a functional email address with the capability of receiving attachments and provide that address to the department.

Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History--New\_\_\_\_\_.

#### 65C-5.005 Program Content.

(1) Program content shall be based on an intervention model that recognizes domestic violence as the result of one person in an intimate relationship systematically using tactics of emotional and physical abuse in order to maintain power and control over the other.

(2) The curriculum for a certified batterer intervention program shall incorporate the following elements:

(a) An educational approach that assigns responsibility for the violence solely to the batterer and provides a strategy for assisting the batterer in taking responsibility for the violence.

(b) Content that encourages the participant to develop critical thinking skills that will allow the participant to rethink their behavior and identify behavior choices other than violence.

(c) Content that supports the belief that domestic violence is primarily a learned behavior.

(d) Content that supports the belief that domestic violence is not provoked or the result of substance abuse.

(e) Content designed to improve the batterer's ability to identify and articulate feelings.

(f) Content designed to improve communication skills and listening with empathy.

(g) Content designed to improve negotiation and conflict resolution skills.

(h) Content that challenges stereotypical gender role expectations.

(i) Content that includes strategies for helping the batterer to develop and improve support systems.

(j) Content that identifies the effects of distorted thinking on emotions and behavior.

(k) Content that identifies the effects of domestic violence on children, and

(l) Content that includes information on the relationship of substance abuse to domestic violence.

(3) Curriculum shall not include the following elements:

(a) Content that includes couples, marriage or family therapy, or any manner of victim participation.

(b) Content that includes anger management techniques that identify anger as the cause of domestic violence.

(c) Content that includes theories or techniques that identify poor impulse control as the primary cause of the domestic violence or identify psychopathology on the part of either party as a primary cause of domestic violence.

(d) Content that includes fair fighting techniques, and

(e) Content that includes faith-based ideology associated with a particular religion or denomination.

(4) Program curriculum shall be submitted with the certification application to the Office of Certification and Monitoring, which will review the curriculum for rule compliance.

Specific Authority 741.325 FS. Law Implemented 741.325 FS. History--New\_\_\_\_\_.

#### 65C-5.006 Facilitator Eligibility.

(1) Facilitator Screening. A facilitator employed or contracted by a provider is required to undergo background screening as a condition of employment and continued employment as specified in subsection 65C-5.004(3), F.A.C.

(2) Facilitator Employment Credentials. A facilitator employed or contracted by a provider shall meet the following educational, experiential, and training requirements:

(a) Bachelor's degree, or, in lieu of a bachelor's degree, two (2) years of equivalent experience working with domestic violence victims and batterers.

(b) Completion of 21 hours of facilitator training by department-approved trainers on the power and control model of intervention, and

(c) Completion of 84 hours facilitating or co-facilitating batterer intervention groups in a state certified program:

1. The 84 hours shall not be completed in less than six (6) months.

2. A minimum of six (6) of the 84 hours shall be spent in observation, and

(d) Completion of 40 hours of department-approved domestic violence victim-centered training.

(e) Completion of twelve (12) hours of additional department-approved training on domestic violence issues which shall include:

1. Eight (8) hours of training on the relationship of substance abuse to domestic violence by department-approved trainers, and

2. Four (4) hours of court attendance during domestic violence cases. Court personnel, as designated by the court, must verify attendance in writing, and

(f) Documentation for all facilitator training shall be submitted to the Office of Certification and Monitoring for approval prior to facilitating groups on their own.

(3) Facilitator Continuing Education Training.

(a) Completion of a minimum of 12 hours of department-approved continuing education training on domestic violence issues annually, and

(b) Documentation for all continuing education training shall be kept in the facilitator's personnel file.

Specific Authority 741.325 FS. Law Implemented 741.325 FS. History--New \_\_\_\_\_.

65C-5.007 Assessment Requirements.

(1) The court makes the determination as to whether or not domestic violence has occurred prior to referring the individual to a certified batterer intervention program. The role of the certified assessor is to perform a psychosocial assessment on each individual referred to a program for the following purposes:

(a) To identify persons who will benefit from concurrent mental health or substance abuse treatment programs.

(b) To screen-out those persons who have substance abuse problems that make them unable to participate in the group program even with concurrent or preliminary treatment.

(c) To screen out those persons who have severe mental illness or mental deficiency who would not benefit from the program.

(d) To screen out those persons who have criminal records of violence and who would not benefit from the program, and

(e) To screen out those individuals whose offense or history does not involve domestic violence as defined in Section 741.325(8), F.S.

(2) The assessment shall elicit information on the domestic violence incident that may be used by the provider during the intervention program.

(3) The assessor shall conduct written assessments and provide a copy to the program within five (5) business days of the assessment.

(4) If the individual is determined ineligible for a certified batterer intervention program, the assessor shall include in the written assessment the reasons for the determination and specific recommendations for alternative intervention or treatment.

(5) Upon the program's receipt of the written assessment with the ineligible determination, the program shall advise the referral source and probation and parole, if applicable, of the assessor's determination and recommendations.

Specific Authority 741.325 FS. Law Implemented 741.325 FS. History--New \_\_\_\_\_.

65C-5.008 Assessor Eligibility.

(1) Assessor Credentials. To qualify for certification, an assessor shall meet the following educational, experiential and training requirements:

(a) Licensed under Chapters 490 or 491, Florida Statutes. a. Assessors certified by the department prior to the date of promulgation of this rule are exempt from this requirement.

(b) Completion of 21 hours of facilitator training by department-approved trainers on the power and control model of intervention.

(c) Completion of eight (8) hours of training on the relationship of substance abuse to domestic violence by department-approved trainers.

(2) Assessor Continuing Education Training. Completion of 12 hours of department-approved continuing education on domestic violence issues annually.

(3) Good Moral Conduct.

(a) All applicants seeking certification shall complete annually, as a condition of certification and certification renewal, an Affidavit of Good Moral Conduct, form CF 1649D, which is incorporated by reference.

(b) An applicant is not eligible for certification who has been a perpetrator of domestic violence or subject of an injunction for protection against domestic violence unless the applicant has successfully completed a batterer intervention program certified by the department.

(c) An applicant is not eligible for certification if the applicant is under any form of community supervision including probation, pre-trial diversion, or parole.

(d) The department may grant an exemption from disqualification for certification, except as stipulated in paragraph (3)(b)-(c) above, if the applicant can provide documentation that she or he has not been convicted of any of the disqualifying offenses for a minimum period of five (5) years.

(e) The department shall terminate certification if the assessor is convicted or found guilty, regardless of adjudication, or entered a plea of nolo contendere, to any disqualifying offense. The assessor shall notify the department's Office of Certification and Monitoring of the disqualifying offense within 72 hours.

Specific Authority 741.32 FS. Law Implemented 741.325 FS. History--New \_\_\_\_\_.

65C-5.009 Trainer Requirements.(1) Trainer Credentials.

(a) To conduct the 21-hour department-approved facilitator training as required by, all proposed trainers shall meet the following qualifications:

1. Completion of department-approved advanced facilitator training on the power and control model of intervention, and

2. Minimum of three (3) years experience facilitating or co-facilitating a certified batterer intervention group using the power and control model of intervention. This experience shall be within five (5) years of application.

(b) To conduct the eight (8) hour substance abuse training, all proposed trainers shall meet the following qualifications:

- 1. Bachelor's degree,
- 2. Certified Addictions Professional or Certified Criminal Justice Addictions Professional or individual licensed under Chapters 490 or 491, F.S.
- 3. Minimum of three (3) years of professional experience providing substance abuse treatment, and
- 4. Minimum of three (3) years of professional experience in the field of domestic violence.

(2) Trainer Approval. Requests for trainer approval shall be mailed to the department's Office of Certification and Monitoring and shall include the following:

- (a) A course outline with goals, objectives, associated time frames, and number of credit hours that will be offered, and
- (b) A current resume with proof of educational, experiential, and training as required by rule.

Specific Authority 741.325 FS. Law Implemented 741.325 FS. History--New \_\_\_\_\_.

65C-5.010 Monitoring.

(1) Authorized department staff or department authorized agents will conduct monitoring of certified programs and of certified assessors annually to ensure compliance of the minimum standards as set forth herein and in statute.

(2) The first monitoring of a certified batterer intervention program and assessor may be conducted on-site within six (6) months after initial certification. Thereafter, a certified batterer intervention program and assessor will be monitored annually, on-site or desktop, as determined by the department. Monitoring may occur at any time there is a complaint to the department from an interested party.

(3) On-site monitoring will include a review of all records and documentation that support the provider's compliance with minimum standards as set forth herein and in statute. On-site monitoring of a program will include observation of group activity.

(4) Desktop review monitoring will require the provider to submit documentation to the department pertinent to the provider's compliance with minimum standards as set forth herein and in statute.

(5) Within 60 days after the monitoring, the provider will receive a written report from the department indicating whether or not standards have been met.

(6) If department monitoring indicates that a provider has violated or otherwise does not meet the standards set forth in statute or rule, a corrective action plan will be required. The severity of the noncompliance may affect the period of time allowed for correction, but in no event shall the corrective action period exceed 90 days.

(7) Failure to successfully complete the corrective action plan may result in revocation of certification. The department may immediately revoke a certification in a case of egregious or recurring violations of applicable statutes or rules.

(8) A provider whose certification is revoked may not apply for new certification for a period of one (1) year from the date of revocation.

Specific Authority 741.325 FS. Law Implemented 741.325 FS. History--New \_\_\_\_\_.

65C-5.011 Conflicts of Interest.

(1) It is essential to the proper operation of batterer intervention programs that direct-service staff, program employees, assessors, concurrent treatment providers, and program participants not engage in any activity that presents a conflict of interest or the appearance of a conflict of interest. When conflicts occur, the nature of the conflict shall be disclosed to the program director and all parties in accordance with the established program policy.

(2) If a certified assessor determines that the batterer who has been referred to a batterer intervention program should also be referred for further evaluation, the assessor shall provide a list of licensed or certified providers to the batterer. The assessor may not self-refer.

(3) Staff providing direct services to program participants must not engage in direct counseling or therapy with the victim and/or current partner of the program participant.

Specific Authority 741.325 FS. Law Implemented 741.325 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Renee C. Starrett, Office of Domestic Violence Program  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trula E. Motta, Director, Office of Domestic Violence Program  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
67-37.002	Definitions
67-37.005	Local Housing Assistance Plans
67-37.007	Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans
67-37.008	Local Housing Assistance Trust Fund

**PURPOSE AND EFFECT:** This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to Local Governments as an incentive to create Partnerships to produce and preserve

affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

SUMMARY: Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

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: 420.907 FS.

LAW IMPLEMENTED: 420.9071, 420.9072 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 F.S.

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

DATE AND TIME: August 14, 2006, 11:00 a.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida 32301-1329

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 days before the workshop/meeting by contacting: Robert Dearduff, SHIP Administrator, (850)488-4197 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Dearduff, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

THE FULL TEXT OF THE PROPOSED RULE IS:

67-37.002 Definitions.

As used in this rule chapter, the following definitions shall apply:

(1) through (5) No change.

(6) "Essential Service Personnel" means pursuant to Chapter 2006-69, Laws of Florida, persons in need of affordable housing who are employed in occupations or professions in which they are considered essential service personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to Section 420.9075(3)(a), F.S.

~~(7)(6)~~ "Expended" or "Spent" means the affordable housing activity is complete and funds deposited to the local affordable housing trust fund have been transferred from the local housing assistance trust fund account to pay for the cost of the activity.

(8) "Extremely low income household" or "ELI" means one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

~~(9)(7)~~ "Home Ownership Activities" means the use of the local affordable housing trust fund moneys for the purpose of providing owner-occupied housing. Such uses include construction, rehabilitation, purchase, and lease-purchase financing where the primary purpose is the eventual purchase of the housing by the occupant within twenty-four months from initial execution of a lease agreement or within 24 months of the applicable fiscal year, whichever occurs first, to meet the requirement of subsection (8).

~~(10)(8)~~ "Institutional First Mortgage Lender" means any financial institution or governmental agency authorized to conduct business in this state and which customarily provides service or otherwise aids in the financing of mortgages on real property located in this state.

~~(11)(9)~~ "Interlocal Entity" means an entity created pursuant to the provisions of Chapter 163, Part I, F.S., for the purpose of establishing a joint local housing assistance plan pursuant to the provisions of Section 420.9072(5), F.S.

~~(12)(10)~~ "Loan" means an award from the local housing assistance trust fund that is recorded in the county or eligible municipalities Official Records, to an eligible sponsor or eligible person to partially or fully finance the acquisition, construction, or rehabilitation of eligible housing with requirement for repayment or provision for forgiveness of repayment if the condition of the award is maintained

~~(13)(11)~~ "Persons Who Have Special Housing Needs" means individuals who have incomes not exceeding moderate-income and, because of particular social, economic, or health-related circumstances, may have greater difficulty acquiring or maintaining affordable housing. Such persons may have, for example, encountered resistance to their residing in particular communities, and may have suffered increased housing costs resulting from their unique needs and high risk of institutionalization. Such persons include: persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune Deficiency Syndrome ("AIDS") and Human Immunodeficiency Virus ("HIV") disease; runaway and abandoned youth; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

~~(14)~~(12) “Rehabilitation” means repairs or improvements which are needed for safe or sanitary habitation, correction of substantial code violations, or the creation of additional living space. Local plans may more specifically define local rehabilitation standards.

~~(15)~~(13) “Review Committee” means the committee established pursuant to Section 420.9072(3)(a), F.S.

~~(16)~~(14) “SHIP” or “SHIP Program” means the State Housing Initiatives Partnership Program created pursuant to the State Housing Initiative Partnership Act, Sections 420.907-9079, F.S.

~~(17)~~(15) “State” means the State of Florida.

(18) “Welfare Transition Program” means a program pursuant to the provisions of Chapter 2000-165, Laws of Florida.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072 FS. History—New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.002, Amended 12-26-99, 9-22-03, 1-30-05,\_\_\_\_\_.

67-37.005 Local Housing Assistance Plans.

(1) To be eligible for SHIP funding for a state fiscal year, a county or eligible municipality must submit and receive approval of its local housing assistance plan and amendments thereto as provided in Rule 67-37.006, F.A.C. Plans must be submitted to the Corporation by May 2 preceding the end of the fiscal year in which the current plan expires. New Plans must be submitted utilizing the LHAP Template (6 06), adopted and incorporated herein by reference with an effective date of \_\_\_\_\_ . A copy of the LHAP Template (6 06) may be obtained at [www.floridahousing.org](http://www.floridahousing.org) or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301. In the case of new eligible municipalities, plans must be submitted to the Corporation by May 2 of the state fiscal year prior to the state fiscal year they are eligible for funding. No SHIP local housing distribution funds shall be distributed in any fiscal year to any county or eligible municipality unless and until an approved plan is in place with respect to such fiscal year.

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

(d) The proposed sales price of new and existing units, which can be lower but may not exceed 90 percent of median area purchase price established by the U.S. Treasury Department, or as required by Section 420.9075(5)(4)(c), F.S.;

(e) through (i) No change.

(6) Each local housing assistance plan shall also include a statement, and evidence thereof, that the county or eligible municipality:

(a) No change.

1. through 3. No change.

(b) The advertisement may include other such information that the local governments deem necessary such as:

1. An estimated amount of SHIP local housing distribution per strategy;

2. Income set asides for each strategy along with applicable income limits;

3. A deion of the selection criteria for each strategy;

4. The maximum housing value limitation for each strategy; or

5. A statement that SHIP local housing distribution may not be used to purchase, rehabilitate, or repair mobile homes.

6. Once a waiting list has been exhausted and funds remain unencumbered, advertise as instructed in Section 420.9075(3)(b), F.S.

7. Has developed a qualification system and selection criteria for applications for Awards to eligible sponsors, which includes a deion that demonstrates how eligible sponsors that employed personnel from the Welfare Transition Program WAGES and Workforce Development Initiatives programs will be given preference in the selection process, adopted criteria for selection of eligible persons, and adopt a maximum Award schedule or system of amounts consistent with the intent and budget of its local housing assistance plan, with Sections 420.907-9079, F.S.;

(c) through (e) No change.

(f) No change.

1. through 5. No change.

(7) No change.

(8)(a) Each county and eligible municipality shall include a definition of essential service personnel for the county or eligible municipality. Such definition may include teachers and educators, other school district, community college, and university employees, police and fire personnel, health care personnel, skilled building trades personnel, and other job categories as required by Section 420.9075(3)(a), F.S.

(b) Each county and eligible municipality may develop a strategy within its local housing assistance plan that emphasizes the recruitment and retention of Essential Service Personnel pursuant to Section 420.9075(3)(b), F.S.

(c) Each county and eligible municipality may develop a strategy within its local housing assistance plan that addresses the needs of persons who are deprived of affordable housing due to the closure of a mobile home park or the conversion of affordable rental units to condominiums pursuant to Section 420.9075(3)(c), F.S.

(d) For plans adopted prior to the effective date of this rule, the Corporation shall not require submission of an amendment to include a strategy for Essential Service Personnel until such time as the current plan expires. If a county or eligibility municipality creates a strategy as referenced above before the current plan expires, an amendment must be submitted to the Corporation in underline and strikethrough format as provided in subsection 67-37.005(9), F.A.C.

~~(9)~~(8) A copy of the local housing assistance plan shall be submitted to the Corporation, via U.S. Mail or electronic submission. If submitted electronically, a mailed copy shall be

sent to the Corporation within three working days of the plan being electronically transmitted. The mailed copy submitted to the corporation shall bear the original signature of the authorized official which includes: Mayor, Commissioner, County Manager or City Manager or the authorized official's designee and a certification that the document being submitted is the county's, eligible municipality's or interlocal entity's local housing assistance plan and that all provisions of the plan conform to the requirements of Section 420.9072, F.S., et seq., and Rule Chapter 67-37, F.A.C. Each local housing assistance plan shall be printed on 8 1/2" x 11" paper or electronic submission and contain a table of contents or checklist, which specifies exactly where in the documentation certain required items shall be located. Each local housing assistance plan amendment shall be coded with text which is being deleted struck through and text being added underlined. Within two weeks after receipt of final approval letter, the local government shall provide to the Corporation a clean copy (no strike through or underline) for Corporation files.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072(2), 420.9075 FS. History--New 11-26-92, Amended 5-2-93, 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.005, Amended 12-26-99, 9-22-03, 1-30-05,\_\_\_\_\_.

67-37.007 Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans.

(1) through (5) No change.

(6) The sales price or value of new or existing homes which are sold or rehabilitated under the SHIP Program may not exceed 90 percent of the average area purchase price in the statistical area in which the housing is located. The local government at its discretion may set the sales price or value below the 90 percent benchmark. The maximum area purchase price used must be that established by the United States Department of Treasury or that calculated in accordance with Section 420.9075(5)(4)(c), F.S.

(7) through (12) No change.

(13) The local government may require that housing units receiving assistance from local housing distribution funds deposited to the local housing assistance trust fund be located within the boundaries of the local government's ~~governmental's~~ jurisdiction which has been approved for receipt of local housing distribution funds.

(14) No change.

(15) The Corporation shall monitor the activities of the local governments to determine compliance with program requirements as noted in Rule 67-53.005, F.A.C., and Section 420.9075(3)(e), F.S.

Specific Authority 420.9072(9) FS. Law Implemented 420.9072 FS. History--New 11-26-92, Amended 2-9-94, 12-28-94, 1-6-98, Formerly 9I-37.007, Amended 12-26-99, 9-22-03,\_\_\_\_\_.

67-37.008 Local Housing Assistance Trust Fund.

(1) No change.

(2) The local housing assistance trust fund shall be separately stated as a special revenue fund in a county's or eligible municipality's audited financial statements. Copies of such audited financial statements shall be forwarded annually to the Corporation no later than June ~~April~~ 30th of the following fiscal year. In addition to providing audited financial statements, all participating jurisdictions must provide evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97(6), F.S.

