

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE NO.:                   RULE TITLE:

5M-2.004                   Notice of Intent to Implement

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a rule amendment to require nutrient management in Notices of Intent for Water Quality/Quantity BMPs for Indian River Area Citrus Groves. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

DATE AND TIME: December 14, 2006, 10:00 a.m.

PLACE: UF/IFAS Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida 34945, phone: (772)468-3922, ext.113

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE CHAPTER NO.:   RULE CHAPTER TITLE:

5M-5                           Best Management Practices (BMPS)  
                                  for the Peace River Manasota Basin  
                                  Area

RULE NO.:                   RULE TITLE:

5M-5.004                   Notice of Intent to Implement

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a rule amendment to require nutrient management in Notices of Intent for Best Management

Practices for Citrus Groves in the Peace River and Manasota Basins. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

DATE AND TIME: December 14, 2006, 3:00 p.m.

PLACE: UF/IFAS Desoto County Extension Service Office, 2150 N.E. Roan Street, Arcadia, Florida 34266, phone: (863)993-4846

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE CHAPTER NO.:   RULE CHAPTER TITLE:

5M-7                           Best Management Practices for Gulf  
                                  Citrus

RULE NOS.:                   RULE TITLES:

5M-7.002                   Approved BMPs

5M-7.004                   Notice of Intent to Implement

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a rule amendment to require nutrient management in Notices of Intent for Gulf Citrus BMP Manual. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATE AND TIME: December 5, 2006 1:30 p.m.  
 PLACE: UF/IFAS Southwest Florida Research and Education Center, 2686 SR 29 North, Immokalee, Florida 34142-9515, phone: 239-658-3400

DATE AND TIME: December 14, 2006, 3:00 p.m.  
 PLACE: UF/IFAS Desoto County Extension Service Office, 2150 N.E. Roan Street, Arcadia, Florida 34266, phone: (863)993-4846

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Agricultural Water Policy**

RULE NO.: 5M-8.004                      RULE TITLE: Notice of Intent to Implement

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a rule amendment to require nutrient management in Notices of Intent for Best Management Practices for Florida Vegetable and Agronomic Crops. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

DATE AND TIME: December 5, 2006, 1:30 p.m.  
 PLACE: UF/IFAS Southwest Florida Research and Education Center, 2686 SR 29 North, Immokalee, Florida 34142-9515, phone: (239)658-3400

DATE AND TIME: December 14, 2006, 10:00 a.m.  
 PLACE: UF/IFAS Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida 34945, phone: (772)468-3922, ext.113

DATE AND TIME: December 14, 2006, 3:00 p.m.  
 PLACE: UF/IFAS Desoto County Extension Service Office, 2150 N.E. Roan Street, Arcadia, Florida 34266, phone: (863)993-4846

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.099821                      RULE TITLE: Kindergarten Readiness Rate

PURPOSE AND EFFECT: The purpose of the rule development is to adopt procedures for the Department to annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten. The kindergarten readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the Voluntary Prekindergarten Education Program, beginning with students completing the program during the 2005-06 school year who are administered the statewide kindergarten screening during the 2006-07 school year. The effect is to implement the requirements of Section 1002.69, Florida Statutes, and continued implementation of the calculation of a readiness rate.

SUBJECT AREA TO BE ADDRESSED: Kindergarten Readiness Rate.

SPECIFIC AUTHORITY: 1002.79 FS.

LAW IMPLEMENTED: 1002.79 FS.

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

DATE AND TIME: December 7, 2006, 4:30 p.m. – 6:30 p.m.  
 PLACE: Lexington Hotel, 304 W Colonial Dr., Orlando, Florida

DATE AND TIME: December 11, 2006, 6:00 p.m. – 8:00 p.m.  
 PLACE: Florida Community College at Jacksonville – Downtown Campus, 101 W. State St., Jacksonville, Florida

DATES AND TIMES: December 19, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: Miami Lakes CDS Office, N.W. 57th Street, Miami Lakes, Florida

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: Shan Goff, Office of Early Learning, Florida Department of Education, 325 W. Gaines St., Suite 1524,

Tallahassee, FL 32399-0400, (850)245-0445. 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: Shan Goff, Office of Early Learning, Florida Department of Education, 325 W. Gaines St., Suite 1524, Tallahassee, FL 32399-0400, (850)245-0445

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0980                      RULE TITLE: K-8 Virtual School Program

PURPOSE AND EFFECT: The purpose of the proposed rule development is to adopt requirements for administering the K-8 Virtual School Program within the Department of Education. The rule will also incorporate the Program’s application form.

SUBJECT AREA TO BE ADDRESSED: Administration of the K-8 Virtual School Program.

SPECIFIC AUTHORITY: 1002.415 FS.

LAW IMPLEMENTED: 1002.415 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: Requests for a Rule Development Workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, FL 32399-0400

For information relating to the text of the rule, please contact: Virginia Gentles, Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

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

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NO.: 12D-1.002                      RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-1.002, F.A.C., is to clarify that just value and fair market value are legally synonymous as held by the Florida Supreme Court.

SUBJECT AREA TO BE ADDRESSED: Just value definition.

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

LAW IMPLEMENTED: 192.001, 193.085, 193.461, 213.05 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.

PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-1.002 Definitions.

Unless otherwise stated or unless otherwise clearly indicated by the context in which a particular term is used, all terms used in this chapter shall have the same meanings as are attributed to them in the current Florida Statutes. In this connection, reference is made to the definitions contained in Sections 192.001, 196.012, and 197.102, Florida Statutes.

(1) No change.

(2) “Just Value” – “Just Valuation”, “Actual Value”, “Fair Market Value” and “Value” – The Florida Supreme Court has held that “just value” and “fair market value” are legally synonymous and has defined fair market value as: “The amount a purchaser willing but not obliged to buy, would pay to one willing but not obliged to sell.” See Walter v. Schuler, 176 So.2d 81 (Fla. 1965) Means the price at which a property, if offered for sale in the open market, with a reasonable time for the seller to find a purchaser, would transfer for cash or its equivalent, under prevailing market conditions between parties who have knowledge of the uses to which the property may be put, both seeking to maximize their gains and neither being in a position to take advantage of the exigencies of the other.

(3) through (7) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 192.001, 193.085, 193.461, 213.05 FS. History–New 10-12-76, Formerly 12D-1.02, Amended 12-27-94, 2-25-96,\_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NOS.:	RULE TITLES:
12D-3.001	Introduction
12D-3.003	Assessment and Taxation of Interests of Non-governmental Lessees in Governmentally Owned Property Which are Subject to Ad Valorem Taxation

**PURPOSE AND EFFECT:** The purpose of the amendment to Rule 12D-3.001, F.A.C., is to implement the provisions of Chapter 2006-312, Laws of Florida, which repeals the annual intangible personal property tax and retains all applicable collection, administration and enforcement provisions under Chapter 199, Florida Statutes 2005, to taxation of interests of non-governmental lessees of governmental property as intangible personal property.

**SUBJECT AREA TO BE ADDRESSED:** Non-governmental leasehold interests in government property taxed as intangibles.

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

**LAW IMPLEMENTED:** 196.001, 196.199, 199.023(2005), 199.032(2005), 213.05 FS.

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

**DATE AND TIME:** December 7, 2006, 9:30 a.m.

**PLACE:** Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

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**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12D-3.001 Introduction.

These rules are adopted to implement the provisions of Section 196.199, Florida Statutes, relating to taxation of interests of non-governmental lessees in property owned by governmental units. All applicable collection, administration and enforcement provisions of Chapter 199, Florida Statutes 2005, shall apply to those leasehold interests taxed as intangibles pursuant to Section 196.199(2)(b), Florida Statutes.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented s. 9, Ch. 2006-312, L.O.F., 196.001, 196.199, 199.023(2005), 199.032(2005), 213.05 FS. History--New 12-31-80, Formerly 12D-3.01, Amended.

12D-3.003 Assessment and Taxation of Interests of Non-governmental Lessees in Governmentally Owned Property Which are Subject to Ad Valorem Taxation.

(1) through (2) No change.

(3) Interests described in subsection 12D-3.002(4), F.A.C., upon which rental payments are due, pursuant to the agreement creating said interest, shall be taxed as intangible personal property pursuant to Section 199.032(1), Florida Statutes 2005. Nominal payments shall be deemed rental payments for purposes of determining the method of taxation but not for determining valuation of the interest.

(4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented s. 9, Ch. 2006-312, L.O.F., 196.001, 196.199, 199.023(2005), 199.032(2005), 213.05 FS. History--New 12-31-80, Formerly 12D-3.03, Amended.

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NOS.:	RULE TITLES:
12D-7.003	Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Ex-Service Members, Spouses.
12D-7.013	Homestead Exemptions – Abandonment

**PURPOSE AND EFFECT:** The purpose of the proposed amendment to Rule 12D-7.003, F.A.C., is to clarify the cumulative ad valorem property tax disability exemption amounts for qualifying individuals.

The purpose of the proposed amendment to Rule 12D-7.013, F.A.C., is to remove an obsolete provision which will clarify the assessment of property used both as a homestead and as a business; and implement the provisions of Chapter 2006-311, Laws of Florida, providing that homestead property is not considered abandoned where the property is uninhabitable due to damage or destruction resulting from misfortune or calamity and repair or reconstruction commences within 3 years from the damage or destruction.

**SUBJECT AREA TO BE ADDRESSED:** Cumulative disability exemptions; assessment of properties used as homesteads and businesses; homestead property uninhabitable due to damage or destruction.

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

**LAW IMPLEMENTED:** 196.001, 196.031, 196.041, 196.061, 196.071, 196.202, 196.24, 213.05 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.  
 PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Ex-Service Members, Spouses.

(1) No change.

(2)(a) The \$5,000 exemption granted by Section 196.24, Florida Statutes, to disabled ex-service members, as defined in Section 196.012, Florida Statutes, who were discharged under honorable conditions, shall be considered to be the same constitutional disability exemption provided for by Section 196.202, Florida Statutes. The unremarried surviving spouse of such a disabled ex-service member who was married to the ex-service member for at least 5 years at the time of the ex-service member's death is allowed the exemption.

(b) The exemptions under Sections 196.202 and 196.24, Florida Statutes, shall be cumulative, but in no event shall the aggregate exemption exceed \$6,000 for an individual, except where the surviving spouse under Section 196.24, F.S., is also eligible to claim the \$5,000 disabled ex-service member disability exemption. In that event the cumulative exemption shall not exceed \$11,000 for an individual.

(3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.202, 196.24, 213.05 FS. History--New 10-12-76, Formerly 12D-7.03, Amended 11-21-91, 12-31-98, 12-30-02, 1-1-04, 1-16-06,

12D-7.013 Homestead Exemptions – Abandonment.

(1) through (4) No change.

(5) Property used as a residence and also used by the owner as a place of business does not lose its homestead character.

~~(a) The head of the family occupying the second story of a building as his home and the first story of the building as his business house is entitled to claim homestead exemption on the~~

~~building, except that portion not used by him either as his business house or as his home. Any portion of the property not used as his business house may not be exempted as a homestead. In other words, if any portion of the first floor or second floor of the building is rented to another party and used by the other party for other purposes, it would not be within the exemption provided for under Article VII of the State Constitution. (Smith v. Guckenheimer, 27 So. 900 (Fla. 1900).~~

~~(b) The two uses should be separated with that portion used as a residence and business house being granted the exemption and the remainder being taxed.~~

(6) Homestead property that is uninhabitable due to damage or destruction by misfortune or calamity shall not be considered abandoned in accordance with the provisions of Section 196.031(7), F.S., where:

(a) The property owner notifies the property appraiser of his or her intent to repair or rebuild the property.

(b) The property owner notifies the property appraisers of his or her intent to occupy the property after the property is repaired or rebuilt.

(c) The property owner does not claim homestead exemption elsewhere, and

(d) The property owner commences the repair or rebuilding of the property within three (3) years after January 1 following the damage or destruction to the property.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.001, 196.031, 196.041, 196.061, 196.071, 213.05 FS. History--New 10-12-76, Formerly 12D-7.13, Amended \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NOS.:	RULE TITLES:
12D-8.0061	Assessment; Homestead Property Assessments at Just Value
12D-8.0063	Assessments of Changes, Additions, or Improvements to a Homestead.
12D-8.011	Uniform Standards for Computer Operations: Minimum Data Requirements.

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-8.0061, F.A.C., is to implement the provisions of Chapter 2006-38, Laws of Florida, providing that a change of ownership to homestead property does not occur where the transfer instrument meets certain criteria.

The purpose of the amendment to Rule 12D-8.0063, F.A.C., is to implement the provisions of Chapter 2006-311, Laws of Florida, providing a method for assessment of changes to homestead property damaged or destroyed by misfortune or calamity.

The purpose of the amendments to Rule 12D-8.011, F.A.C., is to update coding and exemption values for data files maintained by property appraisers.

SUBJECT AREA TO BE ADDRESSED: Change in ownership of homestead property. Assessment of homestead property damaged or destroyed. Data file exemption codes and associated values.

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

LAW IMPLEMENTED: 193.011, 193.023, 193.155, 213.05, 192.042, 193.1551, 195.027, 196.031, 196.075, 196.081, 196.091, 196.101, 196.175, 196.195, 196.196, 196.197, 196.1975, 196.198, 196.1985, 196.1986, 196.1987, 196.199, 196.1995, 196.1997, 196.1998, 196.2001, 196.202, 196.24, 213.05 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.

PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.0061 Assessments; Homestead Property Assessments at Just Value.

(1) No change.

(2) Real property shall be assessed at just value as of January 1 of the year following any change of ownership. If the change of ownership occurs on January 1, subsection (1) shall apply. For purposes of this section, a change of ownership includes any transfer of homestead property receiving the exemption, but does not include any of the following:

(a) Any transfer in which the person who receives homestead exemption is the same person who was entitled to receive homestead exemption on that property before the transfer, and

1. The transfer is to correct an error; ~~or~~
2. The transfer is between legal and equitable title; or
3. The change or transfer is by means of an instrument in which the owner is listed as both grantor and grantee of the real property and one or more other individuals are additionally

named as grantee. However, a change of ownership occurs if any additional individual named as grantee applies for a homestead exemption on the property.

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage, provided that the transferee applies for the exemption and is otherwise entitled to the exemption;

(c) The transfer, upon the death of the owner, is between owner and a legal or natural dependent who permanently resides on the property; or

(d) The transfer occurs by operation of law under Section 732.4015, Florida Statutes.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.011, 193.023, 193.155, 213.05 FS. History--New 12-27-94, Amended.

12D-8.0063 Assessment of Changes, Additions, or Improvements to a Homestead.

(1) through (2) No change.

(3)(a) Changes, additions, or improvements do not include replacement of a portion of ~~homestead~~ real property damaged or destroyed by misfortune or calamity when:

1.a. The square footage of the property as repaired or replaced does not cause the total square footage to exceed 1500 square feet, or

b. The square footage of the property as repaired or replaced does not exceed 110 percent of the square footage of the property before the damage or destruction; and

2. The changes, additions, or improvements are commenced within 3 years after the January 1 following the damage or destruction. ~~the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The replacement just value in excess of 125 percent shall be treated as a change, addition, or improvement and added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion.~~

(b) When the repair or replacement of such properties results in square footage greater than 1500 square feet or otherwise greater than 110 percent of the square footage before the damage, such repair or replacement shall be treated as a change, addition, or improvement. The homestead property's just value shall be increased by the just value of that portion of the changed or improved property in excess of 1500 square feet or in excess of 110 percent of the square footage of the property before the damage, and that just value shall be added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion. ~~In lieu of the formula in paragraph (a) and subsection (4), changes~~

(c) Changes additions or improvements to homestead property rendered uninhabitable in one or more of the named 2004 storms is limited to the square footage exceeding 110 percent of the homestead property's total square footage. However, such ~~Such~~ homestead properties with 1350 or less square feet which are rebuilt up to 1500 total square feet are not considered changes, additions or improvements subject to assessment at just value. ~~This paragraph shall apply to such homestead properties for which repairs are completed by January 1, 2008 and applies retroactively to January 1, 2005. See chapter 2005-268, Laws of Florida.~~

(d) These provisions apply to changes, additions or improvements commenced within 3 years after January 1 following the damage or destruction of the homestead and apply retroactively to January 1, 2006.

~~(4) The replacement just value in excess of 125 percent, for purposes of this section, shall be measured directly by considering mass data collected, market evidence, and cost, or computed as follows:~~

~~(a) Determine the just value of the total homestead property prior to damage or destruction.~~

~~Example: Just value = \$100,000 and assessed value = \$80,000;~~

~~(b) Attribute a just value to the damaged or destroyed portion of the homestead property.~~

~~Example: \$10,000 (the just value of the remaining property including land is \$90,000);~~

~~(c) Compute the replacement just value that will be treated as not a change, addition, or improvement, by multiplying the amount determined under paragraph (b) by 125 percent.~~

~~Example: \$10,000 x 125 percent = \$12,500;~~

~~(d) Determine the just value of the total property after the damaged or destroyed portion has been replaced.~~

~~Example: \$120,000;~~

~~(e) Determine the just value of the replaced portion of the property.~~

~~Example: \$120,000 - \$90,000 = \$30,000; then~~

~~(f) Subtract the amount computed under paragraph (e) from the amount determined under paragraph (d).~~

~~Example: \$30,000 - \$12,500 = \$17,500.~~

~~This excess value shall be treated as a change, addition, or improvement, and added to the assessed value, including the assessment limitation change for the year, as provided in subsection (3).~~

~~Example: \$80,000 + \$2,248 (\$80,000 x 2.81 percent consumer price index (CPI), assessment limitation change) + \$17,500 = \$99,748.~~

~~(5) If the damaged portion is not replaced or substantially replaced in the year the damage occurred, but is replaced in a subsequent year, the replacement will be treated as a change, addition, or improvement as provided in subsections (3)(a) and (4), adjusted for changes in market and homestead property assessment limitation values. The just value of the damaged~~

~~portion of property after the replacement or repair shall be compared to 125 percent of the value of the damaged portion as provided in subsections (3)(a) and (4).~~

~~(4)(6) When any portion of homestead property damaged by misfortune or calamity is and not replaced, or the replacement is not substantially completed in the year the damage occurred, or the square footage of the property after repair or replacement is less than 100 percent of the square footage prior to the damage or destruction portion as replaced is less than 100 percent of its previous just value, the assessed value of the property shall be reduced to the just value of the property after the destruction or damage of the property. If the just value after the damage or destruction is less than the total assessed value before the damage or destruction, the assessed value will be lowered to the just value.~~

~~(5) The provisions of subsection (3) of this rule section also apply to property where the owner permanently resides on the property at any time during the year when the damage or destruction occurred; the owner is not entitled to homestead exemption on January 1 of the year in which the damage or destruction occurred; and the owner applies for and receives homestead exemption on the property the following year.~~

~~Specific Authority 195.027(1), 213.06(1) FS. Law Implemented ~~Ch. 2005-268, L.O.F.~~, 192.042, 193.011, 193.023, 193.155, 193.1551, 213.05 FS. History-New 12-27-94, Amended 12-25-96, 1-16-06,~~

12D-8.011 Uniform Standards for Computer Operations: Minimum Data Requirements.

(1) Each property appraiser shall maintain the following data in one or more of his or her data processing files regarding each parcel of real estate in his or her county.

(a) through (n) No change.

(o)1. Exemption type. A code indicating the type of exemption granted to the parcel and the value(s) thereof. The property appraiser may continue to use any existing codes provided they are translated to the codes prescribed when submitted to the Department. The code is as follows:

A – Senior Homestead Exemption (Section 196.075, Florida Statutes)

B – Blind (Section 196.202, Florida Statutes)

C – Charitable, Religious, Scientific or Literary (Sections 196.196, 196.1987, Florida Statutes)

D – Disabled (Sections 196.081, 196.091, 196.101, Florida Statutes)

E – Economic Development (Section 196.1995, Florida Statutes)

G – Federal Government Property (Section 196.199(1)(a), Florida Statutes); State Government Property (Section 196.99(1)(b), Florida Statutes); Local Government Property (Section 196.199(1)(c), Florida Statutes); Leasehold Interests in Government Property (Section 196.199(2), Florida Statutes)

H – Historic Property (Section 196.1997, Florida Statutes)

- I – Historic Property Open to the Public (Section 196.1998, Florida Statutes)
- L – Labor Organization (Section 196.1985, Florida Statutes)
- M – Homes for the Aged (Section 196.1975, Florida Statutes)
- N – Nursing Homes, Hospitals, Homes for Special Services (Section 196.197, Florida Statutes)
- O – Widowers (Section 196.202, Florida Statutes)
- P – Totally and Permanently Disabled (Section 196.202, Florida Statutes)
- Q – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, Florida Statutes)
- R – Renewable Energy Source (Section 196.175, Florida Statutes)
- S – Sewer and Water Not-for-Profit (Section 196.2001, Florida Statutes)
- T – Community Centers (Section 196.1986, Florida Statutes)
- U – Educational Property (Section 196.198, Florida Statutes)
- V – Disabled Veteran/Spouse (Section 196.24, Florida Statutes)
- W – Widows (Section 196.202, Florida Statutes)
- X – Homestead Exemption (Section 196.031, Florida Statutes)
- Y – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Disabled Veteran/Spouse, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, 196.24, Florida Statutes)
- Z – Combination (Renewable Energy Source, Economic Development – Sections 196.175, 196.1995, Florida Statutes)
- 1 – Licensed Child Care Facility Operating in Enterprise Zone (Section 196.095, Florida Statutes)
- 2 – Historic Property Used for Certain Commercial or Nonprofit Purposes (Section 196.1961, Florida Statutes)
- 3 – Proprietary Continuing Care Facilities (Section 196.1977, Florida Statutes)
- 4 – Affordable Housing Property (Section 196.1978, Florida Statutes)
- 5 – Charter School (Section 196.1983, Florida Statutes)
- 6 – Public Property Used under License or Lease Agreement Entered into Prior to January 1, 1969 (Section 196.1993, Florida Statutes)
- 7 – Space Laboratories and Carriers (Section 196.1994, Florida Statutes)
- 8 – Water and Wastewater Systems Not-for-Profit (Section 196.2002, Florida Statutes)
- 9 – Contiguous multiple parcels with a single homestead exemption or single parcels with multiple homestead exemptions

2. Personal exemption codes shall be “0” (zero) indicating the exemption does not apply or the applicable code provided in this rule subsection indicating an exemption does apply. Five of six personal exemptions may apply for each parcel, in the following order.

Exemption Type	Maximum Value	Code
Homestead	\$25,000	X
Widowed	\$500	W/O
Blind	\$500	B
Disabled	\$500	P
Veteran Disabled/ <u>Spouse</u>	<u>\$10,000</u> <del>5000</del>	V
Disabled (100 percent Exempt)		D

An individual who qualified for the \$25,000 exemption may also be entitled to the \$500 exemption of section 3(b), Art. VII, State Const. (for widows, widowers, or blind or totally and permanently disabled persons) and Section 196.202, Florida Statutes, and/or the \$5000 exemption under section 196.24, Florida Statutes (disabled veterans/spouse). In no event shall the aggregate exemption exceed \$26,500 (see subsection 12D-7.003(2), F.A.C.); for individuals exempt under section 196.202, Florida Statutes, or \$36,000 (see subsection 12D-7.003(2), F.A.C.) ~~\$31,000~~ for individuals exempt under section 196.24, Florida Statutes, except for total exemptions under Sections 196.081, 196.091, or 196.101, Florida Statutes.

(p) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, 196.031, 196.075, 196.081, 196.091, 196.101, 196.175, 196.195, 196.196, 196.197, 196.1975, 196.198, 196.1985, 196.1986, 196.1987, 196.199, 196.1995, 196.1997, 196.1998, 196.2001, 196.202, 196.24, 213.05 FS. History—New 12-7-76, Amended 9-30-82, Formerly 12D-8.11, Amended 12-31-98, 12-30-02, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NO.:	RULE TITLE:
12D-8.0082	Florida Uniform Market Area Guidelines

PURPOSE AND EFFECT: The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to provide for the Florida Uniform Market Area Guidelines that will be used by property appraisers to establish market area codes as required by Section 193.114, F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Uniform Market Area Guidelines.

SPECIFIC AUTHORITY: 193.114(2), 195.027(1), 195.032, 213.06(1) FS.

LAW IMPLEMENTED: 193.114, 195.032, 195.062, 213.05 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

DATE AND TIME: December 12, 2006, 9:30 a.m.



PLACE: Larson Building, Room 139, 200 E. Gaines St., Tallahassee, Florida

DATE AND TIME: December 13, 2006, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in the workshops is asked to advise the Department at least 48 hours before the workshop by contacting Sharon Gallops (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

The text of the draft of the Florida Uniform Market Area Guidelines is expected to be available seven days before the rule development workshop by contacting the person referenced above or by accessing the website on the Internet at <http://www.myflorida.com/dor/property/RP/pcomment.html>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.0082 Florida Uniform Market Area Guidelines.

Section 193.114(2)(a), F.S., provides the department shall promulgate regulations and forms for the preparation of the real property assessment roll to reflect a market area code established according to department guidelines. Provision is made for the format for market area codes to be submitted to the Department of Revenue in Rule 12D-8.013(6)(a), F.A.C. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following guidelines, entitled:

Florida Uniform Market Area Guidelines N. 01/ 07  
Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property/>.

Specific Authority 193.114(2), 195.027(1), 195.032, 213.06(1) FS. Law Implemented 193.114, 195.032, 195.062, 213.05 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NOS.:	RULE TITLES:
12D-13.006	Procedure for the Correction of Errors by the Tax Collector; Correction Erroneous or Incomplete Personal Property Assessments; Tax Certificate Corrections
12D-13.031	Homestead Tax Deferral-Application; Approval; Income and Age Requirements; Outstanding Liens and Primary Mortgage

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.006, F.A.C., is to clarify the procedures for tax collectors to follow after a notice of proposed property tax, which includes notice of the right to petition the value adjustment board, is mailed or delivered to property owners where a correction of an error by a property appraiser results in an increased assessed valuation of real property and subsequently increases taxes on the property.

The purpose of the proposed amendment to Rule 12D-13.031, F.A.C., is to implement the provisions of Chapters 2006-47 and 2006-69, Laws of Florida, providing for revised age and income requirements on deferred taxes.

SUBJECT AREA TO BE ADDRESSED: Procedures for inclusion of notice of proposed property tax, including notice of the right to petition the value adjustment board, mailed or delivered to property owners when corrections of errors result in increased valuation. Requirements for deferred taxes.

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

LAW IMPLEMENTED: 197.122, 197.123, 197.131, 197.182, 197.243, 197.252, 197.253, 197.322, 197.323, 197.3632, 197.432, 197.443, 197.444, 197.492, 197.593, 213.05 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.

PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department



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

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.

PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) through (24)	No change.	
(25)(a)	DR-486 Petition to Value Adjustment Board (r. <del>12/96</del> )	<del>12/96</del>
(b)	DR-486T Petition to Value Adjustment Board – Tangible Personal Property (r. <del>2/92</del> )	<del>12/94</del>
(c) through (61)	No change.	

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History–New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, 1-16-06,\_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NO: 12D-16.002

RULE TITLE: Index to forms

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement forms revisions under Chapters 2006-47, 2006-69, 2006-220, Laws of Florida, and incorporate other technical changes to forms.

SUBJECT AREA TO BE ADDRESSED: Forms revisions.

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

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.

PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. <del>12/06</del> <u>12/05</u> )	___ <u>12/05</u>
(3) through (33)(a)	No change.	
(b) DR-499	Renewal Application for Agricultural or High-Water Recharge Classification of Lands (r. ___ <del>12/96</del> )	___ <u>12/96</u>
(c) through (37)	No change.	
(38)(a)DR-501	Original Application for Ad Valorem Tax Exemption (r. ___ <del>12/02</del> )	___ <u>1/03</u>
(b) through (42)(a)	No change.	
(b) DR-506E	Escheatment Tax Deed (r. ___ <del>n-12/04</del> )	___ <u>12/04</u>
(43) through (55)	No change.	
(56)(a) DR-570	Application for Homestead Tax Deferral (r. <u>7/06</u> <del>6/04</del> )	___ <u>12/04</u>
(b) DR-570WF	Application for Recreational and Commercial Working Waterfronts Tax Deferral (r. <u>7/06</u> <del>n-12/05</del> )	___ <u>1/06</u>
(c) through (61)	No change.	

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095,

196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, 1-16-06, \_\_\_\_\_.

**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.: 33-108.101  
 RULE TITLE: Inmate Substance Abuse Testing  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to incorporate revisions to form DC1-827, Reasonable Suspicion Testing Tracking, to expand the range of drugs that are tested in the Inmate Drug Test Program.

SUBJECT AREA TO BE ADDRESSED: Inmate substance abuse testing.  
 SPECIFIC AUTHORITY: 944.09, 944.472, 944.473 FS.  
 LAW IMPLEMENTED: 944.09, 944.472, 944.473 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:

33-108.101 Inmate Substance Abuse Testing.  
 The Office of the Inspector General shall be responsible for the development and implementation of the department’s substance abuse testing program.

- (1) through (2) No change.
- (3) Procedures.
- (a) through (f) No change.
- (g) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

1. through 4. No change.

5. Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective date February 5, 2004.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.: 40C-8.031  
 RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to adopt minimum levels for the St. Johns River at Lake Monroe in Seminole and Volusia Counties.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would establish minimum surface water levels for the St. Johns River at Lake Monroe in Seminole and Volusia Counties pursuant to the mandate of Section 373.042, Florida Statutes. Each of these levels would have an associated duration (in days) and return interval (in years). The terms used herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 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: December 15, 2006, 1:30 p.m. – 3:30 p.m.  
 PLACE: City of Sanford Training Room, 300 North Park Ave., Sanford, FL 32772

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459, email nmesser@sjrwmd.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) The following minimum surface water levels and flows and minimum groundwater levels are established:

(a) through (h) No change.

(i) St. Johns River at Lake Monroe in Seminole and Volusia Counties.

	<u>Level</u> (ft NGVD)	<u>Duration</u> (days)	<u>Return Interval</u> (years)
<u>Minimum Frequent High</u>	<u>2.8</u>	<u>30</u>	<u>2</u>
<u>Minimum Average</u>	<u>1.2</u>	<u>180</u>	<u>1.5</u>
<u>Minimum Frequent Low</u>	<u>0.5</u>	<u>120</u>	<u>5</u>

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

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(a) through (ppp) No change. (qqq) MONROE	<u>Seminole and Volusia</u>	<u>N/A N/A N/A</u>		<u>2.8</u>	<u>1.2</u>	<u>0.5</u>	

(qqq) through (ccccc) to (rrr) through (dddd) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421 373.103, 373.415 FS. History—New 9-16-92. Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 01-12-04, 2-1-06,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-4.302  
 RULE TITLE: Additional Conditions for Issuance of Permits

PURPOSE AND EFFECT: To update the reference to the Operating Agreement Concerning the Regulation Under Part IV, F.S., and Aquaculture General Permits under Section 403.814, F.S., between the South Florida Water Management District and Department of Environmental Protection, which is incorporated by reference.