(3) An interlocal entity shall have its local housing assistance trust fund separately audited for each State fiscal year, which audit shall be forwarded to the Corporation as soon as available, but no later than June ~~April~~ 30th of the following fiscal year.

(4) No change.

Specific Authority 420.9072(9) FS. Law Implemented 420.9075(5) FS. History--New 11-26-92, Amended 2-9-94, 1-6-98, Formerly 9I-37.008, Repromulgated 12-26-99, Amended 9-22-03, 1-30-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Darlene Raker, Program Manager, State Housing Initiatives Partnership (SHIP) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, extension 1156

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Dearduff, Program Administrator, State Housing Initiatives Partnership (SHIP) Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2006

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-3 Feed

RULE NO.: RULE TITLE:

5E-3.003 Inspection; Sampling; Analysis; Reporting Rejecting Feed and Feedstuff; Reduced Sampling

Requirements; Laboratory  
 Certification/Exemption  
 Requirements and Fees

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), F.S., as published in Vol. 32, No. 24, June 16, 2006 issue of the Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-3.003 Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees.

(1) Definitions.

(a) through (b) No change.

(c) The term “product type” means mixed: poultry feed, dairy cow feed, beef cattle feed, horse feed, swine feed, or other feed.

(d) The term “Mixed Feed” means a product which is a mixture of nutritional ingredients intended or represented for use as a substantial source of nutrients in an animal diet, which may or may not be limited to the sole ration of the animal.

(e) The term “Ingredient” means each of the constituent materials used to make a commercial feed.

(f) The term “Other Feed” is inclusive of all other commercial feed products intended for consumption by species of animals not previously stipulated.

(g) The term “Grain or Grain Products” includes Barley, Maize – (Corn Products), Grain Sorghum, Oats, Rice, Rye, Triticale, and Wheat.

(h) The term “Other Feed Ingredients” is inclusive of all ingredients other than Cottonseed Products, Peanut Products, and ingredients identified as “Grain or Grain Products”

(i) The term “Treats” includes products identified as Snacks, Chews, Biscuits, Cookies, or Bones that are intended for intermittent or supplemental feeding only and which are not intended or represented to serve as the primary source of nutrients in an animal diet.

(j) The term “Mineral or Vitamin Supplement” means all mixtures that contain mineral or vitamin ingredients generally regarded as dietary factors essential for the normal nutrition of animals and that are sold or represented for the primary purpose of supplying these minerals or vitamins as additions to rations in which these same mineral or vitamin factors may be deficient.

(2) Inspection.

(a) through (b) No change.

(3) Sample and Analytical Documentation.

(a) through (c) No change.

(d) Positive ~~microbiological organism, pesticide residues,~~ drugs and mycotoxin results must be reported within 48 hours of completion of analyses to the department.

(4) Sampling Requirements, Frequency, and Analysis Requirements.

The sampling period shall run concurrently with the registration period. Samples of commercial feed and feedstuffs shall be submitted quarterly, to laboratories certified by the Department, corresponding to the tonnage reported to the Department. A minimum of one sample shall be submitted by the end of the first quarter of each year. The sampling period ends June 1st of each year. The sampling frequency and analysis requirements to be used by feed registrants approved ~~certified laboratories and approved quality assurance/quality control programs~~ are listed below. If the department finds that circumstances exist which threaten the health of commercial livestock or the public, the department shall require additional feed sample analyses.

(a) Ingredients.

1. Nutrients – No analyses required.

2. Mycotoxins.

a. Aflatoxins.

(I) ~~Grain and Grain Products Maize – (Corn Products)~~ One sample per 5,000 tons distributed shall have a quantitative analysis performed;

(II) Cottonseed Products – One sample per 2500 tons shall have a quantitative analysis performed;

(III) Peanut Products – One sample per 500 tons shall have a quantitative analysis performed;

~~(IV) Other grains and grain products – One sample per 5000 tons shall have a quantitative analysis performed;~~

~~(IV)(V)~~ There will be a minimum of one quantitative analysis performed per year per distributor on the above ingredient types;

~~(V)(VI)~~ No aflatoxin analysis is required on ingredients not listed above.

b. Fumonisin.

(I) ~~Maize – (Corn Products) – One sample per 5,000 tons distributed shall have a quantitative analysis performed; Corn screenings – One sample per year per distributor shall have a quantitative analysis performed.~~

(II) No fumonisin analysis is required on ingredients not listed above.

c. Vomitoxin.

(I) ~~Grain and grain products (excluding Maize – Corn Products) – One sample per 25,000 tons shall have a quantitative analysis performed;~~

(II) There will be a minimum of one quantitative analysis performed per year per distributor for grain and grain products (excluding Maize – Corn Products);



(III) No vomitoxin analysis is required on ingredients not listed above.

~~3. Microorganisms — Animal products shall have one qualitative salmonella analysis performed per year. If the analysis is positive, the group and type shall be specified.~~

~~4. Pesticide Residues — All ingredient types (except minerals) shall have one pesticide screen (carbamates, chlorinated hydrocarbons and organophosphates) performed per year per distributor. All positive screens must be confirmed quantitatively.~~

~~3.5. Drugs —~~

~~a. The FDA requirements as provided in 21 C.F.R. parts 225, 226 (4/1/01) shall be considered adequate for the purposes of this testing requirement.~~

~~b. 21 C.F.R. pts. 225, 226 (4/1/01) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20401. No analysis required.~~

~~(b) Mixed Feeds.~~

~~1. Nutrients.~~

~~a. Protein, fat and fiber analysis shall be performed at a frequency of one per every 750 cumulative tons for all types of feed distributed. If the distributors deficiency rate is 5% or less the sampling frequency shall be reduced to one per every 2000 tons; If the distributors deficiency rate is greater than 5% but less than 10%, the sampling frequency shall may be reduced to one per every 1000 tons;~~

~~b. If the distributors deficiency rate is 20% or greater the sampling frequency shall be increased to one for every 500 tons;~~

~~c. Mineral analyses shall be performed at a frequency of one per every 15,000 cumulative tons distributed per year with a minimum of one analysis per year.~~

~~d. Treats shall be exempt from nutrient sampling and analysis requirements.~~

~~2. Mycotoxins.~~

~~a. Aflatoxin analysis shall be performed on all types of mixed feed at a frequency of one for every 25,000 cumulative tons (excluding minerals or vitamin supplements and liquid feed) with a minimum of one per year per distributor. Aflatoxin analysis must be quantitative;~~

~~b. Fumonisin analysis shall be performed at a frequency of one per year per distributor for horse feed only;~~

~~c. Vomitoxin analysis shall be performed for all types of mixed feed (excluding minerals or vitamin supplements and liquid feed) at a frequency of one per every 50,000 cumulative tons with a minimum of one per year per distributor.~~

~~d. Treats shall be exempt from mycotoxin sampling and analysis requirements.~~

~~3. Microorganisms (salmonella) analysis shall be performed at a frequency of one per every 100,000 tons per type of feed per distributor with a minimum of one analysis per year per type per distributor. If the analysis is positive, the group and type shall be specified.~~

~~3.4. Pesticide Residues — No analysis required.~~

~~4.5. Drugs.~~

~~a. The FDA requirements as provided in 21 C.F.R. pts. 225, 226 (4/1/01) shall be considered adequate for the purposes of this testing requirement.~~

~~b. 21 C.F.R. pts. 225, 226 (4/1/01) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20401.~~

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

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

~~(d) Commercial Laboratory Certification — Application, Evaluation and Renewal.~~

~~1. The Application/Renewal for Certification as a Certified Feed Laboratory (Form DACS-13401, Rev. 10/02 6/04) which is hereby incorporated by reference, must be properly completed and submitted with the appropriate fees. Copies may be obtained from and submitted to the Florida Department of Agriculture, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, Florida 32399-1650, (850)488-9095. Separate applications must be submitted for each laboratory location without regard to ownership. Applications must be accompanied by the laboratory's Quality Assurance/Quality Control manual, assay methods, results from check sample programs and participation number, detailed organizational chart showing name and position title for all key personnel, description of the laboratory and laboratory equipment as it applies to the department certification activities, and a description of the scope of the laboratory operations;~~

~~2. through 5. No change.~~

~~6. The department will renew certifications annually. Renewal must be submitted on Application/Renewal for Certification as a Certified Feed Laboratory (Form number DACS-13401, Rev. 10/02 6/04) provided by the department.~~

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

~~(8)(a) No change.~~

~~(b) Application for exemption from the requirement for laboratory certification through submission of an approved quality assurance/quality control plan shall be made in writing to the department on the Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402, Rev. 10/02 6/04). The Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402, Rev. 10/02 6/04) is hereby incorporated by reference. Copies may be obtained from Florida Department~~

of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, Building #7, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-9095.

(c) through (f) No change.

Specific Authority 570.07(23), 580.036(2), 580.065 FS. Law Implemented 580.036(2), 580.051, 580.065, 580.071, 580.091, 580.121, 580.131 FS. History—Amended 12-30-70, 5-14-85, Formerly 5E-3.03, Amended 3-4-87, 6-1-95, 11-1-01, \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-23.010  
 RULE TITLE: Responsible Supervising Control Over Architectural Practice in the Architect’s Office

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule, as noticed in Vol. 32, No. 13, March 31, 2006, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-23.015  
 RULE TITLE: Responsible Supervising Control Over Architectural Practice Outside of the Architect’s Office

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule, as noticed in Vol. 31, No. 35, September 2, 2005, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-204.800  
 RULE TITLE: Federal Regulations Adopted by Reference

**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. 32, No. 21, May 26, 2006 issue of the Florida Administrative Weekly.

This change was requested by the U.S. Environmental Protection Agency and was approved by the DEP Environmental Regulation Commission at the rule hearing held June 29, 2006.

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) through (8) No change.

(9) Chapter 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times.

(a) through (g) No change.

(h) Coal-Fired Electric Steam Generating Units. 40 CFR 60, Subpart HHHH, Emission Guidelines and Compliance Times for Coal-Fired Electric Steam Generating Units, revised as of July 1, 2005, amended June 9, 2006, at 71 FR 33388, is hereby adopted and incorporated by reference, subject to the provisions set forth at Rule 62-296.480, F.A.C.

(10) through (24) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE: Larry George, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9555

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-296.470                      RULE TITLE:  
 Implementation of Federal Clean Air  
 Interstate Rule  
 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. 32, No. 21, May 26, 2006 issue of the Florida Administrative Weekly.

These changes were presented to and approved by the DEP Environmental Regulation Commission at the rule hearing held June 29, 2006.

62-296.470 Implementation of Federal Clean Air Interstate Rule.

(1) Definitions. For purposes of this rule, the terms "CAIR," "CAIR NO<sub>x</sub> allowance," "CAIR NO<sub>x</sub> Annual Trading Program," "CAIR NO<sub>x</sub> Ozone Season allowance," "CAIR NO<sub>x</sub> Ozone Season Trading Program," "CAIR NO<sub>x</sub> Ozone Season unit," "CAIR NO<sub>x</sub> unit," "CAIR SO<sub>2</sub> allowance." "CAIR SO<sub>2</sub> Trading Program," "CAIR source," and "CAIR unit," shall have the meanings given at Rule 62-210.200, F.A.C. All provisions of 40 CFR Part 96 cited within this rule are adopted and incorporated by reference in Rule 62-204.800, F.A.C. Notwithstanding the first sentence of this paragraph, for ~~For~~ purposes of the verbatim application of the cited subparts of 40 CFR Part 96, as modified by the substitute language set forth in this rule, the definitions contained within 40 CFR Part 96, Subparts AA, AAA, and AAAA, shall apply, with the understanding that the term "permitting authority" shall mean the Department, the term "State" shall mean the State of Florida, the phrase "permitting authority's title V operating permits regulations" shall mean Chapter 62-213, F.A.C., and the terms "best available control technology (BACT)" and "biomass" shall have the meanings given at Rule 62-210.200, F.A.C.

(2) No change.

(3) CAIR NO<sub>x</sub> Annual Trading Program. Except as otherwise provided herein, all provisions of the following subparts of 40 CFR Part 96 shall apply verbatim. The provisions of Subpart II, CAIR NO<sub>x</sub> Opt-In Units, shall not apply.

(a) through (c) No change.

(d) Subpart EE, CAIR NO<sub>x</sub> Allowance Allocations, provided that substitute language, as set forth below, shall apply in lieu of the indicated provisions.

1. through 2. No change.

3. In lieu of the language at 40 CFR 96.142(a)(1), substitute:

"The baseline heat input (in mmBtu) used with respect to CAIR NO<sub>x</sub> allowance allocations under paragraph (b) of this section for each CAIR NO<sub>x</sub> unit will be:

(i) For units commencing operation before January 1, 2000: the average of the 3 highest amounts of the unit's adjusted control period heat input for 2000 through 2004; for units commencing operation on or after January 1, 2000, and before January 1, 2007: the average of the 3 highest amounts of the unit's adjusted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit's adjusted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum adjusted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to sections 96.141(a) or 96.141(b); with the adjusted control period heat input for each year calculated as follows:

(A) If the unit is 85 percent or more (on a Btu basis) biomass-fired during the year and is subject to best available control technology (BACT) for NO<sub>x</sub> emissions, the unit's control period heat input for such year is multiplied by 150 percent;

(B) If the unit is coal-fired during the year, and not subject to paragraph (a)(1)(i)(A) of this section for the year, the unit's control period heat input for such year is multiplied by 100 percent;

(C) If the unit is oil-fired during the year, the unit's control period heat input for such year is multiplied by 60 percent; and

(D) If the unit is not subject to paragraph (a)(1)(i)(A), (B), or (C) of this section, the unit's control period heat input for such year is multiplied by 40 percent.

(ii) For units commencing operation on or after January 1, 2007: the average of the 3 highest amounts of the unit's total converted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit's total converted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum total converted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to section 96.141(b).

(iii) Notwithstanding paragraphs (a)(1)(i) and (ii) of this section, for ~~For~~ any unit that is permanently retired and has not operated during the most recent five-year period for which the permitting authority has data upon which to base allocations: zero (0)."

4. through 12. No change.

(e) through (g) No change.

(4) ~~CAIR Annual~~ SO<sub>2</sub> Trading Program. All provisions of the following subparts of 40 CFR Part 96 shall apply verbatim. The provisions of Subpart III, CAIR SO<sub>2</sub> Opt-In Units, shall not apply.

(a) through (f) No change.

(5) CAIR NOx Ozone Season Trading Program. Except as otherwise provided herein, all provisions of the following subparts of 40 CFR Part 96 shall apply verbatim. The provisions of Subpart III, CAIR NOx Ozone Season Opt-In Units, shall not apply.

(a) through (c) No change.

(d) Subpart EEEE, CAIR NOx Ozone Season Allowance Allocations, provided that substitute language, as set forth below, shall apply in lieu of the indicated provisions.

1. through 2. No change.

3. In lieu of the language at 40 CFR 96.342(a)(1), substitute;

“The baseline heat input (in mmBtu) used with respect to CAIR NOx Ozone Season allowance allocations under paragraph (b) of this section for each CAIR NOx Ozone Season unit will be:

(i) For units commencing operation before January 1, 2000: the average of the 3 highest amounts of the unit’s adjusted control period heat input for 2000 through 2004; for units commencing operation on or after January 1, 2000, and before January 1, 2007: the average of the 3 highest amounts of the unit’s adjusted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s adjusted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum adjusted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to sections 96.341(a) or 96.341(b); with the adjusted control period heat input for each year calculated as follows:

(A) If the unit is 85 percent or more (on a Btu basis) biomass-fired during the year and is subject to best available control technology (BACT) for NOx emissions, the unit’s control period heat input for such year is multiplied by 150 percent;

(B) If the unit is coal-fired during the year, and not subject to paragraph (a)(1)(i)(A) of this section for the year, the unit’s control period heat input for such year is multiplied by 100 percent;

(C) If the unit is oil-fired during the year, the unit’s control period heat input for such year is multiplied by 60 percent; and

(D) If the unit is not subject to paragraph (a)(1)(i)(A), (B), or (C) of this section, the unit’s control period heat input for such year is multiplied by 40 percent.

(ii) For units commencing operation on or after January 1, 2007: the average of the 3 highest amounts of the unit’s total converted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s total converted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum total converted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to section 96.341(b).

(iii) Notwithstanding paragraphs (a)(1)(i) and (ii) of this section, for ~~For~~ any unit that is permanently retired and has not operated during the most recent five-year period for which the permitting authority has data upon which to base allocations: zero (0).”

4. through 9. No change.

(e) through (g) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History–New\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE: Larry George, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9555

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-296.480  
 RULE TITLE: Implementation of Federal Clean Air Mercury Rule  
 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. 32, No. 21, May 26, 2006 issue of the Florida Administrative Weekly.

These changes were presented to and approved by the DEP Environmental Regulation Commission at the rule hearing held June 29, 2006.

62-296.480 Implementation of Federal Clean Air Mercury Rule.

(1) Definitions. For purposes of this rule, the terms “Hg,” “Hg allowance,” “Hg Budget Trading Program,” “Hg Budget source,” and “Hg Budget unit” shall have the meanings given at Rule 62-210.200, F.A.C. All provisions of 40 CFR Part 60 cited within this rule are from 40 CFR Part 60, Subpart HHHH, adopted and incorporated by reference in Rule 62-204.800, F.A.C. Notwithstanding the first sentence of this paragraph, for ~~For~~ purposes of the verbatim application of the cited provisions of 40 CFR Part 60, Subpart HHHH, as modified by the substitute language set forth in this rule, the definitions

contained within such subpart shall apply, with the understanding that the term “permitting authority” shall mean the Department, the term “State” shall mean the State of Florida, and the phrase “permitting authority’s title V operating permits regulations” shall mean Chapter 62-213, F.A.C.

(2) No change.

(3) Hg Allowance Transfers from the Department.

(a) Pursuant to the provisions of 40 CFR 60.4151(b), the Department shall establish a general account in its name and, for control periods ~~2012~~ 2010 through 2017, allocate to such account Hg allowances equal to 25 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under 40 CFR 60.4140, rounded to the nearest whole allowance.

(b) If, at the end of any of the control periods ~~2012~~ 2010 through 2017, a Hg Budget unit equipped with add-on Hg emission controls, a flue gas desulfurization system, or a combination flue gas desulfurization/selective catalytic reduction system reports Hg emissions in excess of the Hg allowances it was allocated for the control period in accordance with 40 CFR 60.4142(a) and (b), the Department, pursuant to the provisions of 40 CFR 60.4160 and by the allowance transfer deadline for the control period, shall transfer Hg allowances from its general account to the compliance account of the Hg budget unit in the amount by which the Hg emissions reported by the reporting deadline in accordance with 40 CFR 60.4170 through 60.4176 exceed the Hg allowances the unit was allocated for the control period in accordance with 40 CFR 60.4142(a) and (b), provided that:

1. The designated representative of the Hg Budget unit requests such transfer and certifies that ~~d~~ During such control period the add-on Hg emission control equipment, flue gas desulfurization system, or combination flue gas desulfurization/selective catalytic reduction system was operated at all times except for periods of unit or emission control equipment outage necessitated by maintenance operations or emergency conditions; and

2. No change.

(c) On or after May 1 of each control period, the Department shall determine how many Hg allowances of prior control period vintage remain in its general account. The Department shall make these allowances available to new Hg Budget units in accordance with the following procedure:

1. If the Department allocates allowances for the control period pursuant to 40 CFR 60.4142 (c)(4)(iv) After allocating all available allowances pursuant to 40 CFR 60.4142(c)(4)(iv), the Department shall compute, for each Hg Budget unit that receives Hg allowances pursuant to such paragraph and for all such units in total, the shortfall between the number of Hg allowances requested, as determined pursuant to 40 CFR 60.4142(c)(4), (i), and the number of Hg allowances allocated pursuant to 40 CFR 60.4142(c)(4)(iv).

2. through 4. No change.

(d) No change.