**SUBJECT AREA TO BE ADDRESSED:** Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits under Section 403.814, F.S., between the South Florida Water Management District and Department of Environmental Protection.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.171, 373/414(9) FS.

**LAW IMPLEMENTED:** 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 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.**

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-6436 at least two business days in advance to make appropriate arrangements.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Anita Bain, Division Director, Natural Resource Management Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6866 or (561)682-6866 (email: abain@sfwmd.gov), or for procedural issues, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299 (email: jsluth@sfwmd.gov). Information regarding this rulemaking effort is also located on the District's website at: my.sfwmd.gov/permitting in the right hand column in the link entitled rule development.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

40E-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(2) When determining whether the applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration a permit applicant's violation of any Department rules adopted pursuant to Sections 403.91-929, F.S. (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to a delegation, or any District rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department's delegation to the District to enforce the rules adopted pursuant to Sections 403.91-929, F.S. (1984 Supp.),

as amended, is set forth in the "Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits under Section 403.814, F.S.~~; between South Florida Water Management District and Department of Environmental Protection" dated \_\_\_\_\_, 2007, ~~October 27, 1998~~, incorporated by reference in Rule 40E-4.091, F.A.C.

Specific Authority 373.044, 373.113, 373.171, 373/414(9) FS. Law Implemented 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History--New 10-3-95, Amended 1-7-97, 12-3-98, 5-28-00, \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

**RULE CHAPTER NO.:** **RULE CHAPTER TITLE:**

58A-2	Hospice
<b>RULE NOS.:</b>	<b>RULE TITLES.</b>
58A-2.002	Definitions
58A-2.003	License Requirements
58A-2.004	Licensure Procedure
58A-2.005	Administration of the Hospice
58A-2.012	Program Reporting Requirements
58A-2.0236	Residential Units
58A-2.025	Physical Plant Requirements (Inpatient Facility and Unit)
58A-2.026	Comprehensive Emergency Management Plan

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendments is to incorporate additional definitions; specific definitions regarding reporting requirements; changes in licensure requirements, including an application form; changes to the reporting requirements pursuant to Chapter 2006-155, Section 7, Laws of Florida, including two newly developed reporting forms incorporated by reference in Rule 58A-2.012, F.A.C.; changes in Section 400.610(1)(b)1., F.S., in accordance with Chapter 2006-71, Section 24, Laws of Florida, regarding the hospice's responsibility to provide the same type and quantity of services to hospice patients in a special needs shelter that were being provided prior to evacuation, and changes to the Hospice Comprehensive Emergency Management reporting form; changes in accordance with Chapter 2006-155, Section 7, Laws of Florida, requiring development of outcome measures, and adoption of national initiatives such as those developed by the National Hospice and Palliative Care Organization; deletion of physical plant standards in Rules 58A-2.0236, Residential Units, and 58A-2.025, Physical Plant Requirements (Inpatient Facility and Unit), F.A.C., which are to be incorporated under the Florida Building Code, 2004 Edition, 2006 Supplements, Section 437.

**SUBJECT AREA TO BE ADDRESSED:** Additional definitions; licensure requirements, including an application form; definitions regarding reporting requirements; changes in reporting requirements including two new reporting forms;

responsibility of hospices to provide the same type and quantity of services to hospice patients in special needs shelters that were being provided prior to evacuation; changes in the Hospice Comprehensive Emergency Management Plan reporting form; development of outcome measures; adoption of national initiatives developed by the National Hospice and Palliative Care Organization; and deletion of physical plant standards for residential units and for inpatient facilities, which will be included under the Florida Building Code, 2004 Edition, 2006 Supplements, Section 437.

SPECIFIC AUTHORITY: 400.605, 400.60501, 400.610(1)(b), 408.802(19), 408.805(1) FS.

LAW IMPLEMENTED: 400.610, 408.802(19), 408.805(1), 400.832 FS., Ch. 2006-197, Laws of Florida.

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

DATE AND TIME: December 8, 2006, 1:00 p.m. – 4:30 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399; Telephone number: (850)414-2000; Email address: crocethj@elderaffairs.org. 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 IS: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399; Telephone number: (850)414-2000; Email address: crocethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-2.002 Definitions.

In addition to definitions contained in Chapter 400, Part IV ~~VI~~, F.S., the following terms shall apply:

(1) Advertisement: Any written, printed, oral, or electronic promotion, statement of availability, qualifications, services offered, or other similar communication appearing in or on television, radio, the Internet, billboards, newspapers, magazines, business cards, flyers, brochures, or other medium for the purpose of attracting potential residents. A listing of a licensed facility's name, address, and telephone number in the telephone directory shall not be considered advertising.

(2) AHCA: Agency for Health Care Administration.

~~(3)(4)~~ Autonomous: A means a separate and distinct operational entity, which functions under its own administration and bylaws, either within or independently of a parent organization.

~~(4)(2)~~ Branch office: An means an office or other physical location serving as a contact point for patients, which is remote from the provider's principal office of the provider, but is not separately licensed, and ~~which~~ shares administration with the principal office ~~which serves as a contact point for patients.~~

~~(5)(3)~~ Employ: To means to engage the services of an individual, on either a salary or volunteer basis.

~~(6)(4)~~ Home: The means the patient's current place of residence, including a private residence, assisted living facility, nursing home, hospice residential unit, or other place of permanent or temporary residence.

~~(7)(5)~~ Home Health Aide: An means an individual who provides personal health care services for a patient in the patient's home or place of residence under the supervision of a registered nurse.

~~(8)(6)~~ Licensed Practical Nurse: An means an individual licensed pursuant to Chapter 464, F.S., to practice practical nursing.

~~(9)(7)~~ Patient Care Staff: ~~means those persons~~ involved in direct care of the patient, including registered nurses, practical nurses and home health aides, social workers and other mental health professionals, and clergy or pastoral counselors.

~~(10)(8)~~ Patient's Family: The means that person or those persons designated by the patient as having primary responsibility for care, or persons who are closely linked with the patient and are involved in the health and supportive care of the patient.

~~(11)(9)~~ Patient and Family Unit: The means the patient and the patient's family.

~~(12)(10)~~ Registered Nurse: An means an individual who is licensed pursuant to Chapter 464, F.S., to practice professional nursing.

Specific Authority 400.605 FS. Law Implemented Ch. 400, Part IV ~~VI~~ FS. History—New 5-6-82, Formerly 10A-12.02, 10A-12.002, Amended 4-27-94, Formerly 59A-2.002, Amended 6-5-97, \_\_\_\_\_.

58A-2.003 License Requirements ~~Required~~.

(1) The face of the license shall contain the following information:

(a) The name and address of the provider, including the principal office and all branch offices;

(b) All freestanding hospice inpatient facilities and residential units;

(c) All counties served by the hospice;

(d) The name of the owner; and

(e) The effective and expiration dates of the license.

(2) ~~The hospice shall notify the agency and the department in writing at least sixty (60) days before making a change in name or address of the provider's principal or branch offices, the name and address of the provider, including the principal office and all branch offices, all hospice residences and inpatient facilities, all counties served by the hospice, the name of the owner, and the effective and expiration dates of the license. The hospice shall notify AHCA and the Department in writing at least sixty (60) days before making a change in name or address of the provider.~~

(3)(2) ~~If a change of ownership as defined in Section 408.803(5), F.S., is contemplated, the new owner shall submit a license, or cause to be submitted, an application for license and shall receive a license prior to commencement of operation of the hospice. The following materials shall accompany the license application:~~

(a) ~~A signed agreement to correct any existing licensure deficiencies;~~

(b) ~~Documented evidence that the change of ownership has taken place; and~~

(c) ~~A statement that records pertaining to the administrative operation of the provider shall be retained and made available for official inspection by the agency.~~

~~A signed agreement to correct any existing licensure deficiencies shall accompany the license application, together with documentation to evidence that the ownership change has taken place, and a statement that records pertaining to the administrative operation of the provider will be retained and available for official inspection by the AHCA.~~

(4)(3) ~~If a merger of two or more hospice providers is contemplated, the legal and incorporated entity that will be responsible for the operational function of the hospice after the merger shall notify the agency AHCA prior to the merger. Notification shall will include the anticipated date for the merger and the reason for the merger. The agency AHCA shall require the legal entity to submit a license an application for license, including a revised plan for the delivery of hospice care to terminally ill patients and their families who will be affected by the merger.~~

Specific Authority 400.605 FS. Law Implemented Ch. 400, Part IV, VI FS. History—New 5-6-82, Formerly 10A-12.03, 10A-12.003, Amended 4-27-94, Formerly 59A-2.003, Amended 6-5-97, \_\_\_\_\_.

#### 58A-2.004 Licensure Procedure.

(1) ~~Biennial I~~ Licenses issued by the ~~agency AHCA~~ to operate a hospice shall be ~~contingent based~~ upon the results of ~~an agency a~~ survey ~~conducted by the AHCA~~ to determine compliance with the requirements of Chapter 400, Part ~~IVVI~~, F.S., ~~Chapter 408, Part II, F.S., and with these rules. A license shall be issued to any not-for-profit public or private agency who meets all federal, state and local requirements.~~

(2) Application for a license shall be made by completing to the AHCA Form 3110-4001 on forms prescribed by the AHCA.

(a) The form is hereby incorporated by reference and may be obtained from the agency Web site at <http://ahca.myflorida.com> under "Licensing and Certification", "Hospices." If the provider is unable to obtain the forms from the Web site, the forms may be obtained from the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Tallahassee, Florida 32308 or by contacting (850)414-6010.

(b) The application shall be accompanied by a biennial licensure fee of one thousand two hundred dollars (\$1,200) as provided under Sections 400.606, F.S., and Chapter 408, Part II, F.S., payable by check or money order to the Agency for Health Care Administration.

~~The application shall be accompanied by a license fee of six hundred dollars (\$600.00) as provided under Section 400.606, F.S., in check or money order, payable to the Agency for Health Care Administration.~~

(3) In addition to the information required in Section 400.606(1), F.S., the following information is required for the licensure application:

(a) ~~The name of the hospice's administrator and the administrator's license number if the administrator is a licensed professional; the name and license number of the hospice's medical director; the number and types of licensed professionals, including clergy, employed or to be employed by the hospice; the number of home health aides employed or to be employed by the hospice; and the number and types of other personnel employed or to be employed by the hospice and assigned to a hospice care team or teams.~~

(b) For initial licensure only, the Certificate of Need and certificates of occupancy signed by local authorized zoning, building and electrical officials shall be attached to the application. For relocation of the principal office and addition or relocation of branch offices, certificates of occupancy signed by local authorized zoning, building and electrical officials shall be submitted to the agency in accordance with subsection 58A-2.003(2), F.A.C. If initial licensure, where there are no municipal, county or electrical building codes, the applicant shall provide a written statement of compliance with these regulations from a registered architect or professional engineer who shall substitute for the authorities specified above. A separate survey for fire safety and physical plant requirements of residential and freestanding inpatient facilities operated by the hospice shall be made by the agency AHCA prior to the opening of the facilities and on a periodic basis thereafter.



(c) As a condition of initial licensure, each successful applicant shall submit the names and professions for all hospice care team staff, and professional license numbers held by licensed hospice care team members ~~staff who are licensed~~, no later than three (3) months after the license is issued.

Specific Authority 400.605, ~~408.802(19), 408.805(1)~~ FS. Law Implemented 400.605(+)(a), 408.802(19), 408.805(1), 408.832 FS., Ch. 2006-197, Laws of Florida, History--New 5-6-82, Formerly 10A-12.04, Amended 10-6-91, Formerly 10A-12.004, Amended 4-27-94, Formerly 59A-2.004, Amended 6-5-97, 8-10-03, \_\_\_\_\_.

58A-2.005 Administration of the Hospice.

(1) Governing Body. - ~~The hospice shall establish written bylaws for~~ There shall be a governing body established by written bylaws of the hospice with autonomous authority for the conduct of the hospice program. The governing body and which shall satisfy the following requirements:

(a) ~~Members of the governing body shall reside or work in the hospice's service area as defined in paragraph 59C-1.0355(2)(k), F.A.C.~~

(b) No change.

(c) Duties of the governing body shall include:

1. ~~Adoption in writing, with updates as necessary, of the following documents which shall be in compliance with provisions of Chapter 400, Part IV ~~VI~~, F.S., and these rules, with updates as necessary:~~

a. through c. No change.

d. A comprehensive emergency management plan for all administrative, residential, free-standing inpatient facilities, and hospice services designed to protect the safety of patients and their families and hospice staff; and

e. No change.

2. Promulgation of rules and bylaws which include at least the following:

a. through c. No change.

d. The qualifications, method of selection and terms of office of members and chairpersons of the governing body and committees; and

e. A mechanism for the administrator's appointment by the administrator of the medical director and other professional and ancillary personnel.

(2) Administrative Officer. - ~~The hospice shall employ an administrator whose duties shall be outlined enumerated in a written job description, including job qualifications. The administrator which shall be approved by the governing body. The job description shall be and kept in an administrative file.~~

(a) No change.

(b) The administrator shall be responsible for maintaining an administrative office facility for the purpose of the operations of the hospice.

(3) Administrative Policies and Practices.

(a) The administrator shall be responsible for developing, documenting, and implementing administrative policies and practices which are consistent with these rules, ~~and the bylaws by laws, and the plans and decisions adopted by the governing body.~~ These policies and practices shall and which ensure the most efficient operation of the hospice program and the safe and adequate care of the patient and family units. At a minimum, (These policies and practices shall include:

1. through 2. No change.

3. A plan for orientation and training of all staff, including volunteers, which shall ensure that ~~all~~ staff receive ~~this~~ training prior to ~~the delivery of their delivering services of any kind to patients and their families.~~ This plan shall describe the method of assessing training needs and designing training to meet those needs, and shall include a curriculum outline with specific objectives.

4. No change.

5. Policies for administering drugs and biologicals in the home which shall include:

a. through b. No change.

c. All verbal orders for medication or treatments, or changes in medication or treatment ~~orders~~ shall be taken by a licensed health professional and recorded in the patient's record reduced to writing. ~~Verbal orders shall be and~~ signed by the physician within fourteen (14) days;

d. The use of experimental drugs, or any drug approved by the FDA or included under Chapter 500, F.S., approved drug in a non-approved manner, shall not be given without the consent of the patient or the patient's surrogate or proxy. The program administering such drugs shall ~~be fully informed patients of~~ any risks, receive written consent for the use of such drugs, and be prepared to invoke remedial action should an adverse reaction occur. A copy of the signed consent shall be kept in the patient's record.

6. No change.

7. Policies and procedures approved by the medical director and governing body pertaining to the drug control system in the hospice including which shall include specific policies and procedures for disposal of Class II drugs upon the death of a patient.

8. No change.

9. Policies and procedures for mMaintenance, confidentiality, and retention of clinical records for a minimum five-year period following the patient's death.

10. through 11. No change.

12. Notice to the public that the hospice provides services regardless of ability to pay.

13. through 14. No change.

15. Policies and procedures for cCompletion, retention, and submission of reports and records as required by the dDepartment, agency, the AHCA and other authorized agencies.

16. No change.

(b) Equipment and personnel, under medical supervision, shall be provided for diagnostic procedures to meet the needs of the hospice inpatient, residential and home-care programs. This shall include the services of a clinical laboratory and radiological services, which shall meet all standards of the State of Florida. Unless provided on the premises of the hospice, there shall be written agreements or contracts for such services. The hospice program shall ensure that ~~the sum of services are available under contract and services provided directly by the hospice shall assure~~ twenty-four (24) hours a day, seven (7) days a week, either through contractual agreement, written agreement, or direct service provision by the hospice availability.

(c) No change.

(4) Benchmarks and Outcome Measures.

In addition to the outcome measure pursuant to Section 400.60501, F.S., each hospice shall adopt outcome measures related to safe and comfortable dying, self determined life closure, and effective grieving to evaluate the efficacy of end of life care. At a minimum these measures shall include:

(a) The percentage of patients, with pain levels verbalized as “uncomfortable” on admission, who report a “comfortable” level was reached within 72 hours following admission.

1. The measure shall be collected only from individuals able to self-report their level of pain within the 24 hours following the 72-hour period following admission.

2. The acceptable standard for this measure shall be 82 percent.

(b) The percentage of family members, who cared for patients at home and responded to a two-month post-mortem survey, who report that the hospice increased their confidence to safely care for their loved one as death approached. The acceptable standard for this measure shall be 95 percent.

(c) Percentage of patients discharged, who had expressed a preference to avoid hospitalization, for whom no hospital admission occurred. The acceptable standard for this measure shall be 94.5 percent.

(d) Percentage of patients discharged, who had expressed a preference not to have cardiopulmonary resuscitation (CPR), for whom CPR did not occur. The acceptable standard for this measure shall be 99 percent.

(e) The percentage of caregivers responding to a two-month post-mortem survey who report that hospice staff helped them prepare for the death of their loved one. The acceptable standard for this measure shall be 93 percent.

(f) The percentage of family members responding to a thirteen-month post-mortem survey who report that hospice staff helped them cope with life changes since the death of their loved one. The acceptable standard for this measure shall be 95 percent.

(5) Protocols for Measuring Quality of Care.

(a) The protocols for measuring these outcome measures referenced in subsection (4) of this rule are included in DOEA Form H-002, Patient Core Measure Sheet, 2007, and DOEA Form H-003, Grieving Core Measure Sheet –Hospice Outcome Survey 1 and Hospice Outcome Survey 2, 2007, incorporated by reference in Rule 58A-2.012, F.A.C.

(b) The instructions were formulated from information obtained for the Beta Pilot in “Report on the Alpha and Beta Pilots of End Result Outcome Measures Constructed by the Outcomes Forum, A Joint Effort of The National Hospice and Palliative Care Organization and The National Hospice Work Group.” The entire contents of the report is located on the following Web site: <http://www.nhpc.org/i4a/pages/index.cfm?pageid=3377&openpage=3377>

Specific Authority 400.605, 400.60501 FS. Law Implemented 400.605(1)(c), 400.60501 FS. History–New 5-6-82, Formerly 10A-12.05, 10A-12.005, Amended 4-27-94, Formerly 59A-2.005, Amended 6-5-97, 8-6-02, 8-10-03, \_\_\_\_\_.

(Substantial rewording of Rule 58A-2.012 follows. See Florida Administrative Code for the present text.)

58A-2.012 Program Reporting Requirements.

(1) The following definitions pertain specifically to program reporting:

(a) Agency Type: Hospice type based on Medicare filing status. Valid options are: Free standing, hospital based, home health based (private residence), nursing home based.

(b) Birth Date: The date of birth of the patient of record.

(c) Full Time Equivalent (FTE): 2,080 hours per year of staff time (40 hours per week times 52 weeks). To calculate FTE, divide paid staff hours or volunteered hours by 2,080.

(d) Gender: The gender of the patient of record, either male or female.

(e) Hospice operated inpatient facilities: An inpatient facility consisting of one or more beds that are owned or leased by the hospice, is staffed by hospice personnel, and has major policies and procedures set by the hospice. This includes beds in hospitals or nursing homes that comply with the conditions set forth in this paragraph.

(f) Location of hospice services: The physical location where hospice services are provided. Options are:

1. Private Residence: The residence of the patient of record or another person providing care.

2. Nursing home, hospital, assisted living facility, adult family care home, hospice residential unit or inpatient unit facility as licensed by the state of Florida.

3. Other: A location of hospice services not fitting definitions provided in this section.

(g) Ownership Type: The type of ownership of the hospice. It can be “Proprietary” (for profit) or “Not for profit” (501c3 or similar U.S. tax code status).

(h) Patient Days: The number of days elapsed during which hospice services were provided for the period of time comprising from start of services until final discharge.

(i) Patient Record: The set of data items relating to a particular patient.

(j) Payer Mix: The distribution of the payments to the hospice by payer.

1. Payers can be:

a. Medicare;

b. Medicaid;

c. Private insurance;

d. Self;

e. Charity;

f. Uncompensated;

g. Non-billable; and

h. Other.

2. When there is no party who will reimburse the hospice for all or part of the service charge, the part of the uncollectible service charge shall be assigned to "Uncompensated".

3. The portion of the bill paid by a charitable organization shall be assigned to "Charity".

4. A "non-billable" charge is one for which the hospice had an expense but was prevented from billing for the service. This is a situation where typically an insurer or Medicaid will require the hospice to accept a set amount as full payment even when such set amount is less than the usual and customary charge. In such case, the difference between the reimbursed amount and the usual and customary charge shall be assigned to "Non-billable."

(k) Primary Diagnosis: The diagnosis chiefly responsible for the services performed by the hospice. This diagnosis must include a valid ICD-9-CM code.

(l) Primary Payer: Describes the primary source of expected reimbursement for services rendered.

(m) Race/ethnicity – A taxonomy based on the patient's phenotype or self-declared ethnic identity.

(n) Social Security Number (SSN): The social security number of the particular patient referred to in the record. The SSN is a nine-digit character string.

1. Reporting 000000000 is acceptable for infants up to the age of 2.

2. For those patients for whom a SSN has not been assigned by the U.S. Social Security Administration, or where the SSN is unknown, the hospice will assign 77777777.

(o) Patient Zip Code: The five digit United States Postal Service ZIP Code of the patient's permanent residence.

1. Use 00009 for foreign residences.

2. Use 00007 for homeless patients.

3. Use 00000 where efforts to obtain the information have been unsuccessful.

(p) Service Zip Code: The five digit United States Postal Service ZIP Code of the location of hospice services as defined in paragraph (f) of this subsection.

(2) The forms listed in subsections (3) through (6) of this rule are hereby incorporated by reference and may be obtained from the following address: Department of Elder Affairs, Planning and Evaluation Unit, 4040 Esplanade Way, Tallahassee, FL 32399-7000. The forms may also be obtained from the department's Web site at: <http://elderaffairs.state.fl.us>.

(3) The hospice shall complete for each patient DOEA Form H-002, Patient Core Measure Sheet, 2007.

(a) The form shall be initiated upon admission and completed after the first seventy-two (72) hours of admission.

(b) The form shall be kept in the patient record and available for inspection.

(c) Responses recorded on the form shall be the basis for determining the outcome measures cited in paragraphs (4)(a), (c) and (d) of Rule 58A-2.005, F.A.C., the results of which are reported on DOEA Form H-004, State of Florida Annual Hospice Report, 2007, referenced in subsection (5) of this rule.

(4) Each hospice shall submit to the primary caregiver of each patient DOEA Form H-003, Grieving Core Measure Sheet – Hospice Outcome Survey 1 and Hospice Outcome Survey 2, 2007, as prescribed in the form instructions. Responses to these surveys shall be the basis for measuring outcome measures cited in paragraphs (4)(d), (e) and (f) of Rule 58A-2.003, F.A.C., the results of which are reported on DOEA Form H-004, State of Florida Annual Hospice Report, 2007, referenced in subsection (5) of this rule.

(5) Each hospice shall complete an annual report for the period January 1 through December 31 of each year and shall submit the report to the department no later than February 28 of the following year.

(a) The report shall be submitted to the following address: Department of Elder Affairs, Planning and Evaluation Unit, 4040 Esplanade Way, Tallahassee, FL 32399-7000. The report may alternately be submitted electronically to the following address: [hospicereport@elderaffairs.org](mailto:hospicereport@elderaffairs.org).

(b) Effective with the report due in 2008, the information shall be recorded on DOEA Form H-005, State of Florida Hospice Annual Report, 2007. The form shall be completed in its entirety.

(c) A copy of the report shall be available to the public during all hours of operation of the hospice principal office and the department.

(6) No later than February 28, 2008, each hospice shall submit a patient level electronic report using the comma delimited American Standard Code for Information Interchange (ASCII) format containing one record per patient. The reporting period shall be January 1, 2007 through December 31, 2007. Thereafter, the support shall be submitted each year as specified in subsection (5) of this rule.

(a) The information shall be recorded as described using DOEA Form H-005, Hospice Annual Patient Level Electronic Report File Structure, 2007.

(b) The form shall be submitted electronically to the following Website address: hospicereport@elderaffairs.org.

Specific Authority 400.605, 400.60501 FS. Law Implemented Ch. 400, Part IV ~~VI~~, 400.60501 FS. History—New 5-6-82, Formerly 10A-12.12, 10A-12.012, Amended 4-27-94, Formerly 59A-2.012, Amended 6-5-97, \_\_\_\_\_.

58A-2.0236 Residential Units.

(1) through (6) No change.

(7) Residential units shall comply with the requirements of Section 400.6051, F.S. and Section 553.73(2), F.S., which incorporates the Florida Building Code, 2004 Edition, 2006 Supplements, Section 437, following codes and standards:

(a) All new facilities and additions and renovations to existing facilities shall be in compliance with:

1. The Florida Building Code, as described in Chapter 3 of Section 311.2 (R4) as adopted by the Florida Building Commission and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206;

2. The National Fire Protection Association Life Safety Code 101, Chapter 32, Residential Board and Care Occupancy and incorporated by reference in Rule 4A-3.012, F.A.C., dated November 6, 2001, by the Division of State Fire Marshal at the Department of Finance and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101; and

3. Chapter 11, Section 11-6.1(1) of the Florida Building Code, as adopted by the Florida Building Commission and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.

(b) All existing facilities shall comply with National Fire Protection Association Life Safety Code 101, Chapter 33, Residential Board and Care Occupancy and incorporated by reference in Rule 4A-3.012, F.A.C., dated November 6, 2001, by the Division of State Fire Marshal at the Department of Finance and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts, 02269-9101.

Specific Authority 400.605, 400.6051 FS., Chapter 2005-191, Laws of Florida. Law Implemented 400.605(1)(i), 553.73(2) FS., Chapter 2005-191, Laws of Florida, History—New 4-27-94, Formerly 59A-2.0236, Amended 6-5-97, 8-10-03, \_\_\_\_\_.

58A-2.025 Physical Plant Requirements (Inpatient Facility and Unit).

(1) As used in this rule, “inpatient facility and unit” means the location where inpatient services are provided to hospice patients that are in need of hospice inpatient care.

(2) All new inpatient units and facilities, and additions or renovations to existing units and facilities shall be in compliance with the requirements of Section 400.6051, F.S. and Section 553.73(2), F.S., which incorporates the Florida Building Code, 2004 Edition, 2006 Supplements, Section 437 Codes and Standards.

(a) ~~All new inpatient units and facilities, and additions or renovations to existing units and facilities shall be in compliance with the requirements for:~~

~~1. Institutional Occupancy — Group I, Unrestrained, of the Florida Building Code as described in Chapter 3 of Section 309.1 as adopted by the Florida Building Commission and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, after 8-10-03; and~~

~~2. The National Fire Protection Association Life Safety Code 101, Chapter 18, New Health Care Occupancy, as described in Rule 4A-3.012, F.A.C., Standards of the National Fire Protection Association and incorporated by reference in Rule 4A-3.012, F.A.C., dated November 6, 2001, by the Division of State Fire Marshal at the Department of Finance and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts, 02269-9101, after 8-10-03. All new inpatient facilities and units will be made accessible and shall comply with the requirements of the Florida Building Code, Chapter 11, as adopted by the Florida Building Commission and Section 11-6.1(1) of the Florida Building Code and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and which is incorporated by reference and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, after 8-10-03.~~

~~a. In renovations and additions to existing facilities, only that portion of the total facility affected by the project must comply with applicable sections of the codes for new facilities and units, after 8-10-03.~~

~~b. Existing portions of the facility that are not included in the renovation or addition but are essential to the functioning of the complete facility, as well as existing areas which receive less than substantial amounts of new work, shall comply with the applicable sections of the codes for existing inpatients facilities and units, after 8-10-03.~~

(b) ~~All existing inpatient facilities and units licensed by the Agency for Health Care Administration before the date this rule is promulgated, shall be in compliance with National Fire~~

Protection Association Life Safety Code 101, Chapter 19, Existing Health Care Occupancy, and incorporated by reference in Rule 4A-3.012, F.A.C., dated November 6, 2001, by the Department of Community Affairs and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101, after 8-10-03.

(3) ~~Construction Requirements. The following shall be provided in each inpatient facility and unit:~~

(a) ~~The hospice shall be responsible for assuring that the planning and decoration of the facilities, both contractual arrangements and free standing, shall be coordinated to provide a homelike atmosphere. For purposes of this rule, a "homelike atmosphere" means at a minimum, items typically found at home or in a residence that enhance quality of life. The following items are examples of a "homelike atmosphere": window treatments, lamps, guest seating, and wall decorations. A hospital or nursing home room shall not be required to be in compliance with this section of the rule by the fact of its licensure.~~

(b) ~~Each patient sleeping room shall have a minimum room area exclusive of toilet room, or permanently attached or built in closets, lockers or wardrobes, of one hundred (100) square feet (9.29 square meters) per bed for private rooms and eighty (80) square feet (7.70 square meters) per bed for double occupancy rooms.~~

(c) ~~Each patient sleeping room shall have a window or door with a clear glass light in compliance with Chapter 12 of Section 1203, Light and Ventilation, of the Florida Building Code and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and obtainable from the Department of Community Affairs, Building Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 after 8-10-03. The window or door shall open directly to an atrium or to the outside of the building with a minimum of twenty (20) feet (6.10 meters) in clear and unobstructed vista measured perpendicularly from the window or door.~~

(d) ~~Each patient sleeping room shall have a wardrobe, locker or closet suitable for hanging clothing of the patient.~~

(e) ~~Other than a patient sleeping room located in a hospital or nursing home, each patient sleeping room shall have access to a toilet room without having to enter the general corridor area. One toilet room shall serve no more than four beds and no more than two resident rooms. The door shall be side hinged, swing out from the toilet room, and unless otherwise required by this code, be at least 32 inches (81.28 centimeters) wide. The toilet room shall contain a water closet with grab bars on both sides and an emergency nurse call station. The water closet shall be equipped with a bedpan rinsing device.~~

(f) ~~A hand washing facility shall be provided within each patient toilet room or within each patient bedroom.~~

(g) ~~A nurses' station, clean workroom and soiled workroom shall be provided. Access to these rooms shall be from a corridor.~~

(h) ~~A charting space for clinical staff shall be provided at each nurses' station.~~

(i) ~~A hand washing facility shall be located in or near each nurses' station.~~

(j) ~~The clean workroom shall be provided with a work counter, hand wash facility, storage facilities and covered waste receptacle.~~

(k) ~~The soiled workroom shall be provided with a service sink equipped with rinsing device, work counter, a hand washing facility, storage facilities, covered waste receptacle, and covered linen receptacle.~~

(l) ~~A drug distribution system shall be provided with provisions for the locked storage of medications. Nothing in this section shall prohibit the use of the clean workroom for drug distribution.~~

(m) ~~A clean linen storage room or closet shall be provided.~~

(n) ~~A nourishment station with equipment for preparing or serving nourishments between scheduled meals shall be provided and shall be available for patient, family, volunteers, guests and staff use. Provisions shall be made for the use and storage of small appliances requiring less than 220 volts of service such as coffee makers or toasters.~~

(o) ~~A nurse calling system accessible by the patient shall be provided.~~

(p) ~~Storage for administrative supplies shall be provided.~~

(q) ~~Parking for stretchers and wheelchairs in an area out of the path of normal traffic and of adequate size for the unit shall be provided.~~