(4) Hg Budget Trading Program. Except as otherwise provided herein, all provisions of the following sections of 40 CFR Part 60, Subpart HHHH, shall apply verbatim.

(a) through (c) No change.

(d) Hg Allowance Allocations, 40 CFR 60.4140 through 60.4142, provided that substitute language, as set forth below, shall apply in lieu of the indicated provisions.

1. through 2. No change.

3. In lieu of the language at 40 CFR 60.4142(a)(1), substitute:

“The baseline heat input (in MMBtu) used with respect to Hg allowance allocations under paragraph (b) of this section for each Hg Budget unit will be:

(i) For units commencing operation before January 1, 2000: the average of the 3 highest amounts of the unit’s adjusted control period heat input for 2000 through 2004; for units commencing operation on or after January 1, 2000, and before January 1, 2007: the average of the 3 highest amounts of the unit’s adjusted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s adjusted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum adjusted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to sections 60.4141(a) or 60.4141(b)(1); with the adjusted control period heat input for each year calculated as the sum of the following:

(A) Any portion of the unit’s control period heat input for the year that results from the unit’s combustion of lignite, multiplied by 3.0;

(B) Any portion of the unit’s control period heat input for the year that results from the unit’s combustion of subbituminous coal, multiplied by 1.25; and

(C) Any portion of the unit’s control period heat input for the year that is not covered by paragraph (a)(1)(i)(A) or (B) of this section, multiplied by 1.0.

(ii) For units commencing operation on or after January 1, 2007: the average of the 3 highest amounts of the unit’s total converted control period heat input over the first 5 calendar years following the year in which the unit commenced operation, or the average of the 2 highest amounts of the unit’s total converted control period heat input over the first 4 calendar years following the year in which the unit commenced operation, or the maximum total converted control period heat input over the first 1 to 3 calendar years following the year in which the unit commenced operation, depending on the

maximum number (1 to 5) of such calendar years of data available to the permitting authority for determination of allowance allocations pursuant to section 60.4141(b)(1).

(iii) ~~Notwithstanding paragraphs (a)(1)(i) and (ii), for~~ For any unit that is permanently retired and has not operated during the most recent five-year period for which the permitting authority has data upon which to base allowance allocations: zero (0).”

4. In lieu of the language at 40 CFR 60.4142(b)(1), substitute:

“For each control period in ~~2012~~ ~~2010~~ through 2017, the permitting authority will allocate to all Hg Budget units in the State that have a baseline heat input (as determined under paragraph (a) of this section) a total amount of Hg allowances equal to 70 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 (except as provided in paragraph (d) of this section). For each control period in 2010, 2011, and 2018 and thereafter, the permitting authority will allocate to all Hg Budget units in the State that have a baseline heat input (as determined under paragraph (a) of this section) a total amount of Hg allowances equal to 95 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 (except as provided in paragraph (d) of this section).”

(5) through (9) No change.

10. In lieu of the language at 40 CFR 60.4142(d), substitute:

“If, after completion of the procedures under paragraph (c)(4) of this section for a control period, any unallocated Hg allowances remain in the new unit set-aside for the control period, the permitting authority will allocate to each Hg unit that was allocated Hg allowances under paragraph (b) of this section an amount of Hg allowances equal to the total amount of such remaining unallocated Hg allowances, multiplied by the unit’s allocation under paragraph (b) of this section, divided by 70 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 for control periods 2012 ~~2010~~ through 2017, or 95 percent of the amount of ounces (i.e., tons multiplied by 32,000 ounces/ton) of Hg emissions in the State trading budget under section 60.4140 for control periods 2010, 2011, and 2018 and thereafter, and rounded to the nearest whole allowance using such rounding convention that results in allocation of the precise number of allowances remaining in the new unit set-aside.”

(e) through (g) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE: Larry George, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9555

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialist**

RULE NO.: 64B6-7.006  
 RULE TITLE: Minor Violations; Notices of Noncompliance  
 NOTICE OF CORRECTION

A Notice of Proposed RuleMaking regarding the above-proposed rule was published in the July 7, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 27, on page 3065. The Date of Notice of Proposed Rule Development Published in FAW was incorrectly stated. The correct date is May 19, 2006. The foregoing change does not affect the substance of the Notice.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-6.004  
 RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 26, of the Florida Administrative Weekly on June 30, 2006, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE IS: Susan Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

RULE NO.: 68D-23.101  
 RULE TITLE: Intent  
 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. 32, No. 18, May 5, 2006, issue of the Florida Administrative Weekly.

In response to written material received prior to the final hearing on the rule, Rule 68D-23.101, F.A.C., will be revised to read as follows:

68D-23.101 Intent.

(1) This Chapter is consistent with and conforms to 33 C.F.R. part 62 – The navigable waters of the United States and non-navigable State waters (which together include all waters of this state), are marked to assist navigation using the United States Aids to Navigation System, a system consistent with the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System. The IALA Maritime Buoyage System is followed by most of the world’s maritime nations and will improve maritime safety by encouraging conformity with buoyage systems used worldwide.

~~(2)(4)~~ It is the intent of this chapter:

(a) To provide for uniformity in design, construction and coloring of markers so that all vessel operators may readily recognize, identify and distinguish between authorized markers and unlawfully placed markers;

(b) To provide a means by which the Division and its officers and all other law enforcement officers charged with the enforcement of this chapter may determine with reasonable certainty which boating restricted areas are lawfully established and marked;

~~(c) To provide a grace period until December 31, 2003, during which time all markers shall be brought into conformity with the provisions of Chapter 327, F.S., this chapter, and Part 62 of Title 33 of the Code of Federal Regulations, and to provide for the removal of all nonconforming markers after that date; and~~

~~(c)(4)~~ To insure that regulatory markers noticing boating restricted areas created pursuant to Sections ~~327-22~~, 327.60 and 370.12, F.S., are authorized only for the purposes of protecting human life and limb, vessel traffic safety and maritime property, and manatees.

~~(3)(2)~~ It is further the intent of this chapter that no boating restricted area be established, continued in effect, or enforced for the purpose of noise abatement or for the protection of shoreline, shore-based structures, or upland property from vessel wake or shoreline wash. As provided in Section 327.33(2), F.S., “vessel wake and shoreline wash resulting from the reasonable and prudent operation of a vessel shall, absent negligence, not constitute damage or endangerment to property.” The wake resulting from the reasonable and prudent operation of a vessel is a force which should be anticipated by the owners of property adjacent to the navigable waters of this state.

~~(4)(3)~~ The Division will not issue any permit authorizing the placement of regulatory markers for:

(a) Ordinances that apply within the Florida Intracoastal Waterway, in violation of Section 327.60(2), F.S.;

(b) Ordinances adopted pursuant to Section 370.12(2)~~(p)(e)~~, F.S., until such ordinances have been reviewed and approved by the commission, and provided that

such ordinances do not apply within the marked navigation channel of the Florida Intracoastal Waterway nor to the waters within 100 feet of said channel;

(c) Ordinances that discriminate against personal watercraft, in violation of Section 327.60(1), F.S.;

(d) Ordinances that discriminate against airboats, unless adopted by a two-thirds vote of the governing body enacting such ordinance, as provided in Section 327.60(1), F.S.

(e) Ordinances regulating the anchoring of non-live-aboard vessels in navigation, in violation of Section 327.60(2), F.S., when such vessels are outside the marked boundaries of mooring fields permitted as provided in Section 327.40, F.S., and this rule.

~~(5)(4)~~ Where conflicting speed or operational restrictions are established by law or pursuant to law, the more restrictive shall be posted and shall apply.

~~(6)(5)~~ Regulatory markers placed pursuant to a permit issued as provided herein shall be prima facie evidence of the boundaries of boating restricted areas and the speed or operational restrictions imposed therein.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NOS.:	RULE TITLES:
690-191.051	Filing, Approval of Subscriber Contract and Related Forms
690-191.054	Rates

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 31, No. 49, December 9, 2005, of the *Florida Administrative Weekly*, has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NOS.:	RULE TITLES:
690-203.042	Filing, Approval of Subscriber Contract and Related Forms
690-203.045	Rates

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 31, No. 49, December 9, 2005, of the *Florida Administrative Weekly*, has been withdrawn.

**Section IV  
Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**(THE FOLLOWING EMERGENCY RULE WAS INADVERTENTLY OMITTED FROM VOL. 32, NO. 28, JULY 14, 2006 FAW)**

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER06-36  
 RULE TITLE: Instant Game Number 659, \$50 FIESTA

**SUMMARY OF THE RULE:** This emergency rule describes Instant Game Number 659, "\$50 FIESTA," 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:**

53ER06-36 Instant Game Number 659, \$50 FIESTA.

(1) Name of Game. Instant Game Number 659, "\$50 FIESTA."

(2) Price. \$50 FIESTA lottery tickets sell for \$1.00 per ticket.

(3) \$50 FIESTA 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 \$50 FIESTA 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:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
ONE	TWO	THREE	FOUR	FIVE	SIX
<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
SEVEN	EIGHT	NINE	TEN	ELEVN	TWELV
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
<b>19</b>					
NINTN					

(5) The "FIESTA NUMBER" play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
ONE	TWO	THREE	FOUR	FIVE	SIX
<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
SEVEN	EIGHT	NINE	TEN	ELEVN	TWELV
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
<b>19</b>					
NINTN					

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FIVE	TEN
<b>\$20.00</b>	<b>\$25.00</b>	<b>\$100</b>	<b>\$500</b>	<b>\$2,500</b>
TWENTY	THY FIV	ONE HUN	FIVE HUN	THY FIV HUN

(7) The legends are as follows:

YOUR FIESTA  
 NUMBERS NUMBER

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches the number in the "FIESTA NUMBER" play area shall entitle the claimant to the corresponding prize shown for that number. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100, \$500, and \$2,500.

(b) 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 \$50 FIESTA 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.

(9) The estimated odds of winning, value and number of prizes in Instant Game Number 659 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
\$2	\$2	30.00	336,000
\$1 x 5	\$5	60.00	168,000
\$5	\$5	60.00	168,000
\$2 x 5	\$10	600.00	16,800
\$10	\$10	600.00	16,800
\$5 x 5	\$25	900.00	11,200
\$25	\$25	900.00	11,200
\$10 x 5	\$50	562.50	17,920
\$20 x 5	\$100	90,000.00	112
\$25 x 4	\$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
\$500 x 5	\$2,500	2,520,000.00	4
\$2,500	\$2,500	2,520,000.00	4



(10) The estimated overall odds of winning some prize in Instant Game Number 659 are 1 in 3.65. 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 659, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$50 FIESTA lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$50 FIESTA 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 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-28-06.

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

EFFECTIVE DATE: June 28, 2006

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <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**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <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 July 7, 2006 from Sweni International, Inc. Pursuant to Section 120.542, Florida Statutes, Sweni International, 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 4-009-87233-2. The permit applicant is proposing to construct a small scale retail development in Palm Bay, 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 2006-74.

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, (386)329-4488.

NOTICE IS HEREBY GIVEN that on July 5, 2006, South Florida Water Management District (District) received a petition for waiver from Catherine Zippay, Application Number 06-0605-1 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as L-47, Martin County, to allow the partial encroachment (4') of an existing, unauthorized screen enclosure to remain within the north right of way of L-47 at the rear of 9628 S. W. Keen Avenue in Section 8, Township 39 South, Range 37 East. The petition seeks relief from subsections 40E-6.011(4) and (6), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail at [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, Attn.: Kathie Ruff, Office of Counsel, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406.

NOTICE IS HEREBY GIVEN that on July 5, 2006, South Florida Water Management District (District) received a petition for waiver from Joy D. Hampp (Cottages At The Lake, LLC), Application Number 06-0601-1M for issuance of a Modification to Right of Way Occupancy Permit Number 12533 for utilization of Works or Lands of the District known as LD-4, Okeechobee County, to allow the proposed

construction of 12 finger piers (24 mooring slips) adjacent to the existing, previously-authorized marginal boardwalk within the north right of way of LD-4 at the rear of the "Cottages At The Lake, LLC" development, in Section 36, Township 37 South, Range 35 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the density of mooring slips/spaces exceeding more than (4) four per 100 linear feet of frontage along the District's waterway within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, Attn.: Kathie Ruff, Office of Counsel, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on July 3, 2006, Bureau of Elevator Safety received a Petition for Emergency Variance from Rule 2000.7a, ASME A18.1, 2000 edition, as adopted by Rule 61C-5.001, Florida Administrative Code, limiting travel to 12 feet. The petition was received from Jeanne Martin of Accessibility Lifts, Inc. on behalf of Jennings Arcade Retail Shoppes (Petition VW 2006-182).

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.

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NOTICE IS HEREBY GIVEN that on April 17, 2006, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Fairfield Inn and Suites, Clermont (Petition VW 2006-157).

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 June 19, 2006, the Bureau of Elevator Safety received a Petition for Emergency Variance from Rule 2.27.3.2.1, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, Florida Building Code, requiring heat detectors in the elevator lobbies. The petition was received from Lee Rigby of Vertical Assessments, for the following location: Key Estero Shops in Ft. Myers Beach, Florida (Petition VW 2006-170).

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.

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NOTICE IS HEREBY GIVEN that on May 24, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Regency Suites, Orlando (Petition VW 2006-159).

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.

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NOTICE IS HEREBY GIVEN that on May 26, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: The Place at Channelside, Tampa (Petition VW 2006-161).

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 June 30, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Delta Delta Delta Sorority House, Gainesville (Petition VW 2006-178).

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 June 30, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Bay Club II, Palmetto (Petition VW 2006-179).

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 June 30, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: FCCJ Deerwood Parking Garage, Jacksonville (Petition VW 2006-180).

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 June 12, 2006, Bureau of Elevator Safety received a Petition for Variance from ASME A17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, requiring two-way communication from within each elevator. The petition was received from Harry Bruderly, Property Manager of Spanish Oaks Condominium on behalf of Spanish Oaks Condominium, Inc. (Petition VW 2006-160).

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 June 21, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), 2.15.9.2 and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Summerhouse at Mexico Beach, Mexico Beach (Petition VW 2006-176).

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 June 30, 2006, the Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Section 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Flagler College – College of Arts, St. Augustine (Petition VW 2006-177).

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 June 14, 2006, Bureau of Elevator Safety received a Petition for Variance from 2004 Florida Building Code, Chapter 3003.1.9, requiring smoke detectors in each elevator lobby. The petition was received from Susan Fisher, CAM, Property Manager of Estero Cove Condominium on behalf of Estero Cove Condominium Association, Inc. (Petition VW 2006-164).

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.

The Bureau of Elevator Safety hereby gives notice that it Issued an Order Granting Emergency Variance Request on July 6, 2006 in response to a petition filed on May 9, 2006, and advertised in F.A.W. Vol. 32, No. 21, by Mitchell Cox of Control Dynamics regarding the Greer Live/Work. The petition sought a waiver from Rule 300.8g, A.S.M.E A17.1, 1996 Edition with 1997 Addenda, as adopted by Chapter 3001.2 of the 2000 Florida Building Code requesting a variance from the requirement of 42 inch clearance in the refuge space atop the car. The petition was granted because the petitioner agreed to provide sufficient warning markings to alert any user of the lowered clearance.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Board of Accountancy hereby gives notice that it has received a petition, filed on June 30, 2006, by Vickie L. Bebout, seeking a variance or waiver of subsection 61H1-28.0052(4), Florida Administrative Code, to allow for an extension of time until November 2006 for an additional sitting for the AUD and FAR sections of the CPA examination.

Comments on this petition should be filed with: 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

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

## DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that it has received a petition filed on June 30, 2006, by Nathalie Shoer, seeking a variance/waiver from subsection 64B5-2.0146(2), F.A.C., regarding Florida Dentistry licensure requirements.

Comments on this petition should be filed with: Board of Dentistry, 4052 Bald Cypress Way, Bin #C-08, Tallahassee, Florida 32399-0783, within 14 days of publication of this notice. For a copy of the petition, contact: Sue Foster, Executive Director, Board of Dentistry, at the above address.

The Board of Nursing hereby gives notice that it has received a Petition for Variance or Waiver filed on June 29, 2006 by Mary Carol Antonelli, R.N. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver of the provisions of Rule 64B9-4.002, F.A.C., entitled "Requirements for Certification." Specifically, the Petitioner requests that on the basis of principles of fairness, as described in the Petition, the Board waive the requirement for National Certification as a condition for the Petitioner to be licensed as an ARNP in the State of Florida.

This Petition will be considered by the Board at its August 2006 meeting.

Copies of the petition may be obtained by writing: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN that on July 5, 2006, the Department of Health received a Petition for Variance from Peter and Kelly Podsiedlik on behalf of Breezeway Trailer Park. The petition requests relief from the minimum sanitary facilities and dump station as required in Chapter 64E-15, F.A.C. The Breezeway Trailer Park is located at 8860 U.S. Hwy. 1, Micco, Florida, Brevard County. Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from: David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, (850)245-4277.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on June 29, 2006, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.002(83), Florida Administrative Code, and a variance of Paragraph 11 of the Qualified Allocation Plan from Lafayette Square, Ltd. ("Petitioner"). The Petition is seeking a waiver or variance of the Petitioner's Qualified Allocation Plan's prohibition from requesting an extension of the placed in service date for the Development.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI****Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF STATE**

The **Department of State, Division of Cultural Affairs**, announces the following public meeting, to which all persons are invited.

COMMITTEE: Art Selection Committee

DATES AND TIMES: Wednesday, August 2, 2006, 1:00 p.m.; Thursday, August 3, 2006, 9:00 a.m.

PLACE: Tampa Children's Medical Services, 13101 N. Bruce B. Downs Blvd., Room 2004, Tampa, FL 33612, (813)396-9798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Image Review Meeting to evaluate submissions and to select artwork and artist finalists for Art in State Buildings Project No. DOH 9929/5000, Tampa Children's Medical Services.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Art in State Buildings Program, 500 South Monroe St., Room 310A, Tallahassee, Florida 32399-0250, (850)245-6476.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

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

48 hours before the meeting by contacting: Morgan Barr, (850)245-6356. If you are hearing or speech impaired, please contact the Florida Relay at 711.

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: August 18, 2006, 9:00 a.m. – conclusion  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
2006-2007 Artist Enhancement Grants Program and  
2006-2007 Quarterly Assistance Grant Panel.

DATE AND TIME: October 3, 2006, 9:00 a.m. – conclusion  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
2007 Individual Artist Fellowships Panel Meeting – Dance  
Fellowships.

DATE AND TIME: October 4, 2006, 9:00 a.m. – conclusion  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
2007 Individual Artist Fellowships Panel Meeting – Folk Arts  
Fellowships.

DATE AND TIME: October 5, 2006, 9:00 a.m. – conclusion  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
2007 Individual Artist Fellowships Panel Meeting –  
Interdisciplinary Fellowships.

DATE AND TIME: October 10, 2006, 9:00 a.m. – conclusion  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
2007 Individual Artist Fellowships Panel Meeting – Music  
Fellowships.

DATE AND TIME: October 11, 2006, 9:00 a.m. – conclusion  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
2007 Individual Artist Fellowships Panel Meeting – Theatre  
Fellowships.

DATE AND TIME: October 18, 2006, 9:00 a.m. – conclusion  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
2007 Individual Artist Fellowships Panel Meeting – Literature  
Fellowships.

DATE AND TIME: October 31, 2006, 9:00 a.m. – conclusion  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
2006-2007 Challenge Grant Program Panel Meeting.

PLACE: \*\*\*All above-listed meetings will take place at: R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32303

For more information, please contact: Morgan Lewis, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399, (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.

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**DEPARTMENT OF LEGAL AFFAIRS**

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIMES: Thursday, August 17, 2006, 9:00 a.m. – 6:00 p.m.; Friday, August 18, 2006, 8:30 a.m. – 5:00 p.m.

PLACE: Turnbull Education Center, 555 W. Pensacola Street, Room 244, Tallahassee, Florida 32306-1640

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda or additional information call: Patsy Rushing, (850)922-4539 or write 107 W. Gaines Street, Suite 224, Collins Building, Tallahassee, FL 32399-1050.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing at least 48 hours before the meeting.