(r) ~~A janitor's closet with a floor receptor and storage space for housekeeping equipment and supplies shall be provided.~~

(s) ~~A multi purpose lounge suitable and furnished for reception, recreation, dining, visitation, group social activities, and worship shall be provided.~~

(t) ~~A conference or consultation room for patient and family use shall be provided.~~

(u) ~~A washer and dryer for patients' personal use shall be provided.~~

(4) ~~Room furnishings for each patient shall include an adjustable frame hospital type bed with side rails, a bedside stand, an over the bed table, an individual reading light easily accessible to the patient, and a comfortable sitting chair.~~

(5) ~~Room decor shall be non-institutional in design and function. Patients shall be permitted to bring personal items of furniture or furnishings into their rooms unless medically contraindicated.~~

(6) ~~Details.~~

~~(a) Fixtures such as drinking fountains, public telephone, vending machines, and portable equipment shall not be located or stored so as to restrict corridor traffic or reduce the minimum required corridor width.~~

~~(b) Doors to patient tub rooms, showers, and water closets that swing into the room shall be equipped with reversible hardware that will allow the door to swing out in an emergency.~~

~~(c) Doors, except those to closets or spaces not subject to occupancy, shall not swing into the exit access corridors.~~

~~(d) Windows and outer doors, if used for ventilation, shall be equipped with insect screens.~~

~~(e) Thresholds and expansion joint covers shall be made flush with the floor surface.~~

~~(f) Grab bars shall be provided at all patient toilets, showers, and tubs. The bars shall have a clearance of 1-1/2 inches (38.1 millimeters) to the walls and shall be sufficiently anchored to sustain a concentrated applied load of not less than 250 pounds (113.4 kilograms).~~

~~(g) Single paper towel dispensers, soap dispensers and covered waste receptacles shall be provided at all hand washing facilities.~~

~~(h) Staff hand washing facilities shall be fitted with wrist blades and a gooseneck type spout.~~

~~(i) All hand washing facilities shall be securely anchored to withstand an applied vertical load of not less than two hundred and fifty pounds on the front of the fixture.~~

~~(7) Elevators. In new multistory units and facilities an elevator shall be provided in compliance with the requirements of Chapter 30 of the Florida Building Code, as adopted by the Florida Building Commission and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, after 8-10-03. In addition, a hospital-type elevator large enough to accommodate a bed and attending staff shall service all patient sleeping rooms and patient treatment areas located above the ground floor. The car shall be at least 5 feet 8 inches (1.73 meters) wide by 9 feet (2.74 meters) deep and the car doors shall have a clear opening of not less than 4 feet (1.22 meters) wide and 7 feet (2.13 meters) high.~~

~~(8) Mechanical System Requirements.~~

~~(a) Air conditioning, heating and ventilating systems.~~

~~1. All patient-occupied areas shall be heated or cooled by individual or central units. Heating units shall be designed to provide a minimum of 72 degrees Fahrenheit (22.22 Celsius) ambient indoor temperature and air conditioning units shall be designed to provide a minimum of 78 degrees Fahrenheit (25.55 Celsius) ambient indoor temperature.~~

~~2. All air supply and air exhaust systems shall be mechanically operated. Fans serving exhaust systems shall be located at the discharge end of the system.~~

~~(b) Plumbing and other piping systems. Water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. Hot water at shower, bathing, and hand washing facilities for patients' personal use shall not exceed 110 degrees Fahrenheit (43.3 degrees Celsius).~~

~~(9) Electrical System Requirements.~~

~~(a) Lighting.~~

~~1. All spaces occupied by people, machinery, and equipment within the building, approaches to building, and parking areas shall have electric lighting.~~

~~2. All patients' rooms shall have general lighting and night lighting. General room luminaries shall be switched at the entrance to the patient room.~~

~~(b) Receptacles. All patient rooms shall have hospital grade duplex grounding type receptacles.~~

~~(10) Emergency Electrical System.~~

~~(a) A Type 1 essential electrical system shall be provided in all hospice facilities as described in National Fire Protection Association Life Safety Code 99, "Health Care Facilities", and incorporated by reference in Rule 4A-3.012, F.A.C., dated November 6, 2001, by Division of State Fire Marshal at the Department of Finance and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101, after 8-10-03. The emergency power for this system shall meet the requirements of a Level 1, type 10, Class 48 generator as described in National Fire Protection Association Life Safety Code 110, "Emergency Standby Power Systems", and incorporated by reference in Rule 4A-3.012, F.A.C., dated November 6, 2001, and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101, after 8-10-03.~~

~~(b) In new construction, the normal main service equipment shall be separated from the emergency distribution equipment by locating it in a separate room. Transfer switches shall be considered emergency distribution equipment for this purpose.~~

~~(c) Switches for critical branch lighting shall be completely separate from normal switching. The devices or cover plates shall be of a distinctive color. Critical branch switches are permitted to be adjacent to normal switches. Switches for life safety lighting are not permitted except as required for dusk-to-dawn automatic control of exterior lighting fixtures.~~

~~(d) There shall be selected life safety lighting provided at a minimum of 1 footcandle and designed for automatic dusk-to-dawn operation along the travel paths from the exits to the public way or to safe areas located a minimum of 30 feet (9.14 meters) from the building.~~

~~(e) A minimum of one elevator per bank serving any patient use floor shall be connected to the equipment branch of the essential electric system and arranged for manual or~~

~~automatic operation during loss of normal power. Elevator cab lighting, controls, and communication and signal systems shall be connected to the life safety branch.~~

~~(f) There shall be a dedicated low fuel alarm for the day tank supplying the emergency generator driver. A manual pump shall also be provided for the day tank. The alarm shall be located at the generator derangement panel.~~

~~(g) Transfer switch contacts shall be of the open type and shall be accessible for inspection and replacement.~~

~~(h) If required by the facility's emergency food plan, there shall be power connected to the equipment branch of the essential electrical system for kitchen refrigerators, freezers and range hood exhaust fans. Selected lighting within the kitchen and dry storage areas shall be connected to the critical branch of the essential electrical system.~~

~~Specific Authority 400.605, 400.6051 FS., Chapter 2005-191, Laws of Florida, Law Implemented 400.605(1)(i), 553.73(2) FS., Chapter 2005-191, Laws of Florida, History-New 8-10-03, Amended \_\_\_\_\_.~~

#### 58A-2.026 Comprehensive Emergency Management Plan.

(1) Pursuant to Section 400.610(1)(b), F.S., each hospice shall prepare and maintain a comprehensive emergency management plan, hereinafter referred to as "the plan," in accordance with the "Comprehensive Emergency Management Planning Format Criteria for Hospices," AHCA DOEA Form H-001001H, 2007 October 2004, which is incorporated by reference. This document is available from through the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Tallahassee, Florida, 32308, or the agency Web site at http://ahca.myflorida.com under "Licensing and Certification", "Hospices", and shall be included as part of the hospice's comprehensive emergency management plan.

(2) The plan shall be submitted electronically for review to the local cCounty hHealth dDepartment in each county that the hospice is licensed to serve or by the Department of Health pursuant to Section 400.610(1)(b), F.S., in those counties where the Department of Health receives funding for such reviews, pursuant to Section 381.0303(7), F.S.

~~(a) Upon approval of the plan by the local County Health Department or the Department of Health, in counties where the Department has authority to approve the plan, the hospice shall provide a copy of the plan to the local emergency management agency in each county served by the hospice.~~

(3) The hospice shall report cChanges in the after-hours emergency telephone number and address of those staff who are coordinating the hospice's emergency response shall be reported by the hospice to the hospice's local emergency management agency and county health department. The telephone numbers must include all numbers where the coordinating staff can be contacted outside the hospice's

regular office hours. All hospices must report these changes, whether the plan has been previously reviewed or not, as defined in subsection (2) above.

(4) Upon a change of ownership, the new owner shall submit a new plan identifying any substantive changes, including facility renovations, and changes noted in subsection (3) above. Those hospices, which previously have had the plan reviewed by the local cCounty hHealth dDepartment or by the Department of Health, as defined in subsection (2) above, shall report any substantive changes to the reviewing entity.

(5) The plan shall describe:

(a) Procedures to ensure adequate preparation of hospice patients for potential or imminent emergencies and disasters.

(b) Procedures for annual review of the plan and for the governing body to incorporate making substantive changes to the plan by the governing body.

(6) In the event of an emergency or disaster, the hospice shall implement the hospice's plan in accordance with Section 400.610, F.S.

(7) On admission, each hospice patient and, where applicable, home ~~hospice~~ caregiver shall be informed of the hospice plan and of the special-needs registry maintained by the local emergency management agency, pursuant to Section 252.355, F.S. The hospice shall document in the patient's file if:

(a) ~~If T~~the patient plans to evacuate the ~~patient's~~ home or the hospice facility;

(b) ~~If during the emergency T~~the caregiver can take responsibility for services normally provided by the hospice during the emergency or disaster to the home patient; or

(c) ~~If T~~the hospice needs to arrange for alternative caregiver services for the patient.

(8) Upon imminent threat of an emergency or disaster, the hospice shall confirm each patient's plan during and immediately following an emergency or disaster.

(9) When the hospice is unable to provide services during an emergency or disaster, the hospice shall make all reasonable efforts to inform, where applicable, those facility and home patients whose services will be interrupted during the emergency or disaster, including patients sheltering in place, and shall inform when services are anticipated to be restored.

(10) Each hospice shall contact each the local emergency management agency in counties ~~each county~~ served by that hospice to determine procedures for registration of special-needs registrants as referenced in Section 252.355, F.S.

(11) Upon admission of a patient, eEach hospice shall collect ~~upon admission~~ registration information for special-needs registrants who will require continuing care or services during a disaster or emergency, consistent with Section 252.355, F.S. This registration information shall be submitted, when collected, to the local emergency management agency, or on a periodic basis as determined by the local emergency management agency.

(12) The hospice shall educate patients registered with the special-needs registry that services provided by the hospice in special-needs shelters shall meet the requirements of Section 400.610(1)(b), F.S. ~~re an option of last resort and that services may not be equal to those received in the hospice programs.~~

(13) The hospice shall maintain a current list of patients ~~clients~~ who are special-needs registrants, and shall forward this list to the local emergency management agency upon imminent threat of disaster or emergency and in accordance with the local emergency management agency procedures.

(14) Each hospice ~~patient~~ record for patients who are listed in the special-needs registry established pursuant to Section 252.355, F.S., shall include a description of how care or services will be continued in the event of an emergency or disaster pursuant to Section 400.610(1)(b), F.S. The hospice shall discuss the emergency provisions with the patient and the patient's caregiver, including where and how the patient is to evacuate, procedures for notifying the hospice in the event that the patient evacuates to a location other than the shelter identified in the patient record, and advance directives, ~~and the hospice shall make arrangements to make the list of medications, supplies, and equipment available to each patient in the event of an evacuation.~~

(15) The hospice shall maintain for each ~~patient who is a~~ special-needs patient ~~registrant~~ a list of client-specific medications, supplies, and equipment required for continuing care and service, should the patient be evacuated. If the hospice provides services to home patients, the hospice shall make arrangements to make the list of medications, supplies, and equipment available to each special-needs registrant in the event of an evacuation. The hospice shall notify the patient ~~registrant~~ that he/she ~~the registrant~~ is responsible for maintaining a supply of medications in the home. The list of ~~medication~~ shall include the names of all medications, dose, frequency, times, ~~and~~ any other special considerations for administration, any allergies, names of physicians and telephone numbers, and name and telephone number of the patient's pharmacy. If the patient gives consent, the list may also include the patient's diagnosis.

Specific Authority 400.605, 400.610(1)(b) FS. Law Implemented 400.605, 400.610 FS. History—New 8-6-02, Amended \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Division of Statewide Community Based Services**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58N-1 Long-Term Care Community Diversion Projects

RULE NOS.: RULE TITLES:

58N-1.001 Application Process  
 58N-1.003 Service Descriptions  
 58N-1.005 Service Provider Qualifications  
 58N-1.007 Program Standards and Operating Procedures

58N-1.009 Care and Service Standards  
 58N-1.011 Outcome Measures  
 58N-1.013 Quality Assurance Standards  
 58N-1.015 Utilization Review  
 58N-1.017 Grievance and Conflict Resolution Procedures  
 58N-1.019 Service Satisfaction

PURPOSE AND EFFECT: The purpose of the proposed rules is to incorporate specific criteria for Long-Term Care Community Diversion Projects, as it applies to managed care organizations and other qualified providers. These rules are developed to comply with Section 430.706, F.S., and require that all providers enrolling in, or currently enrolled in the Long-Term Care Community Diversion Project, comply with specific criteria to ensure that participants' needs are met to attain or maintain their highest practicable mental, physical and psychosocial well being through a continuum of care.

SUBJECT AREA TO BE ADDRESSED: Application process, service descriptions, service provider qualifications, program standards and operating procedures, care and service standards, outcome measures, quality assurance program, utilization review, grievance and conflict resolution procedures, and service satisfaction.

SPECIFIC AUTHORITY: 430.08, 430.706 FS.

LAW IMPLEMENTED: 409.912(27), 430.705(2)(b)2., 430.706, 641.3155, 641.51, 641.511 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m. – 12:30 p.m. EST.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, FL 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000. Email address: crochethj@elderaffairs.org. 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 IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000. Email address: crochethj@elderaffairs.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:



58N-1.001 Application Process.

(1) Applicants who wish to apply as a provider for the Long-Term Care Community Diversion Project shall complete DOEA Form LTCDC-001, Department of Elder Affairs Long-Term Care Community Diversion Pilot Project Provider Application, which is hereby incorporated by reference.

(a) The form is available from the Department of Elder Affairs, Division of Statewide Community-Based Services, Long-Term Care and Support, 4040 Esplanade Way, Tallahassee, FL 32399-7000. Telephone number (850)414-2000. The form is also available on the department's Web site at <http://elderaffairs.state.fl.us>.

(b) Applicants shall follow the instructions in completing the application and submit the application as instructed on the application cover sheet.

(2) In addition, applicants shall also enroll as Medicaid providers by completing the following forms:

(a) AHCA form 2200-0003 (December 2004), Florida Medicaid Provider Enrollment Application; and

(b) Non-Institutional MPA (Revised July 2006), Non-Institutional Medicaid Provider Agreement.

(c) These forms are hereby incorporated by reference and may be obtained from ACS State Healthcare, Provider Enrollment, P. O. Box 7070, Tallahassee, FL 32314-7070, or from the Agency for Health Care Administration Web site at <http://floridamedicaid.acs-inc.com/index.jsp?display=enrollment>.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History—New \_\_\_\_\_.

58N-1.003 Service Descriptions.

In addition to the terms defined in Section 430.703, F.S., and the provider contract, the following service descriptions are included. Long-Term Care Community Diversion Project providers (hereafter referred to as "diversion providers") are required to either arrange or provide these services, as needed, to participants enrolled in Long-Term Care Community Diversion Projects (hereafter referred to as "diversion project") as part of their contract with the department.

(1) Adult Companion Services: Non-medical care, supervision, and socialization provided to a functionally impaired adult.

(a) Companions assist or supervise the participant with tasks such as meal preparation, laundry and shopping, but do not perform these activities as discreet services.

(b) These services include light housekeeping tasks incidental to the care and supervision of the participant.

(c) The provision of companion services does not include hands-on nursing care.

(2) Adult Day Health Services: Services provided pursuant to Chapter 429, Part VIII, F.S. Examples include services furnished in an outpatient setting, encompassing both the health and social services needed to ensure optimal functioning

of a participant, including social services to assist with personal and family problems, and planned group therapeutic activities.

(a) Adult day health services include nutritional meals. Meals shall be included when the participant is at the center during meal times.