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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services** announces a regular business meeting of the Florida Coordinating Council on Mosquito Control to which all persons are invited.

DATES AND TIMES: October 23, 2006, 1:00 p.m. (Times are Central); October 24, 2006, 9:00 a.m. – 1:30 p.m. (Times are Central)

PLACE: Florida A & M University, John A. Mulrennan Sr., Public Health Entomology Research and Education Center, 4000 Frankford Avenue, Panama City, Florida 32405, (850)872-4184

Questions and Comments may be directed to: James Clauson, Chairman, (850)922-7011, ext. 101, clausoj@doacs.state.fl.us or Jeff Blair, (850)644-6320, jblair@mailier.fsu.edu

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**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Department of Community Affairs, Division of Emergency Management** announces the following public meeting.

COMMITTEE: Hurricane Loss Mitigation Program Advisory Council

Residential Construction Mitigation Program

DATE AND TIME: July 31, 2006, 9:30 a.m.

PLACE: Florida Department of Community Affairs, Randall Kelley Training Center, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Hurricane Loss Mitigation Program Advisory Council (RCMP) meeting pursuant to Section 215.559, Florida Statutes. The results of scoring by the RCMP Programmatic Review Panel of proposed projects submitted in response to the 2006-2007 RCMP Notice of Funding Availability (NOFA) shall be reviewed. For more information, please contact: Iris Stanley, Community Assistance Consultant, Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)922-4454.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will be taped by the Division of Emergency Management.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact: Iris Stanley, Department of Community Affairs, (850)922-4454, at least ten (10) days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**DEPARTMENT OF LAW ENFORCEMENT**

The **Department of Law Enforcement, Medical Examiners Commission** announces a Medical Examiners Commission Meeting.

DATE AND TIME: Wednesday, August 9, 2006, 2:00 p.m.

PLACE: Jupiter Beach Resort and Spa, 5 North A1A, Jupiter, Florida 33477, 1(800)228-8810

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8600, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Commission with 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.

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### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 2, 2006, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

A copy of the Agenda may be obtained by writing to: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

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### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will conduct an Issue Identification Meeting in Docket No. 060292-TL on:

DATE AND TIME: Tuesday, August 8, 2006, 1:30 p.m.

PLACE: Room 362, Gerald Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To identify and discuss the issues involved in this docket. All parties are requested to fax and e-mail a list of issues to (850)413-6180 and JFUDGE@PSC.STATE.FL.US by Friday, August 4, 2006.

Any person requiring some accommodation at this workshop 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).

For additional information, please contact: Jason Fudge, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6179.

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The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 060416-WU – Petition for a limited alternative rate increase in Polk County by Pinecrest Ranches, Inc.

DATE AND TIME: Wednesday, August 16, 2006, 6:00 p.m.

PLACE: Chain of Lakes Complex (Poolside Room), 210 Cypress Gardens Boulevard, Winter Haven, Florida 33880

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed water rate increase, and to ask questions and comment on other issues.

A copy of the agenda for any meeting may be obtained by writing to: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this Customer Meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the Customer Meeting. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the Customer Meeting.

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NOTICE OF RESCHEDULING – NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** six-month review workshop in Docket No.: 000121A-TP scheduled for July 26, 2006, has been RESCHEDULED for:

DATE AND TIME: August 22, 2006, 9:30 a.m. (EST)

PLACE: Room 140, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed changes to the Performance Assessment Plan (Plan). Staff is soliciting comments on proposed changes to BellSouth's current Performance Assessment Plan and requests that any comments on changes to the Plan be filed by July 20, 2006, with the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399 (an electronic version should also be

provided to Jerry Hallenstein, jhallens@psc.state.fl.us). The comments should specifically address the BellSouth Service Quality Measurement Plan Version 4.01 issued May 1, 2006, and the Self-Effectuating Enforcement Mechanism Administrative Plan Version 4.01 also dated May 1, 2006. All parties are encouraged to electronically submit a redline version of both plans.

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 workshop. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For additional information, please contact: Adam Teitzman, Office of General Counsel, at the above address or telephone (850)413-6175.

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### EXECUTIVE OFFICE OF THE GOVERNOR

The **Space Florida Board of Directors**, Presidential Search Committee announces a public meeting to which all persons are invited.

DATE AND TIME: August 3, 2006, 10:00 a.m. – 2:00 p.m.

PLACE: Orlando International Airport, Hyatt, Constellation Room, 9th Floor, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Search for President of Space Florida.

A copy of the agenda may be obtained by contacting: [www.spaceflorida.gov](http://www.spaceflorida.gov)

For more information, you may contact: Scott Openshaw, Executive Office of the Governor, (850)487-2568.

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### REGIONAL PLANNING COUNCILS

The District 1, **Local Emergency Planning Committee** will hold its quarterly meeting to which all interested persons are invited.

DATE AND TIME: July 19, 2006, 10:00 a.m.

PLACE: The Gulf Coast Community College Student Union West, Room 348, 52030 W. Hwy. 98, Panama City, FL 32401. This will be preceded by a meeting of the Training and Resource Subcommittee at 8:30 a.m. in the same location.

For more information, please contact: Debbie Thayer, (850)595-8910, ext. 217.

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The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 3, 2006, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

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.

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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, August 3, 2006, 9:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

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: 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.

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The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 3, 2006, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: 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: Angi Giles, (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.

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The **Northeast Florida Regional Council**, Legislative Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 3, 2006, 11:30 a.m., following monthly Board meeting.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

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.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 21, 2006, 10:00 a.m. Please be advised there will be a Nominating Committee meeting at 9:30 a.m.

PLACE: ECFRPC Offices, 631 North Wymore Road, Suite 100, Maitland, FL 32751 (Please call (407)623-1075, ext. 335 to confirm date, time, and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Local Emergency Planning Committee.

A copy of the agenda may be obtained by writing: Ms. Teri Hunalp, LEPC Coordinator, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting [www.ecfrpc.org](http://www.ecfrpc.org)

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

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The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 28, 2006, 1:30 p.m.

PLACE: Embassy Suites Hotel, 225 East Altamonte Drive, Altamonte Springs, Florida 32701 (Please call (407)623-1075, ext. 304 to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Wekiva River Basin Commission.

A copy of the agenda may be obtained by writing: Ms. Andrea Fant, ECFRPC Staff, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting [www.ecfrpc.org](http://www.ecfrpc.org)

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The **South Florida Regional Planning Council**, Executive Committee announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, August 7, 2006, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416

Executive Committee Members: Michael Blynn, Chair; David Rice, Vice Chair; Patricia Asseff, Treasurer; Marta Perez, Secretary; Ilene Lieberman, Immediate Past Chair

The next regularly scheduled Council Meeting will be on:

DATE AND TIME: Monday, September 11, 2006, 10:30 a.m.

PLACE: The Cheeca Lodge, in Islamorada, Mile Marker 82. Council staff has reserved a block of rooms under South Florida Regional Planning Council. Please contact the hotel directly at 1(800)327-2888. The cutoff date for making your reservation is Thursday, July 27, 2006.

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#### WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following event, hosted by City of Jacksonville, which may be attended by one or more District Governing Board members.

THE RIVER ACCORD – “A PARTNERSHIP FOR THE ST. JOHNS”

DATE AND TIME: Thursday, July 27, 2006, 10:00 a.m.

PLACE: Riverfront, 801 Broadcast Place, Jacksonville, FL (site of former JEA Southside Generating Station)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mayor John Peyton and other members of the St. Johns Partnership will formally announce “The River Accord” to launch an initiative to improve water quality in the lower St. Johns River.

Information may be obtained from: SJRWMD Jacksonville Service Center, Attention: Teresa Monson, (904)730-6258, 7775 Baymeadows Way, Suite 102, Jacksonville, FL 32256.

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The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

PROJECTS AND LAND COMMITTEE

DATE AND TIME: Monday, August 7, 2006, 4:00 p.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Discussion of Projects and Land Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

**GOVERNING BOARD AND COMMITTEE CHAIRMEN**

**DATE AND TIME:** Tuesday, August 8, 2006, 8:15 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, August 8, 2006, 8:45 a.m.

**PLACE:** District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Discussion of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

**REGULATORY COMMITTEE**

**DATE AND TIME:** Tuesday, August 8, 2006, 10:00 a.m.

**PLACE:** District Headquarters, 4049 Reid St. (Hwy. 100 W.), 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 INCLUDING PUBLIC HEARING ON LAND ACQUISITION**

**DATE AND TIME:** Tuesday, August 8, 2006, 1:00 p.m.

**PLACE:** District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Discussion and consideration of District business including regulatory and non-regulatory matters.

**PUBLIC HEARING REGARDING PROPOSED RULE REVISION**

**DATE AND TIME:** Tuesday, August 8, 2006, following regularly scheduled Governing Board meeting which begins at 1:00 p.m.

**PLACE:** District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Public Hearing to discuss proposed revision to Chapter 40C-8, F.A.C., regarding minimum flows for Blue Spring.

A copy of the agenda may be obtained at the St. Johns River Water Management District website [www.sjrwmd.com](http://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 of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

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The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

**GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, AND PUBLIC HEARING**

**DATE AND TIME:** Monday, July 31, 2006, 9:00 a.m.

**PLACE:** District Headquarters, 2379 Broad Street, Brooksville, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Conduct Committee meetings including discussion of the FY2007 budget and adoption of proposed millage, Board meeting, and public hearing.

A closed attorney-client session will be held during the lunch break.

**GOVERNING BOARD MEETING, PUBLIC HEARING, AND STRATEGIC PLANNING WORKSHOP**

**DATE AND TIME:** Tuesday, August 1, 2006, 9:00 a.m.

**PLACE:** District Headquarters, 2379 Broad Street, Brooksville, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Conduct Committee meetings, Board meeting, and public hearing.

**ALAFIA RIVER BASIN BOARD MEETING**

**DATE AND TIME:** Thursday, August 3, 2006, 9:30 a.m.

**PLACE:** Tampa Service Office, 7601 U.S. 301, North, Tampa, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Consider Basin business including adoption of the Fiscal Year 2007 budget and final millage.

**NORTHWEST HILLSBOROUGH BASIN BOARD MEETING**

**DATE AND TIME:** Thursday, August 3, 2006, 1:30 p.m.

**PLACE:** Tampa Service Office, 7601 U.S. 301, North, Tampa, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Consider Basin business including adoption of the Fiscal Year 2007 budget and final millage.

**PEACE RIVER BASIN BOARD MEETING**

**DATE AND TIME:** Friday, August 4, 2006, 9:30 a.m.

**PLACE:** Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business including adoption of the Fiscal Year 2007 budget and final millage.

These are public meetings; agendas are available 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 4606, 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: Wednesday, August 2, 2006, 10:00 – until complete. The Human Resource meeting will immediately follow the Audit Committee meeting.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33416 (Regular Governing Board Audit Committee (Storch Room) and Human Resources and Outreach Committee (Auditorium))

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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 at: (1) District Website [www.sfwmd.gov/gover/GovBoard/webpage/agenda.html](http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Thursday, August 3, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC)/Lake Okeechobee Committee.

A copy of the agenda may be obtained by writing to: South Florida Water Management District, Mail Stop 1131, 3301 Gun Club Road, West Palm Beach, Florida 33406, or at our website <http://my.sfwmd.gov/wrac>

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, (561)682-6517.

The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, August 3, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Big Cypress Basin, Mary Ellen Hawkins Administration Building

GENERAL SUBJECT MATTER TO BE CONSIDERED: Big Cypress Basin Board Members to attend a Budget Workshop.

Those persons, who desire more information regarding this meeting, may contact: Kathleen Tetrault, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

#### DEPARTMENT OF VETERANS' AFFAIRS

NOTICE OF CHANGE – The Florida **Commission on Veterans' Affairs** announces a public meeting to which all persons are invited.

This meeting was originally scheduled for Thursday July 6, 2006 in Tallahassee. It was postponed due to lack of a quorum.

DATE AND TIME: Wednesday, August 9, 2006, 9:00 a.m.

PLACE: House Office Building, Room 12, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting and planning session.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Nancy Schiellerd, Florida Department of Veterans' Affairs, 4040 Esplanade Way, Suite 152, Tallahassee, Florida 32399-0950. Please telephone (850)487-1533, at least 48 hours prior to the meeting.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the State Consumer Health Information and Policy (SCHIP) Health Care Facility Website/Ambulatory Surgery Data Technical Workgroup to which all interested parties are invited.

DATE AND TIME: Thursday, July 27, 2006, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor, Conference Room, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by writing to: Penny Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Adrienne Henderson, (850)922-0594, at least five calendar days prior to the meeting.

The agenda will also be posted at [http://ahca.myflorida.com/SCHS/chistwg\\_hcfw.shtml](http://ahca.myflorida.com/SCHS/chistwg_hcfw.shtml) seven (7) days prior to the meeting.

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The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 27, 2006, 1:30 p.m. – 3:00 p.m.

PLACE: Agency for Community Treatment Services (ACTS) Building, 4612 North 56th Street, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Area Six Managed Care Behavioral Health Advisory Group will hold its quarterly meeting. The purpose of the meeting is to provide a forum for the community to discuss issues surrounding managed behavioral health care services with representatives from the managed care plans, the Agency, and the Department of Children and Family Services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Jorja Daniels, (813)871-7600, ext. 132, at least five calendar days prior to the meeting.

For additional information contact: Jorja Daniels, Agency for Health Care Administration, 6800 North Dale Mabry Highway, Suite 220, Tampa, FL 33607, e-mail: [danielsj@ahca.myflorida.com](mailto:danielsj@ahca.myflorida.com)

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The **Agency for Health Care Administration**, Medicaid Reform Technical Advisory Panel announces a meeting to which all interested persons are invited.

DATE AND TIME: August 17, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308. Meet-Me# (850)410-0966, Suncom 210-0966

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting to which all interested persons are invited.

DATE AND TIMES: July 25, 2006, 9:00 a.m. and 10:00 a.m., or soon thereafter

PLACE: Department 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 to: 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, or by phone (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.

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The Florida **Real Estate Appraisal Board** (FREAB) announces a meeting to which all persons are invited.

DATES AND TIMES: Monday, August 7, 2006, 9:00 a.m. or the soonest thereafter; Tuesday, August 8, 2006, 8:30 a.m. or the soonest thereafter.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, newly adopted legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions and general subject matter.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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A copy of the agenda may be obtained by writing to: Ashley Dashnaw, Government Analyst II, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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The Probable Cause Panel of the Florida **Real Estate Appraisal Board** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, August 9, 2006, 9:30 a.m., or the soonest thereafter (Portions of the probable cause proceedings are not open to the public).

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida, or Meet Me Number: (850)410-8045

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

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.

NOTE: In accordance with the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Probable Cause Panel of the Florida **Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, August 14, 2006, 4:00 p.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between

the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, August 15, 2006, 8:30 a.m.; Wednesday, August 16, 2006, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **State Boxing Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, August 1, 2006, 8:30 a.m.

PLACE: 1940 North Monroe Street, Tallahassee, Florida 32399. Access to the meeting may be obtained by attending in person at the remote location or by calling, at least forty-eight (48) hours prior to the meeting, (850)488-8500 or Suncom 278-8500.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Commission.

A copy of the agenda may be obtained by writing: Florida State Boxing Commission, ATTN.: Thomas Malloy, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399.

Any person deciding to appeal a decision made by the Commission with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact: Lina Hurtado, Administrative Assistant, (850)488-8500, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The **Department of Environmental Protection**, Designated Uses and Classification Refinement Policy Advisory Committee (PAC) announces a public meeting to which all persons are invited.

DATE AND TIME: August 2, 2006, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The PAC was formed to aid the Department in determining whether revisions to Florida's designated uses and current associated surface water body classification system contained in Chapter 62-302, F.A.C., are needed. This will be the fifth meeting of the PAC.

A copy of the agenda may be obtained by contacting: Stacey Feken, Water Quality Standards and Special Projects Program, Division of Water Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 3560, Tallahassee, Florida 32399-2400, e-mail: [Stacey.feken@dep.state.fl.us](mailto:Stacey.feken@dep.state.fl.us), (850)245-8421, or by going to the program's website at [http://www.dep.state.fl.us/water/wqssp/d\\_use.htm](http://www.dep.state.fl.us/water/wqssp/d_use.htm)

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 48 hours before the workshop/meeting by contacting: Stacey Feken, (850)245-8421. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, August 14, 2006, 10:00 a.m. (EDT)

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

DATE AND TIME: Thursday, August 17, 2006, 10:00 a.m. (CDT)

PLACE: Gulf Coast Community College, Gibson Lecture Hall, Student Union East, 5230 W. Hwy. 98, Panama City, Florida

DATE AND TIME: Friday, August 18, 2006, 10:00 a.m. (CDT)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Room #252, 1000 College Boulevard, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Three previously scheduled public workshops were announced in a Notice of Proposed Rule Development published on June 30, 2006, in the Department's Official Internet Noticing website at [http://tlhora6.dep.state.fl.us/onw/pub\\_date.asp?pubdate=6/30/2006](http://tlhora6.dep.state.fl.us/onw/pub_date.asp?pubdate=6/30/2006). Those dates could not be met and have been rescheduled as shown. In these workshops the Department will consider public comments regarding proposed rule amendments to Chapter 62-4, F.A.C., regarding Environmental Resource Permitting (ERP) in the geographical extent of the Northwest Florida Water Management District.

A copy of the agenda may be obtained by contacting: Beth Saska, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)245-8486, e-mail: [beth.saska@dep.state.fl.us](mailto:beth.saska@dep.state.fl.us) or facsimile (850)245-8499.

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 48 hours before the workshop/meeting by contacting: Beth Saska, (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, August 14, 2006, 10:00 a.m. (EDT)

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

DATE AND TIME: Thursday, August 17, 2006, 10:00 a.m. (CDT)

PLACE: Gulf Coast Community College, Gibson Lecture Hall, Student Union East, 5230 W. Hwy. 98, Panama City, Florida

DATE AND TIME: Friday, August 18, 2006, 10:00 a.m. (CDT)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Room #252, 1000 College Boulevard, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Three previously scheduled public workshops were announced in a Notice of Proposed Rule Development published on June 30, 2006, in the Department's Official Internet Noticing website at [http://tlhora6.dep.state.fl.us/onw/pub\\_date.asp?pubdate=6/30/2006](http://tlhora6.dep.state.fl.us/onw/pub_date.asp?pubdate=6/30/2006). Those dates could not be met and have been rescheduled as shown. In these workshops the Department will consider public comments regarding proposed rule amendments to Chapter 62-25, F.A.C., regarding Environmental Resource Permitting (ERP) in the geographical extent of the Northwest Florida Water Management District.

A copy of the agenda may be obtained by contacting: Beth Saska, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)245-8486, e-mail: [beth.saska@dep.state.fl.us](mailto:beth.saska@dep.state.fl.us); or facsimile (850)245-8499.

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 48 hours before the workshop/meeting by contacting: Beth Saska, (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, August 14, 2006, 10:00 a.m. (EDT)

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

DATE AND TIME: Thursday, August 17, 2006, 10:00 a.m. (CDT)

PLACE: Gulf Coast Community College, Gibson Lecture Hall, Student Union East, 5230 W. Hwy. 98, Panama City, Florida

DATE AND TIME: Friday, August 18, 2006, 10:00 a.m. (CDT)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Room #252, 1000 College Boulevard, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Three previously scheduled public workshops were announced in a Notice of Proposed Rule Development published on June 30, 2006, in the Department's Official Internet Noticing website at [http://tlhora6.dep.state.fl.us/onw/pub\\_date.asp?pubdate=6/30/2006](http://tlhora6.dep.state.fl.us/onw/pub_date.asp?pubdate=6/30/2006). Those dates could not be met and

have been rescheduled as shown. In these workshops the Department will consider public comments regarding proposed rule amendments to Chapter 62-312, F.A.C., regarding Environmental Resource Permitting (ERP) in the geographical extent of the Northwest Florida Water Management District.

A copy of the agenda may be obtained by contacting: Beth Saska, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)245-8486, e-mail: [beth.saska@dep.state.fl.us](mailto:beth.saska@dep.state.fl.us) or facsimile (850)245-8499.

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 48 hours before the workshop/meeting by contacting: Beth Saska at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, August 14, 2006, 10:00 a.m. (EDT)

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

DATE AND TIME: Thursday, August 17, 2006, 10:00 a.m. (CDT)

PLACE: Gulf Coast Community College, Gibson Lecture Hall, Student Union East, 5230 W. Hwy. 98, Panama City, Florida

DATE AND TIME: Friday, August 18, 2006, 10:00 a.m. (CDT)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Room #252, 1000 College Boulevard, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Three previously scheduled public workshops were announced in a Notice of Proposed Rule Development published on June 30, 2006, in the Department's Official Internet Noticing website at [http://tlhora6.dep.state.fl.us/onw/pub\\_date.asp?pubdate=6/30/2006](http://tlhora6.dep.state.fl.us/onw/pub_date.asp?pubdate=6/30/2006). Those dates could not be met and have been rescheduled as shown. In these workshops the Department will consider public comments regarding proposed rule amendments to Chapter 62-113, F.A.C., regarding Environmental Resource Permitting (ERP) in the geographical extent of the Northwest Florida Water Management District.

A copy of the agenda may be obtained by contacting: Beth Saska, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)245-8486, e-mail: [beth.saska@dep.state.fl.us](mailto:beth.saska@dep.state.fl.us) or facsimile (850)245-8499.



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 48 hours before the workshop/meeting by contacting: Beth Saska at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a workshop to which all persons are invited.

DATE AND TIME: Monday, August 14, 2006, 10:00 a.m. (EDT)

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

DATE AND TIME: Thursday, August 17, 2006, 10:00 a.m. (CDT)

PLACE: Gulf Coast Community College, Gibson Lecture Hall, Student Union East, 5230 W. Hwy. 98, Panama City, Florida

DATE AND TIME: Friday, August 18, 2006, 10:00 a.m. (CDT)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Room #252, 1000 College Boulevard, Pensacola, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Three previously scheduled public workshops were announced in a Notice of Proposed Rule Development published on June 30, 2006, in the Department's Official Internet Noticing website at [http://tlhora6.dep.state.fl.us/onw/pub\\_date.asp?pubdate=6/30/2006](http://tlhora6.dep.state.fl.us/onw/pub_date.asp?pubdate=6/30/2006). Those dates could not be met and have been rescheduled as shown. In these workshops the Department will consider public comments regarding proposed rule amendments to Chapter 62-341, F.A.C., regarding Environmental Resource Permitting (ERP) in the geographical extent of the Northwest Florida Water Management District.

A copy of the agenda may be obtained by contacting: Beth Saska, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)245-8486, e-mail: [beth.saska@dep.state.fl.us](mailto:beth.saska@dep.state.fl.us) or facsimile (850)245-8499.

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 48 hours before the workshop/meeting by contacting: Beth Saska at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Office of Submerged Lands and Environmental Resources announces a workshop to which all persons are invited.

DATE AND TIME: Monday, August 14, 2006, 10:00 a.m. (EDT)

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

DATE AND TIME: Thursday, August 17, 2006, 10:00 a.m. (CDT)

PLACE: Gulf Coast Community College, Gibson Lecture Hall, Student Union East, 5230 W. Hwy. 98, Panama City, Florida

DATE AND TIME: Friday, August 18, 2006, 10:00 a.m. (CDT)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Room #252, 1000 College Boulevard, Pensacola, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Three previously scheduled public workshops were announced in a Notice of Proposed Rule Development published on June 30, 2006, in the Department's Official Internet Noticing website at [http://tlhora6.dep.state.fl.us/onw/pub\\_date.asp?pubdate=6/30/2006](http://tlhora6.dep.state.fl.us/onw/pub_date.asp?pubdate=6/30/2006). Those dates could not be met and have been rescheduled as shown. In these workshops the Department will consider public comments regarding proposed rule Chapter 62-346, F.A.C., regarding Environmental Resource Permitting (ERP) in the geographical extent of the Northwest Florida Water Management District.

A copy of the agenda may be obtained by contacting: Beth Saska, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)245-8486, e-mail: [beth.saska@dep.state.fl.us](mailto:beth.saska@dep.state.fl.us) or facsimile (850)245-8499.

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 48 hours before the workshop/meeting by contacting: Beth Saska at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection**, Office of Submerged Lands and Environmental Resources announces a workshop to which all persons are invited.

DATE AND TIME: Monday, August 14, 2006, 10:00 a.m. (EDT)

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

DATE AND TIME: Thursday, August 17, 2006, 10:00 a.m. (CDT)



PLACE: Gulf Coast Community College, Gibson Lecture Hall, Student Union East, 5230 W. Hwy. 98, Panama City, Florida  
DATE AND TIME: Friday, August 18, 2006, 10:00 a.m. (CDT)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Room #252, 1000 College Boulevard, Pensacola, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Three previously scheduled public workshops were announced in a Notice of Proposed Rule Development published on June 30, 2006, in the Department's Official Internet Noticing website at [http://tlhora6.dep.state.fl.us/onw/pub\\_date.asp?pubdate=6/30/2006](http://tlhora6.dep.state.fl.us/onw/pub_date.asp?pubdate=6/30/2006). Those dates could not be met and have been rescheduled as shown. In these workshops the Department will consider public comments regarding proposed rule Chapter 62-346, Applicant's Handbook, Volume I, F.A.C., regarding Environmental Resource Permitting (ERP) in the geographical extent of the Northwest Florida Water Management District.

A copy of the agenda may be obtained by contacting: Beth Saska, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)245-8486, e-mail: [beth.saska@dep.state.fl.us](mailto:beth.saska@dep.state.fl.us) or facsimile (850)245-8499.

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 48 hours before the workshop/meeting by contacting: Beth Saska, (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection**, Office of Submerged Lands and Environmental Resources announces a workshop to which all persons are invited.

DATE AND TIME: Monday, August 14, 2006, 10:00 a.m. (EDT)

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

DATE AND TIME: Thursday, August 17, 2006, 10:00 a.m. (CDT)

PLACE: Gulf Coast Community College, Gibson Lecture Hall, Student Union East, 5230 W. Hwy. 98, Panama City, Florida

DATE AND TIME: Friday, August 18, 2006, 10:00 a.m. (CDT)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Room #252, 1000 College Boulevard, Pensacola, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Three previously scheduled public workshops were announced in a Notice of Proposed Rule Development published on June 30, 2006, in the Department's Official Internet Noticing website at [http://tlhora6.dep.state.fl.us/onw/pub\\_date.asp?pubdate=6/30/2006](http://tlhora6.dep.state.fl.us/onw/pub_date.asp?pubdate=6/30/2006). Those dates could not be met and have been rescheduled as shown. In these workshops the Department will consider public comments regarding proposed rule Chapter 62-346, Applicant's Handbook, Volume II, F.A.C., regarding Environmental Resource Permitting (ERP) in the geographical extent of the Northwest Florida Water Management District.

A copy of the agenda may be obtained by contacting: Beth Saska, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, (850)245-8486, e-mail: [beth.saska@dep.state.fl.us](mailto:beth.saska@dep.state.fl.us) or facsimile (850)245-8499.

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 48 hours before the workshop/meeting by contacting: Beth Saska, (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Department of Environmental Protection** announces a hearing to which all persons are invited.

DATE AND TIME: September 6, 2006, 9:00 a.m.

PLACE: Wellington Community Center, Grand Cypress Room, City of Wellington, 12165 West Forest Hill Blvd., Wellington, Florida 33414

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Administrative Law Judge David M. Maloney will hear arguments regarding issues of certification pertaining to the Florida Power & Light's (FPL) site certification application (SCA) for the proposed West County Energy Center. The Department received the SCA on April 14, 2005. FPL proposes to ultimately construct and operate, at a site in western Palm Beach County, three natural gas fired combined cycle generating units, producing a total of 3,000 MW of electrical power. The current SCA seeks certification of two 1,250 MW units. These units will be located on approximately 220 acres adjacent to the existing FPL Corbett electrical power transmission sub-station.

A copy of the agenda may be obtained by contacting: Steven L. Palmer, P.E., (850)245-8002. For more information, you may contact: Steven L. Palmer, P.E., Siting Coordination Office,

Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

The **Department of Environmental Protection, Division of Recreation and Parks** announces a public meeting to which all persons are invited.

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

PLACE: Jefferson County Public Library, 375 South Waters Street, Monticello, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the proposed management plan for Letchworth-Love Mounds State Park with the Advisory Group members.

A copy of the agenda may be obtained by contacting: Barry Burch, Park Manager, (850)922-6007.

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 48 hours before the workshop/meeting by contacting: Letchworth-Love Mounds State Park. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Barry Burch, Park Manager, (850)922-6007.

#### DEPARTMENT OF HEALTH

The **Department of Health, Drug Wholesaler Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: August 24, 2006, 9:30 a.m.

PLACE: Via Conference Call: (850)414-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: Welcome/Introductions; Approval of minutes from the May 18, 2006, meeting; Old Business; New Business; Open Discussion.

For more information, you may contact: Maxine Wenzinger, (850)245-4292.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**, announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: August 3, 2006, 3:00 p.m. – 4:00 p.m.

PLACE: Conference Call: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a 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 or speech impaired, using TDD equipment, can call the Florida Dual Party Relay system at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Osteopathic Medical Board, and Joint Committee on Anesthesiologist Assistants announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, August 10, 2006, commencing immediately after the Physician Assistant meeting scheduled to start at 1:00 p.m.

PLACE: Sirata Beach Resort and Conference Center, 5300 Gulf Blvd., St. Pete Beach, Florida 33706, (727)363-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the: Florida Board of Medicine, Anesthesiologist Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call 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 to: JoAnne Davis, Supervisor, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Committee 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.

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, August 10, 2006, 6:00 p.m. – 9:00 p.m.

PLACE: Sirata Beach Resort and Conference Center, 5300 Gulf Blvd., St. Petersburg Beach, FL 33706, (727)363-5100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the committee.

A copy of the agenda may be obtained by writing to: 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Council on Physician Assistants** announces a conference call meeting to which all persons are invited.

DATE AND TIME: Thursday, August 10, 2006, 1:00 p.m. or soon thereafter

PLACE: Sirata Beach Resort and Conference Center, 5300 Gulf Blvd., St. Petersburg Beach, FL 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing to: JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Nursing**, North Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: August 14, 2006, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing to: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Nursing, (850)245-4125, 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).

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The **Board of Orthotists and Prosthetists** will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Thursday, August 3, 2006, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee at Meet Me Number (850)487-9552

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 Orthotists and Prosthetists, (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, 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 to: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/Orth&Pros/index.html](http://www.doh.state.fl.us/mqa/Orth&Pros/index.html)

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The Probable Cause Panel of the **Board of Osteopathic Medicine** announces a meeting.

DATE AND TIME: Friday, August 11, 2006, 10:00 a.m. or soon thereafter

PLACE: Belleview Biltmore, 25 Belleview Blvd., Clearwater, FL 33756, (727)442-6171, Meet-Me-Number (850)921-6433 or Suncom 291-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Blake Hunter, Senior Attorney, Department of Health, Prosecution Services, 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at 4052 Bald Cypress Way, #C-65, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The Florida **Board of Osteopathic Medicine** will hold the following meeting to which all persons are invited.

DATES AND TIMES: Friday, August 11, 2006, 4:00 p.m., or shortly thereafter; Saturday, August 12, 2006, 9:00 a.m., or shortly thereafter

PLACE: Belleview Biltmore, 25 Belleview Blvd., Clearwater, FL 33756, (727)442-6171

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records 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 Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, contact: Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

## **FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a public workshop to discuss the FWC's existing due process procedures for challenging Commission rules, to which all interested persons are invited.

DATE AND TIME: August 8, 2006, 6:30 p.m. – 8:30 p.m.

PLACE: Farris Bryant Building, Room 272, 2nd Floor, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding the first of several public workshops to present information on FWC's existing due process procedures for challenging constitutionally based and statutorily authorized rules, to seek public comment regarding the adequacy of these existing FWC procedures and to solicit any suggested changes or improvements that could involve additional review of FWC rules.

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 the 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: James V. Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

The **Fish and Wildlife Conservation Commission**, Division of Law Enforcement, announces a public workshop to which all interested parties are invited.

DATE AND TIME: Wednesday, August 9, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: International Game Fish Association, 300 Gulf Stream Way, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workshop to receive public comments regarding Section 372.831, Florida Statutes, (Wildlife Violator Compact) on which suspensions/revocations of hunting and fishing privileges from other states the Commission will honor.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least five 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.

The person to be contacted regarding the workshop: Captain Curtis Brown, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, ext. 17184.

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, announces a public workshop to which all interested parties are invited.

DATE AND TIME: Thursday, August 10, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Kissimmee Civic Center, 201 E Dakin Avenue, Kissimmee, FL 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workshop to receive public comments regarding Section 372.831, Florida Statutes, (Wildlife Violator Compact) on which suspensions/revocations of hunting and fishing privileges from other states the Commission will honor.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least five 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.

The person to be contacted regarding the workshop: Captain Curtis Brown, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, ext. 17184.

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The **Fish and Wildlife Conservation Commission (FWC)** announces a public meeting to which all persons are invited.

DATE AND TIME: August 15, 2006, 12:30 p.m.

PLACE: Farris Bryant Building, Room 272, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FWC and Department of Environmental Protection (DEP) developed a working group to address better legal evaluation and practical implementation of existing rules and statutes that address seagrass damage from vessel groundings. The working group has devised an operational guidance protocol from which our agencies would like to initiate a pilot cooperative enforcement effort in the Jensen Beach Aquatic Preserve. This test run over a period of 1 year will determine the efficacy of the approach of using existing statutory authority to address this issue, and will allow our agencies to assess whether it could be applied to all estuarine and marine Aquatic Preserve waters of the state. The FWC and DEP are hosting a meeting of the Stakeholder-Agency Working Group to Address Vessel Impact-Related Seagrass Habitat Loss in Florida Waters to present the operational guidance document, and receive feedback from the group.

A copy of the agenda may be obtained by contacting: Kent Smith, Biological Administrator, Marine/Estuarine Subsection, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399, (850)922-4330.

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

## FINANCIAL SERVICES COMMISSION

The **Office of Insurance Regulation** announces a public evidentiary hearing to which all persons are invited.

DATE AND TIME: August 1, 2006, 1:00 p.m.

PLACE: Key West High School, Auditorium, 2100 Flagler Avenue, Key West, Florida 33040. Contact name and number: Lori Fitzsimmons, Esquire, (850)413-4158, or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Citizens Property Insurance Corporation has requested rate increases for the following Monroe County coverages: homeowners insurance and mobile home owners insurance. The proposed increases are 25.4% and 20.2%, respectively, and are applicable to policies that include coverage for wind. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from Citizens Property Insurance Corporation as well as interested parties will be received at this public evidentiary hearing. If you are unable to attend this public evidentiary hearing, you may e-mail your comments to the Office of Insurance Regulation at [ratehearings@fldfs.com](mailto:ratehearings@fldfs.com). Please type "Citizens-Monroe Filing" as the subject of your e-mail message.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone the Key West High School, Auditorium, Manager, Rick Gardner, (305)797-5666, at least 48 hours before the hearing.

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The **Office of Insurance Regulation** announces a public evidentiary hearing to which all persons are invited.

DATE AND TIME: August 3, 2006, 1:00 p.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. Contact name and number: Kristopher Duer, Esquire, (850)413-4276 or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Floridian Auto and Home Insurance Company, Phoenix Insurance Company, Travelers Indemnity Company and Travelers Indemnity Company of America have requested a 24.2% average statewide rate increase. The requested rate increase was not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public evidentiary hearing. If you are unable to attend this public evidentiary hearing, please forward your comments to the Office of Insurance Regulation at [ratehearings@fldfs.com](mailto:ratehearings@fldfs.com); the subject line of your e-mail should read "First Floridian 06-06847".

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email Sam Coskey, (850)413-2616 or email at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.com) at least 48 hours before the hearing.

**FLORIDA ASSOCIATION OF COURT CLERKS/COMPTROLLERS**

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2006, 10:30 a.m. – 12:00 Noon  
PLACE: Orange County Comptroller’s Office, 201 S. Rosalind Ave., 4th Floor, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: The Trust’s Administrator, FACC Service Corporation, (850)921-0808.

**SOUTHWEST FLORIDA CRIMINAL JUSTICE ACADEMY**

The Region 10, Advisory Council for the **Saratoga Criminal Justice Academy** and the **Southwest Florida Criminal Justice Academy** announces a meeting to which all interested persons are invited.

DATE AND TIME: August 9, 2006, 9:30 a.m.  
PLACE: The Southwest Florida Criminal Justice Academy/Lee Tech Center central campus, 3800 Michigan Avenue, Fort Myers (Lee Co-Tech campus).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items include: Pledge, Introduction of Guests, Minutes of previous meeting, Academy Report Sarasota County, Academy Report Lee County, Other items of interest, Adjournment.

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

NOTICE OF RESCHDULING – The **Florida Automobile Joint Underwriting Association** announces the following rescheduling of the FAJUA Finance Committee teleconference to which all persons are invited:

FAJUA Finance Committee Teleconference  
DATE AND TIME: Thursday, August 10, 2006, 10:00 a.m.  
PLACE: Teleconference Call: Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, [stoutamire@fajua.org](mailto:stoutamire@fajua.org)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss matters relating to FAJUA financial procedures, data reporting and any other matters that may come before the committee.

**FAMILY CARE COUNCIL**

The **Family Care Council** announces the following meetings to be held:

OFFICER MEETING  
DATE AND TIME: August 10, 2006, 11:00 a.m.  
PLACE: 4720 Old Highway 37, Lakeland, Florida  
GENERAL MEETING  
DATE AND TIME: August 21, 2006, 10:00 a.m.  
PLACE: Faith Lutheran Church, 211 Easton Drive, Lakeland, Florida

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <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, Sunrise Lakes Condominium Phase I Association, Inc., Melvin Markowitz, M.D., Unit Owner/Petitioner, Docket Number 2006036984.

Whether under Section 718.110(13), Florida Statutes (2004), Sunrise Lakes Condominium Association, Phase I, Inc., may retroactively apply Section 718.110(13), Florida Statutes, to restrict an owner’s rental of his unit where the unit owner has rented his unit since 1972 and has not consented to an amendment to the condominium documents restricting rentals.

A copy of the Petition for Declaratory Statement, Docket Number 2006036984, may be obtained by writing to: 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.



Any person whose substantial interests may be affected by the issuance of a declaratory statement in this proceeding, must file a request to intervene and, if desired, a request for a hearing, within 21 days of the date of this notice. 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.

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, Les Chateaux Des Rois, Inc., No. 1, Mark Ladd, Unit Owner/Petitioner, Docket Number 2006036990.

Whether Les Chateaux Condominium Association, Inc. resolution permitting unit owners to replace existing aluminum windows and doors with vinyl windows and doors requires a 75% unit owner vote under Section 718.110(4), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2006036990, may be obtained by writing to: 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. Any person whose substantial interests may be affected by the issuance of a declaratory statement in this proceeding, must file a request to intervene and, if desired, a request for a hearing, within 21 days of the date of this notice. 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.