(b) Adult day health care includes medical screening, emphasizing prevention and continuity of care, including routine blood pressure checks and diabetic maintenance checks.

(c) Physical, occupational, and speech therapies indicated in the participant's plan of care are furnished as components of this service.

(d) Nursing services which include periodic evaluation, medical supervision, and supervision of self-care services directed toward activities of daily living and personal hygiene are also a component of this service.

(e) The inclusion of physical, occupational and speech therapies, and nursing services does not require the diversion provider to contract with an adult day health care provider to deliver these services when they are included in a participant's plan of care. The diversion provider may contract with other providers qualified to deliver these services pursuant to the terms of its contract with the department.

(3) Assisted Living Services: Personal care services, homemaker services, chore services, attendant care, companion services, medication oversight, and therapeutic social and recreational programming provided in a home-like environment to a resident living in an assisted living facility licensed pursuant to Chapter 429 Part I, Florida Statutes.

(a) Assisted living services may also include: physical therapy, occupational therapy, speech therapy, medication administration, and periodic nursing evaluations.

(b) This service does not include the cost of room and board.

(c) This service includes 24-hour on-site staff response to meet scheduled or unpredictable needs in a way that promotes maximum dignity and independence, and to provide supervision, safety and security.

(d) The diversion provider may arrange for other authorized service providers to deliver care to residents in assisted living facilities in the same manner as those services would be delivered to a person in their own home. The diversion provider shall be responsible for placing participants in the appropriate assisted living facility setting.

(e) Assistive care services are covered under the diversion provider's contract and cannot be billed separately by the assisted living facility.

(4) Case Management Services: Services that assist participants in gaining access to needed Medicaid waiver and State Plan services as well as other needed medical, social, and educational needs, regardless of the funding source. Case

management services coordinate and integrate care delivery through ongoing monitoring of service provision as provided in each participant care plan.

(5) Chore Services: Services needed to maintain the participant's home in a clean, sanitary and safe environment. This service includes heavy household chores such as washing floors, windows and walls, tacking down loose rugs and tiles, and moving heavy items of furniture in order to provide safe entry and exit.

(6) Consumable Medical Supply Services: The provision of disposable supplies used by the participant and caregiver, which are essential to adequately care for the participant's needs. These supplies enable the participant to perform activities of daily living or stabilize or monitor a health condition.

(a) Consumable medical supplies include adult disposable diapers, tubes of ointment, cotton balls and alcohol for use with injections, medicated bandages, gauze and tape, colostomy and catheter supplies, and other consumable supplies.

(b) Items covered under Medicaid home health agency services, personal toiletries, and household items such as detergents, bleach, and paper towels, or prescription drugs are not included.

(7) Environmental Accessibility Adaptation Services: Physical adaptations to the home required under the plan of care necessary to ensure the participant's health, welfare, and safety or enable the participant to function with greater independence in the home, without which he/she would require placement in an institutional setting.

(a) Such adaptations may include the installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, or installation of specialized electric and plumbing systems to accommodate the medical equipment and supplies required by the participant.

(b) Excluded are those adaptations or improvements to the home that are of general utility and are not of direct medical or remedial benefit to the participant, such as carpeting, roof repair, or central air conditioning. Adaptations, which add to the total square footage of the home, are not included in this benefit.

(c) All services must be provided in accordance with applicable state and local building codes.

(8) Escort Services: The provision of a personal escort for a participant to and from service providers. An escort may provide language interpretation for a participant who has hearing or speech impairments or who speaks a language different from that of the service provider. Escort providers assist participants in gaining access to services.

(9) Family Training Services: The provision of training and counseling services for the families of participants served by the diversion provider. Training includes instruction and

updates about treatment regimens and use of equipment specified in the plan of care to safely maintain the participant at home.

(a) "Family" is defined as the individuals who live with or provide care to a participant served by the diversion provider and may include a parent, spouse, children, relatives, foster family, or in-laws.

(b) "Family" does not include persons who are employed to care for the participant.

(10) Financial Assessment/Risk Reduction Services: The provision of financial assessment and guidance to the caregiver and participant. This service provides instructions for and/or actual performance of routine, necessary, monetary tasks for financial management such as budgeting and bill paying.

(a) This service includes a financial assessment to prevent exploitation by sorting through financial papers and insurance policies and organizing them in a usable manner.

(b) This service also includes coaching and counseling participants to avoid financial abuse, to maintain and balance accounts that directly relate to the participants living arrangement, or to lessen the risk of nursing home placement due to inappropriate money management.

(11) Home Delivered Meals: Nutritionally sound meals delivered to the residence of a participant who has difficulty shopping for or preparing food without assistance.

(a) Each meal shall provide 1/3 of the Recommended Dietary Allowance (RDA).

(b) Home delivered meals may be hot, cold, frozen, dried, canned or a combination of these methods with a satisfactory storage life.

(c) Religious preferences in the selection and preparation of menu items shall be accommodated.

(12) Homemaker Services: The provision of general household activities (meal preparation and routine household care) provided by a trained homemaker.

(13) Nursing Facility Services: Services furnished in a health care facility licensed under Chapters 400 and 408, Part II, F.S.

(14) Nutritional Assessment/Risk Reduction Services: A nutritional assessment, hands-on care, and guidance to caregivers and participants with respect to nutrition.

(a) This service instructs caregivers and participants to follow dietary specifications that are essential to their health and physical functioning, to prepare and eat nutritionally appropriate meals, and promote better health through improved nutrition.

(b) This service may include instructions on shopping for quality food and food preparation.

(15) Occupational Therapy: Treatment to restore, improve, or maintain impaired functions aimed at increasing or maintaining the recipient's ability to perform tasks required for

independent functioning to improve his/her capability to live safely in the home. The need for this service shall be determined through a multi-disciplinary assessment.

(16) Personal Care Services: Assistance with eating, bathing, dressing, personal hygiene, and other activities of daily living. This service includes assistance with preparation of meals, but does not include the cost of the meals. This service may also include housekeeping chores such as bed making, dusting and vacuuming, which are incidental to the care furnished, or which are essential to the health and welfare of the participant, rather than his/her family.

(17) Personal Emergency Response System (PERS): The installation and service of an electronic device, which enables participants at high risk of placement in an institutional setting to secure help in an emergency.

(a) The PERS is connected to the participant's telephone and programmed to signal a response center once a "help" button is activated. The participant may also wear a portable "help" button to allow for mobility.

(b) PERS services are generally limited to those participants who live alone or who are alone for significant parts of the day and who would otherwise require extensive supervision.

(c) Providers of this service must have a process for verifying the functionality of the system at least weekly.

(18) Physical Therapy: Treatment to restore, improve, or maintain impaired functions by using activities and chemicals with heat, light, electricity or sound; massage; and active, resistive, or passive exercise to improve a participant's capability to live safely in the home. The need shall be determined through a multi-disciplinary assessment.

(19) Respite Care Services: Services provided to participants on a short-term basis, who are unable to care for themselves, due to the absence or need for relief of their caregivers. Respite care does not substitute for the care usually provided by a registered nurse, a licensed practical nurse, or a therapist. Respite care is provided in the home or place of residence or a Medicaid licensed hospital, nursing facility, or assisted living facility.

(20) Speech Therapy: The identification and treatment of neurological deficiencies related to feeding problems, congenital or trauma-related maxillofacial anomalies, autism, or neurological conditions that effect oral motor functions. Services include the evaluation and treatment of problems related to an oral motor dysfunction to improve a participant's ability to live safely in the home. The need for this service shall be determined by a multi-disciplinary assessment.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History—New \_\_\_\_\_.

#### 58N-1.005 Service Provider Qualifications.

(1) Adult Companion Services: These services shall be provided by a licensed home health agency pursuant to Chapter 400, Part IV, F.S.; or individuals having a certificate of registration issued by the Agency for Health Care Administration pursuant to Section 400.509, F. S.; or be a Community Care for the Elderly (CCE) provider as defined in Section 430.203, F.S., and registered in accordance with Section 400.509, F.S.

(2) Adult Day Health Services: These services shall be administered by providers licensed by the Agency for Health Care Administration as an adult day care center pursuant to Chapter 429, Part III, F.S., or meet the adult day care center exemption requirements in Section 429.905, F.S.

(3) Assisted Living Facility Services: These are services provided in an assisted living facility licensed in accordance with to Chapter 429 Part I, F.S.

(a) The facility shall be licensed for Limited Nursing Services (LNS) or Extended Congregate Care (ECC) Services or have a standard license and meet the staffing requirements of a LNS or ECC facility.

(b) Participants residing in standard licensed facilities prior to the effective date of this rule shall have the option to remain in the facility.

(4) Case Management Services: These services shall be provided by case managers employed by the diversion provider. Case managers shall meet at least one of the following qualifications:

(a) Have a Bachelor's Degree in social work, sociology, psychology, gerontology or related field; or

(b) Have a Bachelor's Degree in an unrelated field and have at least two (2) years of geriatric experience; or

(c) Be a registered nurse licensed to practice in the state; or

(d) Be a licensed practical nurse licensed to practice in the state with four (4) years of geriatric experience.

(5) Chore Services: These services shall be provided by a lead agency as defined in Section 430.203(9), F.S.; a home health agency licensed in accordance with Chapter 400, Part IV, F.S.; a pest control agency licensed pursuant to Section 482.071, F.S.; a general contractor licensed to do home repair pursuant to Section 489.131, F.S.; or a person employed by or under the direct supervision of the general contractor, who the general contractor has confirmed is qualified by training or experience to provide home repair, home modification, general construction, chore services; and who has received the following training:

(a) Safety and home accident prevention;

(b) Participant record confidentiality;

(c) Project policies and procedures;

(d) Background and purpose of the program;

(e) Emergency procedures in the event of a crisis during the course of work;

(f) House and yard cleaning and sanitation;

(g) Simple repairs and the use of related tools and equipment; and

(h) Aging process and first aid.

(6) Consumable Medical Supply Services: These services shall be provided by pharmacies meeting the requirements under Section 465.022, F.S.; home medical equipment providers licensed pursuant to Chapter 400, Part X, F.S.; or home health agencies licensed pursuant to Chapter 400, Part IV, F.S.

(7) Environmental Accessibility Adaptation Services: These services shall be provided by general contractors licensed to do home repairs pursuant to Section 489.131, F.S.; or persons employed by or under the direct supervision of general contractors, who the general contractor has confirmed is qualified by training or experience to provide home repairs, home modifications, and general construction; and who has received the following training:

(a) Safety and home accident prevention;

(b) Participant record confidentiality;

(c) Project policies and procedures;

(d) Background and purpose of the program;

(e) Emergency procedures in the event of a crisis during the course of work;

(f) House and yard cleaning and sanitation; and

(g) Simple repairs and the use of related tools and equipment.

(8) Escort Services: These services shall be provided by lead agencies as defined in Section 430.203(9), F.S.; home health agencies licensed pursuant to Chapter 400, Part IV, F.S.; or persons employed by or working under the direct supervision of the diversion provider and trained in the following areas:

(a) Dynamics of aging;

(b) Communication and assistance with hearing and visually impaired patients;

(c) Emergency procedures; and

(d) Participant confidentiality.

(9) Family Training Services: These services shall be provided by home health agencies licensed pursuant to Chapter 400, Part IV, F.S.; lead agencies as defined in Section 430.203(9), F.S.; or medical practitioners licensed under Chapters 464 or 491, F.S., and shall include training or counseling within the scope of their practice.

(10) Financial Assessment/Risk Reduction Services: These services shall be provided by home health agencies licensed pursuant to Chapter 400, Part IV, F.S.; lead agencies as defined in Section 430.203(9), F.S.; persons confirmed to be qualified to perform the service by experience and training,

such as certified financial planners, bank employees, or individual bookkeepers; or qualified persons employed by or working under the direct supervision of the diversion provider.

(11) Home Delivered Meals: These services shall be provided by lead agencies as defined in Section 430.203(9), F.S.; or subcontractors who meet food service standards as defined in Chapters 500 and 509, F.S.; or Older Americans Act providers as defined in Rule Chapter 58A-1, F.A.C., Administration of Federal Aging Programs.

(12) Homemaker Service Providers: These services shall be provided by home health agencies licensed pursuant to Chapter 400, Part IV, F.S.; lead agencies as defined in Section 430.203(9), F.S.; or individuals having a certificate of registration issued by the Agency for Health Care Administration pursuant to Section 400.509, F.S.

(13) Nursing Facility Services: These services shall be provided by nursing facilities licensed under Chapters 400 or 408, Part II, F.S.

(14) Nutritional Assessment Risk Reduction Services: These services shall be provided by Registered Licensed Dietitians or other health professionals functioning in their legal scope of practice and licensed under Section 468, F.S. A dietetic technician (DTR) may, according to the American Dietetic Association, assist a dietitian and assume full responsibility under supervision of a Registered Licensed Dietitian for a wide range of duties including counseling participants on specific diets. A Registered Licensed Dietitian licensed under Section 468, F.S., must approve nutritional education materials. These services may be provided by lead agencies as defined in Section 430.203(9), F.S.

(15) Occupational, Physical, and Speech Therapy Providers: These services shall be provided by home health agencies licensed pursuant to Chapter 400, Part IV, F.S., or providers holding current registration, certification, or licenses pursuant to Chapters 468 and 486, F.S.

(16) Personal Care Providers: These services shall be provided by lead agencies as defined in Section 430.203(9), F.S.; certified nursing assistants employed by a Nurse Registry pursuant to Section 400.506, F.S.; or home health agencies licensed pursuant to Chapter 400, Part IV, F.S.

(17) Personal Emergency Response System Service Providers: This service shall be provided by providers meeting the requirements as defined in Chapter 489, Part II, F.S.

(18) Respite Care Providers: These services shall be provided by licensed home health agencies pursuant to Chapter 400, Part IV, F.S.; providers having certificates of registration issued by the Agency for Health Care Administration pursuant to Section 400.509, F.S.; lead agencies as defined in Section 430.203(9), F.S.; adult day care centers licensed pursuant to Chapter 429, Part III, F.S.; assisted living facilities licensed pursuant to Chapter 429, Part I, F.S.; or nursing facilities licensed pursuant to Chapter 400, F.S.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History–New

58N-1.007 Program Standards and Operating Procedures.

(1) Financial Solvency: The diversion provider shall establish and maintain a restricted insolvency protection account pursuant to Section 430.705(2)(b)4., F.S.

(2) Surplus Account: The diversion provider shall establish and maintain a surplus account pursuant to Section 430.705(2)(b)5., F.S.

(3) Financial Reporting: The diversion provider shall submit unaudited financial statements to the department quarterly.

(4) Audited Financial Statements: The diversion provider shall submit an annual audited financial statement specific to the diversion program that expressly confirms that the provider satisfies the requirements in subsection (2) of this rule.

(a) The diversion provider shall also submit a signed statement from the president of the organization attesting that no assets have been pledged to secure personal loans.

(b) The diversion provider shall submit the financial statement to the department no later than four (4) months after the end of its fiscal year.

(c) The financial statement shall be prepared by an independent certified public accountant on the accrual basis of accounting in accordance with generally accepted accounting principles as established by the American Institute of Certified Public Accountants (AICPA).

1. Audits performed to meet the requirements of OMB Circular 128 shall satisfy this requirement.

2. For government owned and operated facilities that operate on a cash method of accounting, data based on such a method of accounting shall be acceptable.

(5) Financial Risk: To participate as a diversion provider, the entity shall demonstrate the capacity to assume responsibility and financial risk for providing all acute care services and home and community-based waiver services necessary to maintain participants in a community setting. Furthermore, diversion providers shall demonstrate the capacity to integrate the administration and delivery of these services to meet individual needs in order for participants to attain or maintain their highest practical mental, physical and psychosocial well being while living in the community for as long as is safely feasible.

(6) Diversion Provider Network Requirements:

(a) Prior to the provision of any services to participants, the diversion provider shall have, at a minimum, at least two (2) subcontractors for each service described in Rules 58N-1.003 and 58N-1.005, F.A.C. The diversion provider is required to have:

(b) Two (2) subcontractors for each service for up to 99 participants.

(c) An additional subcontractor for increments of fifty (50) additional participants for each specific service utilized.

(7) Exceptions to Provider Network Requirements:

(a) The department may grant an exception to the requirement cited in paragraph (6)(c) of this rule, upon consultation with the Agency for Health Care Administration, in instances where there are no available subcontractors for the specific service(s) needed, or when the diversion provider is unable to negotiate agreements with subcontractors after demonstration of a good-faith effort.

(b) The following services are exempt from the requirement cited in paragraph (6)(c) of this rule:

1. Personal Emergency Response System;
2. Home delivered meals;
3. Financial assessment/risk reduction;
4. Nutritional assessment/risk reduction; and
5. Family training.

(8) Assisted Living and Nursing Home Facilities:

(a) The diversion provider shall make a good-faith effort to establish subcontracts with assisted living and nursing home facilities.

(b) These facilities shall be located not more than thirty (30) miles from caregivers and families to encourage frequent visiting with participants.

(9) Provider Network Prohibition: The diversion provider may not enter into exclusive contracts or arrangements with subcontractors for services that prohibit, by any means, entities from contracting with other providers for the same or similar services.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History–New

58N-1.009 Care and Service Standards.

(1) Medicaid Waiver Services: With the exception of nursing facility services, the long-term care services included under the diversion projects are authorized under the Medicaid home and community-based waiver. The waiver services shall meet all licensure and certification requirements as specified in Rule 58N-1.003, F.A.C., the Medicaid Nursing Home Waiver Agreement, state and federal regulations, and acceptable community professional practice requirements.

(2) Assisted Living and Nursing Home Facilities: Assisted living facilities and nursing home facilities licensed under Chapters 429 and 400, F.S., respectively, shall meet all contractual requirements related to reports, policies and procedures, and quality assurance provisions of the long-term care diversion project. Additionally, these facilities shall be in compliance with federal regulations and acceptable community professional practice requirements.

(2) Acute Care Services:

(a) The following services are covered for participants based on the Medicaid state plan approved by the federal Centers for Medicare and Medicaid Services. These services shall be covered under the diversion project to the extent that they are not covered by Medicare or Medicaid pursuant to Medicaid's cost-sharing policies with Medicare.

1. Community Mental Health Services.
2. Dental Services.
3. Hearing Services.
4. Home Health Care Services.
5. Independent Laboratory and Portable X-ray Services.
6. Inpatient Hospital Services.
7. Outpatient Hospital/Emergency Medical Services.
8. Physicians Services.
9. Prescribed Drug Services.
10. Vision Services.

(b) Descriptions of these services and provider requirements shall be in accordance with the diversion provider's contract with the department.

(3) Optional Services: The diversion provider may provide optional services, such as transportation for participants for necessary medical services, in accordance with its contract with the department.

(4) Expanded Services: The diversion provider may provide expanded services for participants in accordance with its contract with the department.

(5) Emergency Care Requirements: The diversion provider shall provide emergency care post-stabilization services in accordance with its contract with the department.

(6) Out of Network Use of Non-Emergency Services: The diversion provider shall adhere to the requirements outlined in its contract with the department when participants utilize non-emergency services outside of the diversion provider's network.

(7) Case Management:

(a) The diversion provider shall directly provide case management services and shall be in compliance with Section 430.705(2)(b)2., F.S.

(b) In addition the diversion provider shall ensure that case managers attend and complete the following training:

1. Four (4) hours of in-service training annually on issues affecting the frail elderly;
2. Abuse, neglect, and exploitation training specifically involving the elderly; and
3. Alzheimer's disease and related disorders annual continuing education training from an accredited entity, focusing on newly developed topics in the field.
4. The department shall approve the diversion provider's internal training materials prior to their use for training purposes.

(c) The diversion provider may employ paraprofessionals, such as case aides, to assist case managers in the performance of their duties. However, the department shall approve this arrangement prior to using paraprofessionals for this purpose.

(d) In regards to participants, case managers shall complete at least:

1. One phone call and one face-to-face visit monthly for participants residing in the community; and
2. One phone call monthly and one face-to-face visit quarterly for participants residing in a facility.

(e) The ratio of case managers to participants shall be a maximum of:

1. One (1) to thirty-five (35) in the community; and
2. One (1) to forty-five (45) in facilities.

(8) Accreditation: All diversion providers shall receive accreditation from an organization that has been approved by the Agency for Health Care Administration. This requirement shall be completed within one year after contracting with the department. The department may extend the period of time for accreditation for those providers who are currently not accredited pursuant to this subsection.

(9) Care Planning:

(a) Each participant shall have a care plan. The care plan (also known as the plan of care or service plan) is the tool used by the case manager to document a participant's assessed needs, desired outcomes, and services to be provided. The care plan is a plan of action, developed in conjunction with the participant, caregiver and/or family or representative. It is designed to assist the case manager in the overall management of the participant's care.

1. The participant's file shall include the care plan, which shall be signed by the participant, caregiver (or family or representative), and the case manager.
2. The participant or caregiver (or family or representative) shall receive a signed copy of the care plan.

(b) All changes in services in the care plan shall be documented in the participant's file.

1. The file shall contain changes to the care plan and be signed by the participant, caregiver (or family or representative), and the case manager.
2. The participant or caregiver (or family or representative) shall receive a signed copy of the care plan. The original shall be included in the participant's case file.
3. The participant's case file shall have clear documentation for the reason for changes in services.

(b) The diversion provider shall make every effort to contract with service providers that the participant and the caregiver (or family or representative) prefer. The participant's case file shall include attempts to obtain the participant's service provider preferences.

(10) Emergency/Disaster Plan:

(a) The diversion provider shall submit its emergency/disaster plan to the department no later than April 30 of each year.

(b) The diversion provider shall perform the following as it relates to computer system backup and recovery:

1. Prepare for the loss of information processing capabilities in the event of an emergency or disaster. Data and software essential to the continued operations of the diversion provider shall be routinely backed up. These backups shall be of sufficient extent and frequency to restore operations with a minimal interruption after a system failure from any cause.

2. Ensure security controls for back up resources meet the protection requirements of the primary resources.

3. Ensure a copy of the backed up data is stored in a secure, offsite location.

4. Submit to the department, annually or upon revision, written policies for backing up data and software in order to be online within twenty-four (24) hours after a emergency or disaster. These policies may be included in the emergency/disaster plan referenced in paragraph (a) of this subsection.

(c) Diversion providers shall conduct emergency/disaster training at least annually.

(d) The case manager shall make the necessary emergency arrangements with the participant's family or other shelter arrangements during the enrollment process.

1. Emergency arrangements shall include emergency supplies, transportation to the emergency location, and coordination of emergency services with the participant's family or other shelter arrangements.

2. The participant shall be provided with the case manager's cell phone number and the diversion provider's emergency number.

3. The case manager shall review and update the participant's emergency/disaster plan with the participant and family at least annually.

(e) The diversion provider shall submit its specific emergency/disaster plan to the department for the effected areas when watches are issued for the following: flood, tropical storm, hurricane, or other natural or manmade emergencies/disasters.

(11) Disenrollments:

(a) Upon notification of a participant's death, the diversion provider shall disenroll the participant and void any claims for the months the participant remained enrolled after death. The diversion provider shall notify the local CARES and Department of Children and Families offices.

(b) The diversion provider shall submit other disenrollments or requests to change diversion providers to the local CARES office.

(c) The CARES office shall not accept disenrollment forms from anyone other than the participant's current diversion provider. All disenrollment request forms shall be approved by the department.

(d) The current diversion provider shall continue to provide services to the participant until the documented effective date of disenrollment.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.705(2)(b)2., 430.706 FS. History--New \_\_\_\_\_.

58N-1.011 Outcome Measures.

(1) Participant Satisfaction: Ninety percent (90%) of participants shall report positive satisfaction with services received based on the service satisfaction survey reference in Rule 58N-1.019, F.A.C.

(2) Caregiver, or Family or Representative Satisfaction: Ninety percent (90%) of participants' caregivers (or families or representatives) shall report positive satisfaction with services received based on the service satisfaction survey referenced in Rule 58N-1.019, F.A.C.

(3) Nursing Home Placement: Out of the total number of diversion participants disenrolled from the program, not more than 10% shall have entered into a nursing home under the Medicaid state plan within 6 months after disenrollment.

(4) Provider Reimbursement: All service provider reimbursements shall be made and shall meet the timeliness requirements according to Section 641.3155, F.S.

(5) Provider Reporting: Ninety-five (95) percent of all diversion provider required reports shall be submitted to the department on or before the due date.

(6) Voluntary Disenrollment: Out of the total number of participants who voluntarily disenroll from a diversion provider, not more than ten (10) percent shall have:

(a) Disenrolled due to dissatisfaction with the delivery of services; and

(b) Enrolled with another diversion provider within three (3) months.

Specific Authority 430.08, 430.706 FS. Law Implemented: 430.705(2)(b)3., 430.706, 641.3155 FS. History--New \_\_\_\_\_.

58N-1.013 Quality Assurance Standards.

The diversion provider shall develop a quality assurance program with written policies and procedures that addresses the needs of participants, promotes improved clinical outcomes and quality of life, identifies and addresses service delivery issues, and monitors the quality and appropriateness of care provided to participants with special health care needs. The quality assurance program shall comply with applicable provisions of Section 409.912(27), F.S., and Section 641.51, F.S.

Specific Authority 430.08, 430.706 FS. Law Implemented 409.912(27), 430.706, 641.51 FS. History--New \_\_\_\_\_.

58N-1.015 Utilization Review.

Each diversion provider shall develop a utilization review methodology that shall include, at a minimum, the elements listed below. These elements shall include:

- (1) Participants who received services with adverse or unexpected outcomes;
- (2) Ethical issues and questions such as end-of-life decisions and advance directives;
- (3) Targeted specific conditions and health service delivery issues;
- (4) Generally accepted practice guidelines to objectively evaluate health service delivery issues and the care that the case manager delivered or failed to deliver;
- (5) Management of participants' diagnoses;
- (6) Appropriateness and timeliness of services provided;
- (7) Comprehensiveness of the care plan and the participant's compliance or non-compliance with the care plan, and the effects on the desired outcomes;
- (8) Evidence of special screening for, and monitoring of, high-risk participants or conditions; and
- (9) Grievance and appeals identified through its policies and procedures in accordance with Rule 58N-1.017, F.A.C.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History—New \_\_\_\_\_.

58N-1.017 Grievance and Conflict Resolution.

Diversion providers shall have detailed written procedures in place for participants that include a grievance process, an appeal process, and access to the Medicaid fair hearing system. The diversion provider shall develop, implement, and maintain a grievance system that complies with the requirements of Section 641.511, F.S., and federal laws and regulations.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706, 641.511 FS. History—New \_\_\_\_\_.

58N-1.019 Service Satisfaction.

Diversion providers shall conduct recipient and caregiver (or family or representative) service satisfaction surveys in accordance with its contract with the department. The main focus of the surveys shall be to determine satisfaction with the provision of services.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History—New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.070  
 RULE TITLE: Durable Medical Equipment and Medical Supplies

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-4.070, F.A.C., is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Medical

Supply Services Coverage and Limitations Handbook, January 2007. The revised handbook includes the policy and procedure code changes mandated by the federal Health Insurance Portability and Accountability Act (HIPAA) and revised provider enrollment and service requirement policies. The handbook also contains the policies for certain products that were transferred from the Medicaid Prescribed Drug Program to the Medicaid Durable Medical Equipment and Medical Supplies Program. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, January 2007.

This Notice of Rule Development replaces the Notice of Rule Development that was published in Vol. 31, No. 30, July 29, 2005, Florida Administrative Weekly.

SUBJECT AREAS TO BE ADDRESSED: Durable Medical Equipment and Medical Supplies.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.913 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, December 11, 2006, 1:30 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308-5403, (850)922-7306

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.070 Durable Medical Equipment and Medical Supplies.

(1) No change.

(2) All durable medical equipment and medical supply providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, January 2007 ~~April 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and EPSDT 221, ~~221~~, which is incorporated by reference in Rule 59G-4.001 ~~5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> ~~agent~~. 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) All DME providers and their billing agents must comply with the provisions of the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, November 1996, which is incorporated by reference and available from the Medicaid fiscal agent.~~

~~(4) Durable Medical Equipment and Supplies. All DME/Medical Supply providers must comply with the provisions of the Florida Medicaid DME/Medical Supply Services Coverage and Limitations Handbook January 2000, which is incorporated by reference and available from the Medicaid fiscal agent.~~

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907(7), 409.908, 409.913 FS. History—New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99, 10-18-00, 4-30-01,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE NO.: 61B-29.001                      RULE TITLE: Definitions

PURPOSE AND EFFECT: To clarify that mobile home park owners must disclose in the prospectus any and all fees, charges or costs it may impose.

SUBJECT AREA TO BE ADDRESSED: Subsection 723.006(7), F.S., authorizes the Division of Florida Land Sales, Condominiums and Mobile Homes to adopt rules to implement Chapter 723, F.S., the “Florida Mobile Home Act.” Subsection 723.006(10), F.S., authorizes the division to require mobile home park owners to “fully and fairly disclose all matters required of this chapter.” Mobile home park owners are required by Section 723.012, F.S., to prepare a prospectus or offering circular containing many specific disclosures, especially any direct or indirect financial obligations the park owner may impose. Subsection 723.011(3), F.S., indicates that the prospectus or offering circular is the “disclosure document intended to afford protection to homeowners and prospective homeowners in the mobile home park.” However, some mobile home park owners impose entrance fees, application, background check and/or screening fees, administrative fees or such other fees, costs, or charges on purchasers of mobile homes situated in the mobile home park or new mobile home owners coming into the mobile home park without disclosing them in the prospectus on the basis that these individuals are not yet homeowners (e.g.: renting or leasing a lot within the park) and so are not protected by the Florida Mobile Home Act. The proposed rule would clarify that a mobile home park owner must disclose in the prospectus any direct or indirect financial obligations that may be imposed as a condition of tenancy, occupancy or ownership of a mobile home in the park. The proposed rule would modify Rule 61B-29.001, F.A.C., by adding the definition of “other fees” for Chapter 723, F.S., that includes “entrance fee” and “application fee” as those terms

were found to be commonly understood in the mobile home industry by the Division of Administrative Hearings in Florida Manufactured Housing Association, Inc. v. DBPR, Division of Land Sales, Condominiums, and Mobile Homes, DOAH Case No. 88-1133RP, to clarify what should be disclosed in the prospectus.

SPECIFIC AUTHORITY: 723.006(7) FS.

LAW IMPLEMENTED: 723.002(3), 723.003(2), (5), (8), 723.006(4), (8), (10), 723.011(2), (3), 723.012(9)(b)8., (11), 723.014(1), 723.031(3), (6), 723.035(2), 723.041, 723.058, 723.059, 723.061(1)(b), (e) FS.

IF REQUESTED 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: December 12, 2006, 3:30 p.m.

PLACE: Conference Room, Suite 16, The Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

A copy of the rule amendment is available online at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE NO.: 61B-31.001                      RULE TITLE: Prospectus and Rental Agreement

PURPOSE AND EFFECT: To clarify that mobile home park owners must disclose in the prospectus any and all fees, charges or costs it may impose.