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has issued a Declaratory Statement in response to a petition for a declaratory statement from Pari-Mutual Live Racing Games, Inc., Petitioner, in DBPR Case No. DS 2006-020. The Petition lists Sections 550.155(1) and 550.3551(3), Florida Statutes, and subsection 61D-7.001(9) and Rule 61D-7.020, Florida Administrative Code, as the statutory/administrative provisions upon which a declaratory statement is being sought. The Declaratory Statement advises that: the device, whose functions and operating details are set forth in paragraphs five through twenty-eight of the Petition, is permissible for use at Florida licensed pari-mutuel facilities, provided that compliance with all applicable statutory and administrative wagering regulations is maintained. However, this Declaratory Statement

is exclusively limited to devices of the same configuration and using the same operating protocols as those the Petitioner has described in paragraphs five through twenty-eight of the Petition.

A copy of the Declaratory Statement may be obtained by writing to: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <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 CM-At-Risk services will be required for the project listed below:

Project: UF-292, Communicore BSL3 Research Facility, Gainesville Florida

The project consists of the renovation of the Communicore Animal Facility (CAF). A 55,333 net assignable square foot facility located in the basement of the Communicore Building, a three story building located in the J. Hillis Miller Health Science Center. Approximately 15% of the existing CAF will be renovated. It will modernize 100% of the existing ABSL3 suite and enlarge it to about 250% of its present size (3,333 net square feet to 8,473 net square feet) by incorporating and renovating to modern ABSL3 standards areas now occupied by one SPF rodent barrier and small portions of large animal holding, and the ABSL2 suite. Program space will be comprised of laboratory and procedure, support and ABSL3 animal housing. The primary function of the completed ABSL3 suite will be to provide space that allows secure, safe and efficient use of agents, including select agents, classified as requiring BSL3 conditions.

The total project budget is \$8,757,900., including underground utilities, fees, surveys and tests, total building commissioning, furnishings and equipment, and contingencies. Construction shall be "fast-tracked" to be substantially complete by April 2008, with an estimated construction budget of \$6,284,974. Silver LEED (Leadership in Energy and Environmental Design) accreditation by the U.S. Green Building Council is mandatory.

The contract for construction management services will consist of two phases, pre-construction and construction. Pre-construction services will begin at the Schematic Design stage and will include production of cost studies and estimates; value engineering; analysis of the design documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; and development of a Guaranteed Maximum Price (GMP) proposal based on 60% Construction Documents, for which the CM will be paid a fixed fee. If the GMP proposal is accepted and executed, the construction phase will be

implemented. In this phase, 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 for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager's contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, location, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, copies of the applicant's contracting license, corporate charter(s) if applicable, proof of the firm's bonding capacity, LEED certification, and other pertinent credentials.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant 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 manager 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.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Construction Standards, standard University of Florida



Owner-CM agreement, and other project and process information can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

FAW ad duration	Minimum duration in calendar days
Duration between advertisement and submittal date	28 days (for A/E and CM RFQ).
Construction value up to \$200,000.00	21 days (for call for Bids)
Construction greater than \$500,000.00	30 days (for call for Bids)

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m., local time, on Friday, August 18, 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](http://www.facilities.ufl.edu)

A/E ADVERTISEMENT  
 BT-679

FAU ALUMNI CENTER -BOCA RATON CAMPUS  
 NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of its Board of Trustees, announces that Professional Services in the discipline of Architecture, will be required for the project listed below:

Project No.: BT- 679

Project and Location: Located on Florida Atlantic University’s Boca Raton Campus, the Alumni Center will consist of a 2-story building (approx. 13,000 sf), comprising of a reception/dining/event center for 100, administrative space and work area, three (3) classrooms with moveable walls, a Board Room, an Alumni library, and a Professional Development Center. The total Construction Budget is approximately \$2,800,000.00. The selected firm will provide schematic design, design development, construction documents and construction administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$250,000.00, 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 “Florida Atlantic University Professional Qualifications Supplement” (FAUPQS Revised January 2004). Applications on any other form may not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 5 (five) sets 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 State of Florida University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$10,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. FAU Professional Qualifications Supplement, the Project Fact Sheet, and the approved Facilities Program are available online at <http://uavp.fau.edu>, or by contacting: Carla C. Capeletti, Office of the University Architect and Associate Vice President, Florida Atlantic University, 777 Glades Road, Campus Operations Building #69, Room 101, Boca Raton, Florida 33431, (561)297-2663, Fax (561)297-0224, or e-mail [ccapelet@fau.edu](mailto:ccapelet@fau.edu).

Five (5) bound sets of the required proposal data shall be submitted to: Mr. Tom Donaudy, University Architect and Associate Vice President, at the above address, by 5:00 p.m., local time, on August 21, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

**PROJECT FACT SHEET**

Alumni Center

BT-679

Florida Atlantic University

**PROJECT DESCRIPTION**

The project consists of a 2-story building (approx. 13,000 sf), comprising of a reception/dining/event center for 100, administrative space and work area, three (3) classrooms with moveable walls, a Board Room, an Alumni library, and a Professional Development Center. Site development and construction of a two-story building.

This facility will be constructed using the Construction Manager delivery process.

The Construction budget is approximately \$2,800,000.00.

**SELECTION CRITERIA**

Firms will be evaluated in the following areas: current workload, location, past performance, volume of state work, design ability, and experience and ability. Experience and ability scores will be based on the following criteria:

1. Experience of firm and individual members of the design team with project of similar size and program.
2. Experience of firm and individual members of the design team in planning, designing, estimating, and construction administration of projects similar in size and budget. Site examples of projects within the past five-years, including the ability to meet aggressive time and budget constraints.
3. Experience in campus planning, educational facilities and working with committees.

**SELECTION COMMITTEE**

Tom Donaudy, University Architect and Associate Vice President  
 Raymond Nelson, Director, Facilities Planning  
 Jim Baker, Director, Engineering & Utilities  
 Patricia Breman, Assistant Vice President, Committee Chair (or designee)  
 Harold & Marleen Forkas, Donor

**SELECTION SCHEDULE**

The anticipated schedule for selection, award, and negotiation is as follows:

Submittal Due:	Aug. 21, 2006
Shortlist Meeting:	Sept. 7, 2006
Final Interviews:	Sept. 21, 2006
Contract Negotiation:	TBC

**GENERAL INFORMATION**

1. All applicants will be notified of the results of the short list in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.
2. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
3. Professional liability insurance is required for this project in the amount of \$250,000.00.
4. A copy of the building program is available on our website at <http://uavp.fau.edu>.

**NOTICE TO PROFESSIONAL CONSULTANTS**

Florida Gulf Coast University Board of Trustees announces that advertisement for Professional Services in the discipline of civil engineering for the project listed below is cancelled effective immediately:

Project No. BR-1051

Project and Location: South Student Housing  
 Fort Myers, Florida

Mr. Jack Fenwick, Director of Facility Planning, 10501 FGCU Blvd., South, Fort Myers, Florida 33965-6565, Phone (239)590-1500, Fax (239)590-1505.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CORRECTIONS**

**ADVERTISEMENT FOR BIDS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: DO-04 (ST)

PROJECT NAME AND LOCATION: Site Work and Utilities for the new Lowell Correctional Institution – Work Camp, located in Lowell, Florida.

FOR: STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids or leases or real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., or Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes, for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date. If not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years, or you are unsure, please contact: Ms.

Sandra L. Rogers, (850)922-8855, for prequalification instructions. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Instruction to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: Tuesday, August 22, 2006, 1:00 p.m., EDT (local)

PLACE: Administration Building, Conference Room, Lowell Correctional Institution, 11120 N. W. Gainesville Road, Ocala, Florida 34482.

Any person with a qualified disability requiring special accommodations at the pre-bid conference and/or bid/proposal opening shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services which can be reached at 1(800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ACRHTECT-ENGINEER: Spectra Engineering and Research, Inc., 345 South Magnolia Drive, Suite E-25, Tallahassee, FL 32301

Attention: Peter Okonkwo, Phone: (850)656-9834 or Fax: (850)942-2717

Drawings and specifications may be purchased for a Non-refundable price of \$125.00 per set from the Architect/Engineer. Bidder must pay postage/shipping. Partial sets may not be purchased.

A non-mandatory pre-bid conference will be held on Wednesday, August 9, 2006, at 1:00 p.m. (EDT), in the Administration Building, Conference Room at the Lowell Correctional Institution. A brief walk-through of the work areas will be available as part of the pre-bid conference.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

## WATER MANAGEMENT DISTRICTS

### NOTICE OF REQUEST FOR QUALIFICATIONS

NO. 05/06-061WR

The Suwannee River Water Management District is requesting qualifications from firms or companies to consolidate existing environmental, biological, and socioeconomic information for the seven (7) freshwater springs on the Suwannee River. Any work proposed by the District as part of this Request for Qualification (RFQ) is subject to District Governing Board approval and funding.

The RFQ outlines the scope of services and all general and specific conditions. All qualifications submitted to perform the requested services must be prepared in accordance with the RFQ document.

A copy of this RFQ is available at [www.srwmd.state.fl.us](http://www.srwmd.state.fl.us) OR requests for the RFQ document may be directed to:

Debbie Davidson, Administrative Assistant  
Suwannee River Water Management District

9225 CR 49

Live Oak, FL 32060

(386)362-1001 or (800)226-1066 (Florida only)

All questions concerning the RFQ must be emailed to: Debbie Davidson, [davidson\\_d@srwmd.state.fl.us](mailto:davidson_d@srwmd.state.fl.us) or Faxed to her (386)362-1056, no later than 4:00 p.m., on July 31, 2006. To receive responses to questions sent to the District, a Contractor Registration Form must also be emailed or faxed to the District no later than July 31, 2006, at 4:00 p.m. Responses to the questions will be emailed on August 4, 2006, to individuals as outlined in the RFQ.

The qualifications are due at SRWMD headquarters in Live Oak prior to 4:00 p.m., August 11, 2006.

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### NOTICE OF INVITATION TO BID

BID NO. BDC01-06/07

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Lovers Key State Park Beach Area Facilities Improvements

**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials Required to construct improvements to the Beach Use Area that include; converting an existing beach area restroom from a Composting facility to a standard restroom by removing the Clivus Multrum units and fixtures and replacing them with standard Water Closets and Urinal, installing a Sewage Disposal System with remote Drain Field, providing Underground Electrical Service to the island, installing shell stabilization to the Tram turnaround, installing on-grade boardwalks with lighting, steps and structural repairs to the Pavilion and all related work as shown.

**PARK LOCATION:** Lovers Key State Park, 8700 Estero Blvd., Ft. Myers Beach, Florida

**PROJECT MANAGER:** Jim Ross, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Telephone Number: (850)488-5372, Fax Number: (850)488-1141

**MINORITY BUSINESS REQUIREMENT:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes, for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on July 21, 2006 at: Lovers Key State Park, 8700 Estero Blvd., Ft. Myers Beach, FL 33931, Attention: Michael Hensley, Telephone Number: (239)463-4588.

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m., Tuesday, August 15, 2006, to the below address:

Florida Department of Environmental Protection, Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309

**CONTACT PERSON:** Michael Renard, Contracts Manager, Bureau of Design and Construction, (850)488-5372.

The Department reserves the right to reject any or all bids.

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## **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

### **NOTICE TO PROFESSIONAL CONSULTANTS CONTINUING PROFESSIONAL SERVICES FOR MECHANICAL AND ELECTRICAL ENGINEERING**

The Department of Children and Family Services (DCF), Office of Design and Construction, announces that professional services are required on a continuing basis for mechanical and electrical engineering disciplines. Multiple projects may be negotiated as needed, with each individual project construction budget not to exceed \$1,000,000.

**PROJECT NAME:** Continuing Area Contract for Mechanical/Electrical Consulting Services

**PROJECT NUMBER:** DCF-07223000

**RESPONSE DUE DATE:** By 5:00 p.m., August 18, 2006.

**LOCATION:** DCF Northeast Zone (encompassing Alachua, Baker and Duval Counties, where state-owned facilities are mainly located). The Owner's Macclenny location will be used as jobsite to assign points for each applicant in the "Location" category of the competitive selection. However, individual projects may be assigned under this contract at any state-owned jobsite within the Northeast Zone, including:

- 1) Northeast Florida State Hospital (Macclenny)
- 2) District office building locations (Jacksonville)
- 3) North Florida Evaluation & Treatment Center (Gainesville)
- 4) Tacachale (Agency for Persons with Disabilities, Gainesville)
- 5) APD Cluster locations (Jacksonville/Gainesville/Lake City)

The consultant receiving an award shall not have an exclusive contract to perform engineering services at these locations, and the Owner may have other design professionals under contract at any of these locations.

**INSTRUCTIONS:** Submit three (3) copies of the following bound in loose leaf three-ring binders:

1. Letter of Interest summarizing the firm's qualifications, any past experience with this department, and any other relevant past experience with state, federal or local government clients.

2. A current Professional Qualifications Supplement (PQS) from the Department of Management Services (Appendix B of "Selection of the Design Professional", downloadable from <http://fcn.state.fl.us/dms/dbc/Guides&Maps/construcdocuments/PQS-REV10-20-05.doc>). Applicants shall complete PQS Section 5a., "Fees of Applicant", to reflect current contracts with all state agencies.
3. A copy of the firm's Florida Professional Engineering (EB) Registration. (Proper registration with the engineering board is required at the time of application.)
4. Corporations only: Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Engineering in the state of Florida.
5. Completed Standard GSA Form 254.
6. Completed Standard GSA Form 255.
7. Applicants seeking to receive credit for state certification as a Minority Business Enterprise (MBE), or to receive credit allowable for use of an MBE as sub-consultant, shall include in the proposal a copy of the State of Florida Minority Certification Letter.

Proposals are to be sent to: Glenn G. Jenkins, P.E., Office of Design and Construction, Department of Children and Family Services, Bldg. 3, Room 205-J, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, Phone (850)921-8920.

All proposal information submitted becomes the property of DCF, will be placed on file, and shall not be returned. Applications not complying with the instructions set forth above and/or not including the required qualifications data shall not be considered.

**SELECTION PROCESS:** Selections will be made in accordance with Section 287.055, Florida Statutes, following procedures outlined in "Selection of the Design Professional" (which may be viewed at <http://fcn.state.fl.us/dms/dbc/Guides&Maps/construcdocuments/selectae.pdf>).

Representative samples of related work submitted by an applicant may be considered in the rating of Experience and Ability. From the proposals received, the Department shall qualify a minimum of three (3) firms to interview, and shall advise them of the interview procedure (which will likely be conducted by written interrogatory or by telephone) and of any further requirements.

**SELECTION RESULTS:** Immediately upon posting, the department's shortlist will be faxed to all applicants providing a fax number (or emailed to applicants requesting email notification in lieu of fax notice and providing an email address for such notification). Any protests of the selection must be made within 72 hours of posting of the results. Failure to file a protest within the time prescribed in Section 120.57(3), Florida

Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The department's selection shortlist may be announced in the Florida Administrative Weekly.

**CONTRACT AWARD:** In accordance with Section 287.055, Florida Statutes, the Department will undertake to negotiate a contract beginning with the highest ranked firm on the shortlist.

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## **FISH AND WILDLIFE CONSERVATION COMMISSION**

### **NOTICE TO PROFESSIONAL CONSULTANTS**

#### **FOR PROFESSIONAL SERVICES FOR ENGINEERING**

The Florida Fish and Wildlife Conservation Commission announces that professional services in the disciplines of civil and geotechnical engineering with specific expertise in the design of upland confined disposal areas for hydraulically dredged material will be required for the project listed below.

**PROJECT NUMBER:** FWC RFSOQ 06/07-02

**PROJECT NAME:** Gant Lake Aquatic Enhancement Project

**PROJECT LOCATION:** Sumter County, Florida

**SERVICES TO BE PROVIDED:** The Design Professional is expected to schedule services and design phases (preliminary and final design), request additional services (such as soil borings, surveys, testing, permits, etc...) leading to a design solution with adequate documentation.

**RESPONSE DUE DATE:** August 15, 2006, 3:00 p.m. (EDT)  
To request a complete Request For Statement Of Qualifications, download from the Vendor Bid System (VBS) web site or contact the Commission Engineer:

Mahmoud Madkour, Ph.D., P.E.

Division of Habitat and Species Conservation

620 South Meridian Street

Tallahassee, Florida 32399-1600

Tel: (850)488-5531

Fax: (850)921-1750

email: mahmoud.madkour@myfwc.com

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## **H. LEE MOFFITT CANCER RESEARCH INSTITUTE**

The H. Lee Moffitt Cancer Research Institute, Inc. and its subsidiaries operate pursuant to Section 1004.43, F.S. Moffitt and its' subsidiaries have facilities on the campus of University of South Florida in Tampa, Florida. Architectural, engineering and design firms interested in working on projects for Moffitt

may provide letters of interest to: H. Lee Moffitt Cancer Research Institute, Inc., Attention: Facilities Department, 12902 Magnolia Drive; Tampa, Florida 33612-9497.

**FLORIDA SHERIFFS ASSOCIATION**

**BID ANNOUNCEMENT**

**BID NUMBER:** 06-14-0821  
**BID TITLE:** PURSUIT, ADMINISTRATIVE  
NON-PURSUIT, UTILITY VEHICLES,  
TRUCKS AND VANS, AND OTHER  
FLEET EQUIPMENT

**ADVERTISEMENT DATES:**  
JULY 21, 2006 AND JULY 28, 2005

**PRE-BID CONFERENCE:**  
AUGUST 2, 2006, 10:00 a.m.

**PRE-BID CONFERENCE TO BE HELD AT:**  
MARION COUNTY SHERIFF'S OFFICE  
CONFERENCE ROOM  
692 N. W. 30TH AVENUE  
OCALA, FL 34475-5608

**REPLIES DUE:** AUGUST 21, 2006, 12:00 NOON

**BID OPENING TO BE HELD AT:**  
FLORIDA SHERIFFS ASSOCIATION  
COOPERATIVE BID COORDINATOR'S  
OFFICE  
2617 MAHAN DR. (32308)  
P. O. BOX 12519  
TALLAHASSEE, FL 32317-2519

**BIDS MUST BE SUBMITTED ELECTRONICALLY THROUGH THE FLORIDA SHERIFFS ASSOCIATION'S VEHICLE BID AWARD SYSTEM. SOLICITATION DOCUMENTS AND SPECIFICATIONS CAN BE ACCESSED THROUGH WWW.FLSHERIFFS.ORG. VENDORS WHO WISH TO PARTICIPATE IN THIS INVITATION TO BID MUST CONTACT: LYNN MEEK WITH THE FLORIDA SHERIFFS ASSOCIATION AT LMEEK@FLSHERIFFS.ORG OR (850)877-2165.**

**BID ANNOUNCEMENTS**

**BID NUMBER:** 06-07-0822  
**BID TITLE:** FIRE/RESCUE VEHICLES  
AND OTHER FLEET EQUIPMENT

**ADVERTISEMENT DATES:**  
JULY 21, 2006 AND JULY 28, 2006

**PRE-BID CONFERENCE:**  
AUGUST 3, 2006, 10:00 a.m.

**PRE-BID CONFERENCE TO BE HELD AT:**  
MARION COUNTY SHERIFF'S OFFICE  
CONFERENCE ROOM  
692 N. W. 30TH AVENUE  
OCALA, FL 34475-5608

**BID OPENING DATE:**  
AUGUST 22, 2006, 8:00 a.m.

**BID OPENING TO BE HELD AT:**  
FLORIDA SHERIFFS ASSOCIATION  
COOPERATIVE BID COORDINATOR'S  
OFFICE  
2617 MAHAN DR. (32308)  
P. O. BOX 12519  
TALLAHASSEE, FL 32317-2519

**BIDS MUST BE CONTAINED IN A SEALED ENVELOPE ADDRESSED TO THE FLORIDA SHERIFFS ASSOCIATION. INDICATE ON THE OUTSIDE OF THE ENVELOPE THE BID NUMBER, TITLE, OPENING DATE AND TIME. ALL VENDORS THAT ARE NOT ATTENDING THE OPENING WILL BE REQUIRED TO HAVE THEIR BIDS TO FSA BY 5:00 p.m., ON MONDAY, AUGUST 21, 2006. VENDORS WHO WILL BE BRINGING THEIR BIDS MUST HAVE THEM SIGNED IN BY 8:00 a.m., ON TUESDAY, AUGUST 22, 2006. THE FSA OFFICE WILL OPEN AT 7:00 a.m. ALL PARTICIPATING VENDORS ARE INVITED AND ENCOURAGED TO ATTEND THE BID OPENING.**

**ALL QUESTIONS PERTAINING TO THIS BID SHOULD BE DIRECTED TO: LYNN MEEK OR PEGGY GOFF WITH THE FLORIDA SHERIFFS ASSOCIATION, (850)877-2165.**

**MIAMI-DADE EXPRESSWAY AUTHORITY**

**INVITATION TO BID**

**MDX PROCUREMENT/CONTRACT NO.:** ITB-07-01  
**MDX WORK PROGRAM NO.:** 50023.060  
**SYSTEMWIDE SIGNING AND PAVEMENT MARKING IMPROVEMENTS**

The Miami-Dade Expressway Authority (MDX) is requesting individual sealed bids to be submitted for construction services for the System-wide Signing and Pavement Marking Improvements. The bidder shall be pre-qualified by the Florida Department Transportation ("FDOT") Rule Chapter 14-22, Florida Administrative Code, for Roadway Signing. For copies of the ITB with complete information on the scope of services as well as submittal requirements, please log onto our web site: [www.mdx-way.com](http://www.mdx-way.com) or call MDX Procurement Office at (305)637-3277. Please note: In order to download any MDX solicitations, you must register as a vendor. The vendor registration can only be done through our website. Deadline for

submitting a Bid Package is August 8, 2006 by 2:00 p.m., Eastern Time. A Pre-bid conference is scheduled for July 26, 2006. Attendance to the Pre-bid conference is NOT mandatory, however, everyone is encouraged to attend.

## Section XII Miscellaneous

### DEPARTMENT OF EDUCATION

#### COOPERATIVE AGREEMENT

Florida Department of Health  
Children's Medical Services, Early Steps

AND

Florida Department of Education  
Bureau of Exceptional Education and Student Services

#### I. PURPOSE

The purpose of this agreement between the Florida Department of Health, Children's Medical Services, Early Steps (herein referred to as DOH) and the Florida Department of Education, Bureau of Exceptional Education and Student Services (herein referred to as DOE) is to define and clarify the responsibilities of each agency to ensure the statewide provision of coordinated, quality early intervention services, including transition and family-centered services in natural environments for children with disabilities from birth to three years of age and their families. DOH and DOE are committed to cooperate in the development of programs designed to provide a comprehensive system of early intervention services to Florida's infants and toddlers from birth to age three with established conditions or developmental delays and their families consistent with the Individuals with Disabilities Education Act (IDEA), Part C.

Because each agency has specific statutory responsibilities and resources to provide for the needs of Florida's children and families, it is only through a concerted effort of interagency cooperation that an appropriate array of services can be assured.

The parties to this agreement, which pertains to Florida's infants and toddlers from birth to age three with established conditions or developmental delays, and their families will

- provide for the development and support of joint initiatives that will facilitate the effective and efficient delivery of services
- assure the non-duplication of early intervention services
- promote awareness of the full range of services available
- provide for sharing of resources such as training, technical assistance, and assistive technology at the state and local levels in order to plan, improve, or extend services
- support the development of interagency agreements among local agencies
- define the responsibility of the IDEA, Part C, lead agency

(DOH) for implementing and administering early intervention services through effective cooperation and coordination between DOH and DOE as stated in this agreement

- define the responsibility of the DOE liaison for IDEA, Part C, as stated in this agreement
- support local communities to have the flexibility to determine appropriate strategies for the implementation of services
- encourage and support local councils to coordinate and provide a leadership role in expanding and improving coordinated services
- assure that families with children transitioning from IDEA, Part C services to Part B services receive appropriate planning and coordination of services through a family-centered process that considers all options in the community for the child
- assure that services are provided in natural environments as determined by the IFSP team that takes into account the child and family's daily routines, priorities, and concerns.

#### II. PARTICIPATING PROGRAM INFORMATION

Florida Department of Health (DOH) – The mission of the DOH is to promote and protect the health and safety of all Floridians. It is the state's lead agency for the Individuals with Disabilities Education Act (IDEA), Part C Program and administers the early intervention services associated with P.L. 105-17 and P.L. 108-446. The Florida program is called Early Steps.

- Children's Medical Services (CMS) – CMS provides services to children with special needs through a family-centered, comprehensive, and coordinated statewide managed system of care that links community-based health care with multidisciplinary, regional, and tertiary pediatric care.
- Early Steps (ES) – ES is a comprehensive, multidisciplinary, community-based, family-focused program that provides a coordinated system of early intervention services for infants and toddlers from birth to age three with developmental delays or established conditions which place them at high risk for developmental disabilities and their families. This umbrella program has three components: the Developmental, Evaluation and Intervention (DEI) Program, which includes the Infant Hearing Impairment Program; IDEA, Part C Program; and services provided under Chapter 393, Florida Statutes, for children birth to age three.

Florida Department of Education (DOE) – DOE provides funding and support to all public school districts in Florida for all children with disabilities from ages three through 21 and administers a number of early childhood initiatives.

- Bureau of Exceptional Education and Student Services (BEES) – BEES works closely with DOH as the state's

lead agency for IDEA, Part C, in the provision of quality services for infants and toddlers from birth to age three with established conditions or developmental delays. Since some school districts elect to provide direct services to this population, funds are provided by CMS to support a DOE, Part C liaison position to assist in the coordination and implementation of Early Steps, including transition activities, training, and technical assistance to ensure that services are provided to eligible children.

### III. REQUIREMENTS IMPACTING AGREEMENT

- Individuals with Disabilities Education Act (IDEA) 1997 and 2004, Public Law 105-17 and Public Law 108-446, as amended, Parts C and B
- Federal Regulations, 34 CFR Parts 300 and 303
- Chapters 391 and 393, Florida Statutes
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act (ADA)
- State Board of Education Rule 6A-6.03026, Florida Administrative Code (F.A.C.)  
Special Programs for Prekindergarten Children with Disabilities
- State Board of Education Rule 6A-6.03029, F.A.C.  
Development of Family Support Plans for Children with Disabilities Ages Birth through Five Years
- State Board of Education Rule 6A-6.03030, F.A.C.  
Special Programs for Children Birth through Two Years Old who have Established Conditions
- State Board of Education Rule 6A-6.03031, F.A.C.  
Special Programs for Children Birth through Two Years Old who are Developmentally Delayed
- State Board of Education Rule 6A-6.03032, F.A.C.  
Procedural Safeguards for Children Ages Birth through Two Years with Disabilities
- State Board of Education Rule 6A-6.03311, F.A.C.  
Procedural Safeguards for Students with Disabilities

### IV. DEFINITION OF TERMS

**Assistive Technology** – An assistive device is any item, piece of equipment, or product system whether acquired commercially off the shelf, modified or customized, that is used to increase, maintain, or improve the functional capabilities of children with disabilities. Exception – The term does not include a medical device that is surgically implanted, or the replacement of such device.

**Assistive Technology Educational Network (ATEN)** – A statewide network of centers that provide training and technology support through an assistive technology loan library and a regional training program funded through DOE.

**Central Directory** – A statewide system for providing resource and referral information to families of infants and toddlers who have disabilities or are at risk of developmental delays, as well as professionals and paraprofessionals serving the population.

**Children’s Medical Services Early Steps Policy and Guidance Documents** – Policy and operations guidance developed and maintained by the state’s lead agency, DOH, for implementation of early intervention services. They include IDEA, Part C federal requirements and state policies and procedures.

**Children’s Registry and Information System (CHRIS)** – A data management and service coordination system implemented through the Florida Diagnostic and Learning Resources System (FDLRS) for children from birth through age six to assist school districts in the educational planning of service needs.

**Established Condition** – A diagnosis, or suspected diagnosis, that has a high probability of resulting in disability or developmental delay, in one of the following areas: (1) genetic and metabolic disorders; (2) neurological abnormalities and insult; (3) severe attachment disorder; (4) significant sensory impairments.

**Individualized Family Support Plan (IFSP) Process** – A family-centered planning process which involves the family, service providers, evaluators, the service coordinator, and others, which results in a written plan of early intervention program services to meet the identified outcomes for an individual child and family. The IFSP is the authorizing document for services provided through IDEA, Part C, in Florida.

**Florida Diagnostic and Learning Resources System (FDLRS)/Child Find** – A student support system responsible for the location and identification of children who may be eligible for special education services (Child Find). FDLRS also provides public awareness, screening, inservice training, technology, and parent services as a support for school districts, families, and community organizations which serve children with disabilities from birth through 21 years of age.

**Florida Interagency Coordinating Council for Infants and Toddlers (FICCIT)** – An interagency council that assists DOH in implementing a statewide system of coordinated, comprehensive, multidisciplinary interagency programs providing early intervention services to infants and toddlers with disabilities and their families. FICCIT consists of members who are appointed by the Governor and represent the population of the state.

**Individual Educational Plan (IEP)** – A written plan that describes the specially designed instruction and related services which will be provided to a student with disabilities. The IEP is the authorizing document for services in accordance with IDEA requirements at 20 U.S.C. Chapter 33 Section 614(d) (1997), and State Board of Education Rule 6A-6.03028, F.A.C.

**Local Education Agency (LEA)** – The local school district in which the child resides which is responsible for the provision of specially designed instruction and related services for



eligible children. The LEA has the option of serving infants and toddlers with established conditions or developmental delays from birth to age three as an IDEA, Part C provider.

**Multidisciplinary Evaluation** – An evaluation and assessment process involving activities by one or more qualified professionals from two or more disciplines working with the family and primary service coordinator to identify the needs of the child and family.

**Natural Environments** – The day-to-day routines, activities, and places that promote learning opportunities for an individual child and family, including home and community settings that are natural or normal for the child's typically developing peers.

**Procedural Safeguards** – A series of rights outlined in IDEA, Parts B and C, intended to protect the interests of eligible children with disabilities and their families. Procedural safeguards address topics such as confidentiality, parent consent, prior notice, access to records, and dispute resolution.

**Quality Assurance Review** – A process that includes a desk review of each local Early Steps Program's Self Assessment information, data, and family survey information that results in a written report, continuous improvement plan, selected onsite verification activities, and follow-up technical assistance activities to meet the requirements, standards, and policies of IDEA, Part C, as appropriate.

**Transition** – A process supported by collaboration among agencies and families to provide a continuum of services to assure smooth movement for children and families from one program or service to another.

## V. ROLES AND RESPONSIBILITIES

DOH agrees to

- serve as the lead agency in Florida for the administration of IDEA, Part C, as required in 34 CFR 303.142
- provide staff to ensure that state collaboration is consistent with IDEA, Part C, for policy and program development and coordination
- transmit funds to DOE for one full-time staff position to support DOE's role in the implementation of IDEA, Part C
- provide state level planning, policy development, and coordination to support local implementation of the following components as required by IDEA, Part C and the CMS Program Office and described in the policy and guidance documents: public awareness/central directory, referral/child find, evaluation and assessment, service delivery, family support plans, service coordination, transition, procedural safeguards, family involvement, local quality assurance, fiscal management, data and record keeping, and personnel development and training
- provide policy and supports that promote delivery of IDEA, Part C services for eligible infants and toddlers in the natural environment
- in partnership with DOE, participate in the continued development/revision of State Board of Education Rules

for the coordination and implementation of IDEA, Part C requirements at both state and local levels

- in collaboration and partnership with DOE and local public and private agencies, participate in the continued development of outcome measures for which local Early Steps Programs will be held accountable
- in collaboration and partnership with DOE and local and private service providers, assure the provision of technical assistance, training, and quality assurance reviews to local Early Steps Programs
- support a central directory of information consistent with the requirements of IDEA, Part C
- in collaboration with DOE, participate in the implementation of a comprehensive system of personnel development for professionals and paraprofessionals working with or preparing to work with infants and toddlers from birth to age three with established conditions or developmental delays and their families
- implement policy pertaining to contracting or making other arrangements with public or private service providers to provide Early Steps services which include the requirement that all early intervention services meet State standards and are consistent with the provisions of IDEA, Part C
- participate as a member of DOE's State Advisory Committee for the Education of Exceptional Students established to improve programs and services to children with disabilities
- participate as a member of DOE's CHRIS workgroup
- utilize DOE's designated pool of mediators for resolving local or state level conflicts for participants, such as family members, providers, and Early Steps staff electing to enter the mediation process
- provide support and participation in the activities of the FICCIT and committees to assist in the implementation of Early Steps services
- provide timely, appropriate, and relevant data at both the state and local level to DOE and Early Steps and their councils in order to accomplish short- and long-term planning for eligible children and their families
- participate on the steering committee for the IDEA, Part B, Continuous Improvement Monitoring Process.

DOE agrees to

- assist the lead agency in the administration of IDEA, Part C
- maintain staff to
  1. provide state level intra- and interagency collaboration that is consistent with IDEA, Part C, for policy and program development and coordination
  2. provide and disseminate information regarding the implementation of IDEA, Part C to LEAs

3. participate, as appropriate, in DOH, Early Steps Unit staff meetings, retreats, statewide and regional meetings, and training activities
  4. participate as a team member for all desk reviews and onsite visits of local Early Steps quality assurance reviews
  5. assist Early Steps state level technical assistance liaisons with quality assurance review follow-up activities, training, and requested technical assistance to local Early Steps service areas
- assist school districts that provide services for infants and toddlers from birth to age three with established conditions or developmental delays and their families and to do so following IDEA, Part C regulations, including implementation of the individualized family support planning process
  - participate in state level planning, policy development, and coordination to support local implementation of the following components as required by IDEA, Part C: public awareness/central directory, referral/child find, evaluation and assessment, service delivery, family support plans, service coordination, transition, procedural safeguards, family involvement, local quality assurance, fiscal management, data and record keeping, and personnel development and training
  - assist, through the FDLRS Child Find, in the identification, screening, and referral of eligible infants and toddlers
  - in partnership with DOH, participate in the continued development of a framework for the coordination and implementation of the new service delivery system which includes natural environment requirements at both state and local levels
  - in collaboration and partnership with DOH and local and private service providers, provide technical assistance in the continuing implementation of IDEA, Part C
  - in collaboration and partnership with DOH and local public and private service providers, participate in the continued development of outcome measures for which local Early Steps will be held accountable
  - provide training for mediators who will serve as impartial decision-makers in the resolution of conflicts/disputes; provide the lead agency with a list of those trained mediators
  - participate as a member of FICCIT to assist in the implementation of Infants and Toddlers Early Steps services
  - provide timely, appropriate, and relevant data to DOH, local Early Steps, and local school districts to ensure short- and long-term planning for eligible children and their families
  - participate on the steering committee for the IDEA, Part C, Continuous Improvement Monitoring Process.
- DOH and DOE jointly agree to
- consult on the development of state plans and budget items related to prevention and early intervention for infants and toddlers from birth to age three with established conditions or developmental delays and their families
  - provide cross-agency training of staff at state, regional, and local levels
  - help ensure that personnel serving infants and toddlers from birth to age three with established conditions or developmental delays and their families are appropriately trained and, as applicable, certified by Florida law or by position qualifications through joint quality assurance activities
  - consistent with applicable state and federal laws, rules, and regulations dealing with confidentiality of information, share child and family assessment data for infants and toddlers from birth to age three with established conditions or developmental delays and their families and share data on the number of children served under special education programs for the purposes of state and federal planning and reporting
  - help ensure the adherence to procedural safeguards in accordance with IDEA, Part C, by each agency in the state that is involved in the provision of Early Steps services to infants and toddlers from birth to age three with established conditions or developmental delays and their families through joint quality assurance activities
  - help ensure that each agency's advisory councils, commissions, committees, workgroups, and task forces which address the needs of infants and toddlers from birth to age three with established conditions or developmental delays and their families are coordinated with the roles of those councils clearly defined
  - disseminate this agreement to appropriate personnel in each agency, the Governor's Office, and to local agency administrators
  - help ensure coordination on matters relating to the transition of toddlers from IDEA, Part C services to IDEA, Part B services or from IDEA, Part C services to other appropriate community services through joint training and quality assurance activities
  - collaborate as members of state teams and workgroups to promote best practices, family-centered practices, shared resources, and effective service delivery.

DOE and DOH concur that Florida will not extend Part C services to children ages 3 to kindergarten entry. The agencies will re-visit this decision on an annual basis. Should this option be elected in future years, this agreement will be amended to reflect such decision.

**IN MATTERS RELATING TO QUALITY ASSURANCE OF IDEA, PART C PROGRAMS, TRANSITION TO PRESCHOOL PROGRAMS AT AGE THREE, ASSISTIVE TECHNOLOGY, CHILD FIND, AND SHARING OF DATA.**

DOH and DOE agree as follows:

- Quality Assurance of IDEA, Part C Programs  
DOH will:
  1. ensure the scheduling, implementation, and follow-up of quality assurance activities of each Early Steps Program in collaboration with the DOE liaison and other program representatives, as appropriate
  2. provide staff to participate on Early Steps desk reviews and follow-up onsite quality assurance verification visits, as appropriate.
 DOE will:
  1. participate in development, planning, and reporting activities related to Early Steps desk reviews and follow-up onsite visits
  2. participate as a team member of Early Steps desk reviews and onsite quality assurance verification visits.
- Transition from Part C to Part B or Other Community Programs  
DOH will:
  1. as the Part C lead agency, provide quality assurance reviews and technical assistance to Early Steps in Florida to help ensure that transition services (a) include the development of a transition plan; (b) for children potentially eligible under Part B, include holding the transition meeting with parental consent at least 90 days and, at the discretion of the parties, up to nine months before the child's third birthday; (c) include notification to the local education agency in which the child resides that the child will shortly reach the age of eligibility for preschool services under IDEA, Part B; and (d) are provided to families receiving Part C services according to federal IDEA and state policies collaboratively with DOE and LEAs
  2. develop and distribute training and informational materials to help orient and educate families, professionals, service providers, and other community partners collaboratively with DOE and LEAs
  3. provide services and resources for children with disabilities that address their future needs through collaborative planning and sharing of information with DOE and LEAs

4. help ensure that families are experiencing smooth transitions for their children leaving Part C services through oversight of family surveys.

5. make reasonable efforts to convene a conference among the local Early Steps, the family, and providers of other appropriate services for those children who are not eligible for preschool services under Part B, to discuss appropriate services the child may receive.

DOE will:

1. as the Part B lead agency, participate in quality assurance reviews and provide technical assistance to LEAs in Florida to help ensure that transition services are provided to families according to federal IDEA and state policies collaboratively with DOH, Early Steps
2. participate in the development of policies, state guidance, and technical assistance documents and conduct state and local training related to transition issues
3. assist in the implementation and development of materials to help prepare the transitioning child and family
4. assist the LEAs in facilitating, through training and information exchange the smooth transition of families from IDEA, Part C to Part B services in accordance with IDEA, to ensure (1) FAPE for a child eligible for Part B and have developed and implemented an IEP by the third birthday, (2) an invitation to the initial IEP meeting shall, at the request of the parent, be sent to the IDEA, Part C service coordinator or other Part C representative to assist with the smooth transition of services for a child previously served in IDEA, Part C, (3) the IEP team shall consider the IFSP when developing the IEP, and (4) LEA participates in the transition planning meeting arranged and designated by the lead agency as stated in 34 CFR Section 300.132.

- Assistive Technology

DOH will:

1. help ensure that families have access to appropriate assistive technology and services as stated on the individualized family support plan through training and joint quality assurance activities
2. collaborate with local school districts to ensure utilization of available assistive and instructional technology resources through ATEN and FDLRS Tech.
3. collaborate with all appropriate local private and public organizations to ensure maximum utilization of existing community resources
4. participate in the development of policies, procedures, and demonstration projects at the state and local levels with DOE to maximize collaboration and shared resources between local school districts and local Early Steps programs to ensure families have accessible, appropriate assistive technology services and equipment

5. provide education and training to local Early Steps programs to ensure that the appropriate transfer and use of assistive technology and equipment occurs during transition of a child to IDEA, Part B services.

DOE will:

1. participate in development of policies, procedures, and demonstration projects at the state and local levels with DOH to maximize collaboration and shared resources between local school districts and local Early Steps programs to ensure families have accessible, appropriate assistive technology services and equipment

2. provide education and training to local school districts to ensure that the appropriate transfer and use of assistive technology and equipment occurs during transition of a child from IDEA, Part C to Part B services.

- Child Find

DOH and DOE jointly agree that policies and procedures are in effect to ensure that

1. all children with disabilities residing in the State of Florida, including children with disabilities attending private schools, including parochial, elementary, and secondary, regardless of the severity of their disabilities, and who are in need of specially designed instruction and related services are identified, located, and evaluated

2. a practical method is developed and implemented to determine which children with disabilities are currently receiving early intervention or special education and related services

3. responsibilities for child find and evaluation procedures under IDEA, Part C are followed when the purpose is to locate, identify, and evaluate infants and toddlers with disabilities who may be eligible for early intervention services under Part C

4. responsibilities for child find and evaluation procedures under IDEA, Part B are followed when the purpose is to locate, identify, and evaluate children with disabilities who may be eligible for specially designed instruction and related services under Part B.

- Data Sharing:

DOE and DOH jointly agree that

1. the purposes of data sharing are directly related to the obligation each agency has in regard to meeting the requirements of Child Find

2. the coordination of all activities necessary to maximize information and data sharing, in accordance with applicable state and federal statutes and rules, will be for purposes of service delivery and coordination, research, program improvement, program evaluation and reporting, and public information.

To accomplish this goal, DOE and DOH will

1. collaborate in the sharing of specific student and family information to ensure timely transition for children with disabilities who are turning three within the school year

2. exchange specific personally identifiable information in connection with the requirement to meet the statutory child find responsibilities under Part C and B of the IDEA. [(Letter to Elder. 41 IDELR 270 (OSERS 2004)] (See attached data elements for sharing and producing reports.)

#### VI. FINANCIAL RESPONSIBILITY

Florida DOH, as the lead agency, has responsibility for assuring that funds are available and allocating funds to local Early Steps programs to pay for services to infants and toddlers from birth to age three with established conditions or developmental delays and their families, as required under IDEA, Part C, Early Steps.

Florida DOH agrees to continue services and state support for infants and toddlers from birth to age three with established conditions or developmental delays and their families as allocated on an annual basis and agree to implement the comprehensive system of early intervention services as required under IDEA, 34 CFR 303.527, in a revenue neutral manner with no reduction in services and resources to other non-entitled infants and toddlers and their families.

Florida DOH, as lead agency, shall in collaboration with DOE and with the advice of FICCIT ensure that policies and procedures for the following infrastructure components required by IDEA, Part C are in place: central directory of information, public awareness program, individualized family support plans, transition policies and procedures, comprehensive system of personnel development, procedures to establish and ensure procedural safeguards, dispute resolution and due process procedures, and data collection and reporting.

#### VII. INTERAGENCY DISPUTE PROCESS

The parties to this agreement will resolve any complaints or grievances as follows. Resolution of the conflicting issues will occur at the lowest level possible.

1. The grieving agency shall provide the complaint or grievance in writing and identify the conflict; proposed action to be taken and by whom; and a summary of factual, legal and policy grounds.

2. The receiving agency shall provide a written response, which includes proposed solutions to the dispute, within forty-five (45) days of receiving the notice of the conflict.

3. Upon resolution of the conflict, a joint written statement indicating the resolution will be developed. The statement will be disseminated by a representative from each agency and be binding upon the agencies involved.

4. Should additional action be required to resolve a conflict, a report from both agencies will be submitted to the appropriate parties who signed the agreement

representing their agency. Such parties shall request an administrative hearing consistent with the procedures in Section 120.57(1), F.S., the Administrative Procedures Act. Decisions made as a result of such hearing will be final and binding upon the agencies involved.

Until final resolution of a dispute, each of the parties to this agreement shall respect the policies and procedures of one another.

VIII. DURATION OF AGREEMENT

This agreement will begin July 1, 2006, or on the date it has been signed by both parties, whichever is later. This agreement can be cancelled by either party for any reason with a 30-day notification prior to termination date. Notice of termination of the agreement must be submitted in writing to the Chief, Early Steps Bureau, Children’s Medical Services, designated contact for DOH, CMS, Early Steps, or the Chief, Bureau of Exceptional Education and Student Services, designated contact for DOE.

The Chief, Early Steps Bureau, Department of Health and the Chief, Bureau of Exceptional Education and Student Services, Department of Education are designated and given responsibility for implementing this agreement and for negotiating any changes to renew or update this agreement.

IX. CONFIDENTIALITY

Each party will protect the rights of children with disabilities from ages birth through 5 and their families with respect to records and reports created, maintained, and used by public institutions within the state. It is the intent of this agreement to ensure that parents have the rights of access, rights of challenge, and rights of privacy as provided by law with respect to such records and reports and that applicable state and federal laws for the exercise of these rights be strictly adhered to.

X. AUTHORIZING SIGNATURES

Each agency, by the signature below of its authorized representative, hereby acknowledges that he/she has read this agreement, understands it, and agrees to be bound by its terms.

Bambi Lockman, Chief  
Bureau of Exceptional Education and Student Services  
Florida Department of Education

\_\_\_\_\_Date

John Winn, Commissioner  
Florida Department of Education

\_\_\_\_\_Date

APPROVED AS TO FORM AND LEGALITY, OFFICE OF GENERAL COUNSEL, FLORIDA DEPARTMENT OF EDUCATION

BY: \_\_\_\_\_

\_\_\_\_\_Date

IX. AUTHORIZING SIGNATURES (Continued)

Each agency, by the signature below of its authorized representative, hereby acknowledges that he/she has read this agreement, understands it, and agrees to be bound by its terms.

\_\_\_\_\_  
Janice Kane, Chief  
Early Steps Bureau  
Children’s Medical Services  
Florida Department of Health

\_\_\_\_\_Date

\_\_\_\_\_  
M. Rony François, M.D., M.S.P.H., Ph.D.  
Secretary of Health  
Florida Department of Health

\_\_\_\_\_Date

APPROVED AS TO FORM AND LEGALITY, OFFICE OF GENERAL COUNSEL, FLORIDA DEPARTMENT OF HEALTH

BY: \_\_\_\_\_

\_\_\_\_\_Date

The following data will be shared by the Department of Health with the Department of Education on a quarterly basis for the duration of this agreement. Once the agreement is signed, the first quarterly data set transmitted will include all Part C children served by DOH. Subsequent quarterly data sets will coincide with the DOH quarterly child count reports and include only children newly registered in Part C during that quarter. DOE will share data with DOH for each school district in regard to timely transition of children from Part C to Part B.

Data Element	Part C Data Field Name
Last Name	DME.CNAM
First Name	DME.CNAM
Middle Initial	DME.CNAM
Date of Birth	DME.CHDDAT
Last Name	DME.PNAM
First Name	DME.PNAM
Address	DME.ADDRESS
City	DME.CITY
Zip Code	DME.ZIPCO
Phone Number	DME.PH1+DME.PH2+DME.PH3
County of Residence	DME.RCN

**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 (2005), General Motors Corporation, intends to allow the establishment of Crown Auto Dealerships, Inc., as a dealership for the sale of Buick, Pontiac and GMC vehicles at 5237 34th Street, North, St. Petersburg (Pinellas County), Florida 33714, on or after August 21, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Crown Auto Dealerships, Inc., are dealer operator(s): Dwayne Hawkins, 5237 34th Street, North, St. Petersburg, Florida 33714; principal investor(s): Dwayne Hawkins, 5237 34th Street North, St. Petersburg, Florida 33714.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gregory D. Ross, Zone Manager, General Motors Corporation, 3030 North Rocky Point Drive West, Suite 550, Tampa, Florida 33607.

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 (2005), X Power Motorsports, Inc., intends to allow the establishment of Mad Dog Scooters, Inc., as a dealership for the sale of CF Moto and Linhai Powermax motorcycles at 4400 10th Avenue, North, Lakeworth ( Palm Beach County), Florida 33461, on or after June 13, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Mad Dog Scooters, Inc., are dealer operator(s): Sal Napoli, 11309 Woodchuck Drive, Boca Raton, Florida 33428; principal investor(s): Michael Fusco, 1047 Fosters Mill Road, Boynton Beach, Florida 33436.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Bill Morrow, President, X Power Motorsports, Inc., 2727 U.S. Highway 411, South, Maryville, Tennessee 37801.

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 (2005), U.S. Custom Cycles, d/b/a Rucker Performance Motorcycle Company, intends to allow the establishment of Daytona Harley-Davidson, Inc., d/b/a Bruce Rossmeyer's Daytona Harley-Davidson, as a dealership for the sale of Rucker Performance motorcycles at 1637 North U.S. Highway 1, Ormond Beach (Volusia County), Florida 32174, on or after June 22, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Daytona Harley-Davidson, Inc., d/b/a Bruce Rossmeyer's Daytona Harley-Davidson, are dealer operator(s): Bruce O. Rossmeyer, 1637 North U.S. Highway 1, Ormond Beach, Florida 32174; principal investor(s): Bruce O. Rossmeyer, 1637 North U.S. Highway 1, Ormond Beach, Florida 32174; Gene Reed, 7519 Rivers Avenue, North, Charleston, South Carolina; and Eric Holm, 1390 Hope Road, Suite 100, Maitland, Florida 32751.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: William Rucker, President, Rucker Performance, 5518 East Belknap Street, Fort Worth, Texas 76117.

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 (2005), General Motors Corporation, intends to allow the establishment of Dick Norris Pontiac-GMC, Inc., as a dealership for the sale of Buick, Pontiac and GMC vehicles at 19320 U.S. Highway 19, North, Clearwater (Pinellas County), Florida 33764, on or after August 21, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Dick Norris Pontiac-GMC, Inc., are dealer operator(s): Richard H. Norris, 19320 U.S. Highway 19 North, Clearwater, Florida 33754; principal investor(s): Richard H. Norris, 19320 U.S. Highway 19, North, Clearwater, Florida 33754.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Gregory D. Ross, Zone Manager, General Motors Corporation, 3030 North Rocky Point Drive, West, Suite 550, Tampa, Florida 33607.

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 More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hellbound Steel Motorcycles, LLC, intends to allow the relocation of Daytona Custom Motorcycles, LLC, d/b/a Arlen Ness Motorcycles, as a dealership for the sale of Hellbound Steel motorcycles from its present location at 420 North Beach Street, Daytona Beach, Florida 32114, to a proposed location at 1647 North U.S. Highway 1, Ormond Beach (Volusia County), Florida 32174, on or after June 22, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Daytona Custom Motorcycles, LLC, d/b/a Arlen Ness Motorcycles, are dealer operator(s): Bruce O. Rossmeyer, 1637 North U.S. Highway 1, Ormond Beach, Florida, 32174; principal investor(s): Bruce O. Rossmeyer, 1637 North U.S. Highway 1, Ormond Beach, Florida, 32174; Arlen Ness, 6050 Dublin Boulevard, Dublin, California 94568; and Cory Ness, 6050 Dublin Boulevard, Dublin, California 94568.

The notice indicates intent to relocate the franchise 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, 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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Molloy, President, Hellbound Steel Motorcycles, 8613 Helms Avenue, Rancho Cucamonga, California 91730.

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 (2005), Hellbound Steel Motorcycles, LLC, intends to allow the establishment of Daytona Harley-Davidson, Inc., d/b/a Bruce Rossmeyer's Daytona Harley Davidson, as a dealership for the sale of Hellbound Steel motorcycles at 1637 North U.S. Highway 1, Ormond Beach ( Volusia County), Florida 32174, on or after June 30, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Daytona Harley-Davidson, Inc., d/b/a Bruce Rossmeyer's Harley-Davidson are dealer operator(s): Bruce O. Rossmeyer, 1637 North U.S. Highway 1, Ormond Beach, Florida 32174; principal investor(s): Bruce O. Rossmeyer, 1637 North U.S. Highway 1, Ormond Beach, Florida 32174; Gene Reed, 7519 Rivers Avenue, North Charleston, South Carolina 29406; and Eric Holm, 1390 Hope Road, Suite 100, Maitland, Florida 32751.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Molloy, President, Hellbound Steel Motorcycles, LLC, 8613 Helms Avenue, Rancho, Cucamonga, California 91730.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving



the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), QLINK, LP, intends to allow the establishment of Discount Scooters, Inc., as a dealership for the sale of Zongshen and Chunfeng motorcycles at 5908 North Armenia Avenue, Tampa (Hillsborough County), Florida 33603, on or after July 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Discount Scooters, Inc., are dealer operator(s): Brooke Gentile, 5908 North Armenia Avenue, Tampa, Florida 33603; principal investor(s): Brooke Gentile, 5908 North Armenia Avenue, Tampa, Florida 33603.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Johnny Tai, Manager, QLINK, LP, 756 Port America Place, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

[The previous publication in Vol. 32, No. 23, June 9, 2006, on page 2673 has been corrected in the third line down to read, "3450" Fowler Street, Fort Myers (Lee County), Florida 33901.]

Pursuant to Section 320.642, Florida Statutes (2005), Hino Motors Sales U.S.A., Inc., intends to allow the establishment of Emsil Enterprises, Inc., d/b/a Tri-County Truck & Equipment, as a dealership for the sale of Hino trucks at 450 Fowler Street, Fort Myers (Lee County), Florida 33901, on or after July 3, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Emsil Enterprises, Inc., d/b/a Tri-County Truck & Equipment are dealer operator(s): Michael Friscaro, 9700 Northwest First Manor, Coral Springs, Florida 33071; principal investor(s): Michael Silveri, 2930 Northeast 23rd Street, Pompano Beach, Florida 33062, and Michael Friscaro, 9700 Northwest First Manor, Coral Springs, Florida 33071.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Hiroji Kurayama, President, Hino Motors Sales U.S.A., Inc., 2555 Telegraph Road, Bloomfield Hills, Michigan 48302.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), X Power Motorsports, intends to allow the establishment of Steve's Cycles, Inc., as a dealership for the sale of CF Moto and Linhai Powermax motorcycles at 1045 West King Street, Cocoa (Brevard County), Florida 32922, on or after June 6, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Steve's Cycles, Inc. are dealer operator(s): Stephen T. Foley, 955 Beachfern Lane, Rockledge, Florida 32955; principal investor(s): Stephen T. Foley, 955 Beachfern Lane, Rockledge, Florida 32955.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Bill Morrow, President, X Power Motorsports, 2727 U.S. Highway 411, South, Maryville, Tennessee 37801.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

[The previous publication in Vol. 32, No. 24, June 16, 2006, on page 2781, has been corrected to show the recently changed address at, "5121 South U.S. 1, Fort Pierce, Florida 34982."]

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that Toyota Motor Sales, USA Inc., intends to allow the establishment of S. Woods Industries, LLC, d/b/a Treasure Coast Lexus, as a dealership for the sale and service of Lexus automobiles, at 5121 South U.S. 1, Fort Pierce (St. Lucie County), Florida 34982, on or after June 2, 2006.

The name and address of the dealer operator(s) and principal investor(s) of S. Woods Industries, LLC, d/b/a Treasure Coast Lexus, are dealer operator(s): Sandy L. Woods, 9207 Adamo Drive, Tampa, Florida 33619; principal investor(s): Sandy L. Woods, 9207 Adamo Drive, Tampa, Florida 33619.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mark Del Rosso, Lexus Southern Area, Toyota Motor Sales, USA Inc., 11540 Great Oaks Way, Alpharetta, Georgia 30022.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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The Department of Environmental Protection announces cancellation of the public workshops announced in the Notice of Proposed Rule Development for Chapter 62-343, F.A.C., published on the Department's Official Internet Noticing site on June 30, 2006, at [http://tlhora6.dep.state.fl.us/onw/pub\\_date.asp?pubdate=6/30/2006](http://tlhora6.dep.state.fl.us/onw/pub_date.asp?pubdate=6/30/2006).

CONTACT: Beth Saska, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)245-8486, e-mail: [beth.saska@dep.state.fl.us](mailto:beth.saska@dep.state.fl.us); or facsimile (850)245-8499.

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**DEPARTMENT OF HEALTH**

On July 10, 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 David John Guerriero, D.C., license number CH6373. 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.

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On July 11, 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 Donna Bostwick, R.N. license number RN 9177554. 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.

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On July 10, 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 Holly Beth Woodward, R.N. license number RN 9206120. 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.

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On July 3, 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 Scott Allen Shepherd, R.N. license number RN 9195392. 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.

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On July 3, 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 Keri Sue Snider, R.N. license number RN 2962432. 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.

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On July 6, 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 Allison J. Rubinstein, C.N.A. license number CNA 110946. 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.

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## FINANCIAL SERVICES COMMISSION

### NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. 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., August 11, 2006:

APPLICATION FOR A NEW FINANCIAL INSTITUTION  
Applicant and Proposed Location: CNLBank, Southwest Florida, 9124 Bonita Beach Road, Bonita Springs, Florida 34135

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: July 7, 2006

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN July 3, 2006  
 and July 7, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF LEGAL AFFAIRS**  
**Division of Victim Services and Criminal Justice Program**

2A-8.005	7/6/06	7/26/06	32/22	
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

5E-1.016	7/6/06	7/26/06	32/21	
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**DEPARTMENT OF EDUCATION**  
**State Board of Education**

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6A-1.09441	7/7/06	7/27/06	32/20	
6A-4.002	7/7/06	7/27/06	32/20	
6A-4.006	7/7/06	7/27/06	32/20	

**DEPARTMENT OF REVENUE**  
**Sales and Use Tax**

12A-16.008	7/5/06	7/25/06	32/2	32/15
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**DEPARTMENT OF TRANSPORTATION**

14-15.0081	7/7/06	7/27/06	32/17	
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**DEPARTMENT OF CITRUS**

20-9.002	7/5/06	7/25/06	32/16	
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**DEPARTMENT OF CORRECTIONS**

33-601.302	7/5/06	7/25/06	32/21	
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**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Medicaid Program Office**

59G-4.015	7/3/06	7/23/06	32/16	
59G-4.200	7/3/06	7/23/06	32/18	
59G-4.330	7/3/06	7/23/06	32/16	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

61B-23.0029	7/7/06	7/27/06	32/20	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Board of Accountancy**

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61H1-33.003	7/3/06	7/23/06	32/10	32/23
61H1-33.006	7/3/06	7/23/06	32/13	32/23
61H1-36.005	7/3/06	7/23/06	32/21	
61H1-36.0055	7/3/06	7/23/06	32/21	
61H1-36.006	7/3/06	7/23/06	32/21	

**DEPARTMENT OF HEALTH**  
**Board of Medicine**

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**Board of Nursing Home Administrators**

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64B10-14.004	7/7/06	7/27/06	32/20	

**School Psychology**

64B21-503.004	7/7/06	7/27/06	32/21	
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-1.203	7/3/06	7/23/06	31/20	32/7
65A-1.400	7/3/06	7/23/06	31/20	32/7

**Family Safety and Preservation Program**

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65C-31.009	7/7/06	7/27/06	31/43	32/2
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**Mental Health Program**

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65E-9.004	7/5/06	7/25/06	32/14	
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65E-9.009	7/5/06	7/25/06	32/14	

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65E-9.011	7/5/06	7/25/06	32/14	
65E-9.012	7/5/06	7/25/06	32/14	
65E-9.013	7/5/06	7/25/06	32/14	
65E-9.014	7/5/06	7/25/06	32/14	

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Manatees**

68C-22.015	7/3/06	7/23/06	32/6	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Risk Management**

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69H-2.004	7/3/06	7/23/06	32/19	

**Division of Consumer Services**

69J-2.001	7/6/06	7/26/06	32/22	
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