SUBJECT AREA TO BE ADDRESSED: Subsection 723.006(7), F.S., authorizes the Division of Florida Land Sales, Condominiums and Mobile Homes to adopt rules to implement Chapter 723, Florida Statutes, the “Florida Mobile Home Act.” Subsection 723.006(10), F.S., authorizes the division to require mobile home park owners to “fully and fairly disclose all matters required of this chapter.” Mobile home park owners are required by Section 723.012, F.S., to prepare a prospectus or offering circular containing many specific disclosures, especially any direct or indirect financial obligations the park

owner may impose. Subsection 723.011(3), F.S., indicates that the prospectus or offering circular is the “disclosure document intended to afford protection to homeowners and prospective homeowners in the mobile home park.” However, some mobile home park owners impose entrance fees, application, background check and/or screening fees, administrative fees or such other fees, costs, or charges on purchasers of mobile homes situated in the mobile home park or new mobile home owners coming into the mobile home park without disclosing them in the prospectus on the basis that these individuals are not yet homeowners (e.g.: renting or leasing a lot within the park) and so are not protected by the Florida Mobile Home Act. The proposed rule would clarify that a mobile home park owner must disclose in the prospectus any direct or indirect financial obligations that may be imposed as a condition of tenancy, occupancy or ownership of a mobile home in the park. The proposed rule would modify Rule 61B-31.001, F.A.C., to clarify that the prospectus disclosures are intended to apply to homeowners and prospective homeowners and incorporates other fees throughout the rule to clarify that these are required to be disclosed in the prospectus.

SPECIFIC AUTHORITY: 723.006(7) FS.

LAW IMPLEMENTED: 723.002(3), 723.003(2), (5), (8), 723.006(4), (8), (10), 723.011(2), (3), 723.012(9)(b)8, (11), 723.014(1), 723.031(3), (6), 723.035(2), 723.041, 723.058, 723.059, 723.061(1)(b), (e) FS.

IF REQUESTED 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: December 12, 2006, 3:30 p.m.

PLACE: Conference Room, Suite 16, The Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

A copy of the rule amendment is available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-20.007  
 RULE TITLE: Foreign Degrees

PURPOSE AND EFFECT: Purpose and effect is to approve an additional education evaluation service for use by licensure applicants.

SUBJECT AREA TO BE ADDRESSED: Foreign Degrees.

SPECIFIC AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 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:

61G15-20.007 Foreign Degrees.

(1) through (3) No change.

(4) The applicant must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either Engineering Credentials Evaluation International, 111 Market Place, #171, Baltimore, Maryland 21202; Center for Professional Engineering Education Services, P. O. Box 720010, Miami, Florida 33172; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

(5) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-22.011  
 RULE TITLE: Board Approval of Continuing Education Providers

PURPOSE AND EFFECT: Purpose and effect is to include state agencies in the same category as federal agencies.

SUBJECT AREA TO BE ADDRESSED: Board Approval of Continuing Education Providers.

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

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

61G15-22.011 Board Approval of Continuing Education Providers.

(1) through (8) No change.

(9) The following providers shall be approved as providers until May 31, 2009, and the Board shall accept their courses for continuing education credit:

(a) No change.

(b) Federal and State Governmental Agencies that establish rules, regulations, guidelines, or otherwise have an impact on the practice of engineering; and

(c) No change.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History--New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05, 6-11-06,\_\_\_\_\_.

**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 Nursing Home Administrators**

RULE NO.: 64B10-15.001  
 RULE TITLE: Continuing Education for Licensure Renewal

PURPOSE AND EFFECT: The Board proposes a rule amendment to delete the language in parenthesis (5) of the rule for the requirements for continuing education for licensure renewal.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Licensure Renewal.

SPECIFIC AUTHORITY: 456.033, 468.1685(1), 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 468.1715(3), 468.1725 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: 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:

64B10-15.001 Continuing Education for Licensure Renewal.

(1) through (4) No change.

~~(5) Licensees shall include either the hours obtained from attendance at the HIV/AIDS course required under Section 456.033(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 456.033(9), F.S., as part of the hours required for biennial renewal.~~

~~(5)(6)~~ No change.

~~(6)(7)~~ No change.

Specific Authority 456.033, 468.1685(1), 468.1715(3), 468.1725 FS. Law Implemented 456.013(6), 456.033, 468.1715(3), 468.1725 FS. History--New 12-11-80, Amended 2-20-83, 5-2-84, Formerly 21Z-15.01, Amended 12-31-86, 2-26-89, 11-19-91, Formerly 21Z-15.001, 61G12-15.001, Amended 9-4-96, 10-20-96, 7-21-97, Formerly 59T-15.001, Amended 5-15-00, 11-4-02, 5-7-06,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.2031  
 RULE TITLE: Licensure by Examination; Foreign Pharmacy Graduates

PURPOSE AND EFFECT: The Board proposes the rule amendment to amend the qualifications of a foreign pharmacy graduate to sit for the licensure examination.

SUBJECT AREA TO BE ADDRESSED: Licensure by Examination; Foreign Pharmacy Graduates.

SPECIFIC AUTHORITY: 465.005, 465.007 FS.

LAW IMPLEMENTED: 465.007 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.2031 Licensure by Examination; Foreign Pharmacy Graduates.

In order for a foreign pharmacy graduate to be admitted to the professional licensure examination, the applicant must:

- (1) No change.
- (2) Be certified by the Foreign Pharmacy Graduate Examination Committee to have passed the FPGEE, the Test of English as a Foreign Language, and the Test of Spoken English. Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission.

(3) Complete a minimum of 500 hours of supervised work activity within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. Further, no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE. Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL) which is given by the Educational Testing Service, Inc., with a score of at least 500 for the pencil and paper test or 173 for the computer version.

(4) Demonstrate proficiency in the use of spoken English by passing the Test of Spoken English (TSE) with a score of at least 200 or an equivalent score of 45 on the recalibrated TSE.

(5) Complete a minimum of 500 hours of supervised work activity within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. Further, no program of work activity will be approved for any applicant until said applicant has successfully completed the examination as set forth in subsections (2) and (3) above.

Specific Authority 465.005, 465.007 FS. Law Implemented 465.007 FS. History—New 1-11-05, Amended.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.:                   RULE TITLE  
64B17-7.001               Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to add language regarding disciplinary guidelines used for a licensee practicing on a delinquent license, inactive status license or retired status license.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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 Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-7.001 Disciplinary Guidelines.

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

(bb) Section 456.036(1), F.S. and Section 486.125(1)(k), F.S. or Section 456.072(1)(dd), F.S.: Practicing on a delinquent license, inactive status license and retired status license – from a minimum fine of \$1,000 and/or a letter of concern up to a maximum fee of \$5,000 and/or suspension of license for two years followed by two years of probation. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation.

(2) No change.

Specific Authority 456.036, 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History—New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, 1-2-03, 4-9-06, \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:                   RULE TITLE:  
68A-1.004                   Definitions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission, during calendar year 2007.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include rule language definitions.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:                   RULE TITLE:  
 68A-4.001                 General Prohibitions

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, associated with general prohibitions pertaining to wildlife and freshwater fish resources.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include general prohibitions pertaining to wildlife and freshwater fish.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:                   RULE TITLE:  
 68A-5.005                 Quota Hunt Permits and  
                                   Special-Opportunity Permits –  
                                   Application; Selection; Issuance

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise procedures for application, selection, or issuance of quota hunt or special-opportunity hunt permits, during the 2007 calendar year.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the application, selection and issuance of Quota Hunt Permits and Special-opportunity Permits.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas
68A-9.007	Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing
68A-9.008	Permits for Physically Disabled

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, associated with recreational use permits and related fees on Wildlife Management Areas; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; and permits for the physically disabled.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include recreational use permits; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; and permits for the physically disabled.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 372.121, 372.57, 375.313 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-11.005	Use of Tracked Vehicles in the South Region
68A-11.0051	Tracked Vehicles Used for Recreational Purposes in South Region

PURPOSE AND EFFECT: The purpose and effect of this rule development is to establish or revise rule provisions, during calendar year 2007, associated with tracked vehicle registration and use in the South Region.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules would reestablish and simplify rules for inspecting and registering tracked vehicles utilizing the Holey Land, Rotenberger, and Everglades and Francis S. Taylor WMAs; modify the specifications for allowable tracked vehicles; require periodic re-inspection of tracked vehicles to insure accurate and up-to-date records; require registration of tracked vehicles when transferring ownership; and, establish a tracked vehicle registration decal system.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 372.021, 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 372.021, 375.313 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-12.002	General Methods of Taking Game; Prohibitions
68A-12.007	Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to define methods of taking game and to prohibit the taking of some game on designated areas; and regulate the use of dogs for taking game during calendar year 2007.

SUBJECT AREA TO BE ADDRESSED: The Commission is considering changing the methods of taking game in certain geographical locations and changing regulations regarding the use of dogs for taking certain game.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-13.001	Open Season for Taking Game; Bag and Possession Limits
68A-13.002	Migratory Birds; Adoption of Federal Statutes and Regulations
68A-13.003	Hunting Regulations for Ducks, Geese, and Coots
68A-13.004	Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits
68A-13.006	Hunting on National Wildlife Refuges

68A-13.007 Hunting Regulations on Public Small-Game Hunting Areas

68A-13.008 Hunting Regulations for Migratory Birds Other than Ducks and Coots

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is, during calendar year 2007, to (1) establish open seasons, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution, 372.021 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution

**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:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

**RULE NO.:** 68A-14.001 **RULE TITLE:** Establishment Orders

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, to make reference to Commission Establishment Orders that (1) establish land as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas, (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include establishment orders for wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
68A-15.004	General Regulations Relating to Wildlife Management Areas
68A-15.005	Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits
68A-15.006	Regulations Relating to Miscellaneous Areas
68A-15.061	Specific Regulations for Wildlife Management Areas – Southwest Region
68A-15.062	Specific Regulations for Wildlife Management Areas – North Central Region
68A-15.063	Specific Regulations for Wildlife Management Areas – Northwest Region
68A-15.064	Specific Regulations for Wildlife Management Areas – South Region.
68A-15.065	Specific Regulations for Wildlife Management Areas – Northeast Region

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMAs); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs; and (4) adjust

hunting season dates on WMAs to conform with proposed 2007-2008 hunting season dates for the appropriate hunting zone.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 372.121, 375.313 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 372.121, 372.57, 375.313 FS.

**IF REQUESTED 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, IF AVAILABLE, IS:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
68A-17.004	General Regulations Relating to Wildlife and Environmental Areas
68A-17.005	Specific Regulations for Wildlife and Environmental Areas

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEA); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2007-2008 hunting season dates for the appropriate hunting zone.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 372.121, 375.313 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 372.121, 372.57, 375.313 FS.

**IF REQUESTED 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, IF AVAILABLE, IS:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
68A-21.002	Establishment
68A-21.004	General Regulations Relating to Wild Hog Areas

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, associated with general regulation of wild hog areas.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include general regulation of wild hog areas.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

**IF REQUESTED 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, IF AVAILABLE, IS:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
68A-25.002	General Provisions for Taking, Possession and Sale of Reptiles
68A-25.003	Taking and Disposal of Nuisance Alligators Statewide
68A-25.004	Regulations Governing the Operation of Alligator Farms
68A-25.031	Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs



- 68A-25.032 Regulations Governing the Establishment of Alligator Management Programs
- 68A-25.042 Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale
- 68A-25.052 Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, to establish regulations for taking and possessing alligators that will ensure conservation of alligator populations while providing for realization of their potential aesthetic, recreational, and economic values.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include requirements for taking and possessing alligators and other reptiles.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 370.081, 372.6672, 372.6673, 372.6674, 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92, 372.921, 372.922 FS.

**IF REQUESTED 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, IF AVAILABLE, IS:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

- |   |   |
|---|---|
| <p><b>RULE NOS.:</b></p> <ul style="list-style-type: none"> <li>69A-60.001</li> <li>69A-60.002</li> <li>69A-60.003</li> <li>69A-60.004</li> </ul> | <p><b>RULE TITLES:</b></p> <ul style="list-style-type: none"> <li>Title</li> <li>Scope; Description of Florida Fire Prevention Code</li> <li>Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2003 Edition, Adopted</li> <li>Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2003 Edition, Adopted</li> </ul> |
|---|---|

- 69A-60.005 Publications Referenced in NFPA 1, the Florida 2003 Edition, and NFPA 101, the Florida 2003 Edition, Added to the Florida Fire Prevention Code
- 69A-60.006 Manufactured and Prototype Buildings
- 69A-60.007 Enforcement of the Florida Fire Prevention Code

**PURPOSE AND EFFECT:** To develop the 2007 edition of the Florida Fire Prevention Code. Pursuant to Section 633.0215, Florida Statute, the State Fire Marshal is directed to adopt a new edition of the Florida Fire Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming year pursuant to Section 633.0215(2), F.S. Workshops will be announced in future editions of the Florida Administrative Weekly.

**SUBJECT AREA TO BE ADDRESSED:** The Department of Financial Services, Division of State Fire Marshal, announces that it is seeking written local and regional amendment proposals to the 2006 editions of NFPA 1 and NFPA 101. The comment period ends February 28, 2007, at 5:00 pm. Written comments should be addressed to: Scott Langston, Management Review Specialist, Department of Financial Services, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

**SPECIFIC AUTHORITY:** 633.01, 633.0215, 633.022, 633.025, 1013.12 FS.

**LAW IMPLEMENTED:** 633.01, 633.0215, 633.022, 633.025, 1013.12 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:** Scott Langston, Management Review Specialist, Department of Financial Services, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

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

## Section II Proposed Rules

### DEPARTMENT OF COMMUNITY AFFAIRS

#### Division of Housing and Community Development

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-43	Florida Small Cities Community Development Block Grant Program
RULE NOS.:	RULE TITLES:
9B-43.0041	Application and Administrative Requirements
9B-43.0051	Grant Administration and Project Implementation

PURPOSE AND EFFECT: To provide clarification of the rule chapter.

SUMMARY: Rule Chapter 9B-43, F.A.C., has been revised to clarify certain requirements relating to the Florida Small Cities Community Development Block Grant (CDBG) Program. Clarifications have also been made to the application manual, which is incorporated by reference. These clarifications are a follow-up to a major revision of the rule in May 2006.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Cost has been prepared. However, the rule revisions will not have a financial impact on the State of Florida or any local government served by the Florida Small Cities CDBG Program. The only costs associated with the rule revision are those related to the public meetings being conducted.

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: 290.048 FS.

LAW IMPLEMENTED: 290.042, 290.043, 290.044, 290.0455, 290.046, 290.047, 290.0475, 290.048 FS.

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

DATE AND TIME: December 14, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Community Affairs, Sadowski Building, Randall Kelley Training Center, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Judy Peacock, Planning Manager, CDBG Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-3644 (SUNCOM 278-3644) 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 RULES IS: Esrone McDaniels, Community Program Manager, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-43.0041 Application and Administrative Requirements.

(1) through (e) No change.

(f) Documents to meet application requirements or additional submissions resulting from the site visit must be submitted in original or photocopy form. ~~Facsimile or electronic submissions are not acceptable.~~

(g) A local government with an open Planning and Design Specifications subgrant cannot apply for a Commercial Revitalization, Housing or Neighborhood Revitalization subgrant.

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

(4) Consistency with Local Comprehensive Plan.

~~(a)~~ The application shall include affirmation that the proposed activities are consistent with applicable elements of the adopted local comprehensive plan and shall include applicable excerpts from the applicant's comprehensive plan in the supporting documentation section of the application.

~~(b) If the Department determines that an application is inconsistent with the adopted local comprehensive plan, the applicant shall be advised of that determination in the completeness review letter. If after review of the applicant's response, the Department reaffirms its determination of inconsistency, the application shall be rejected.~~

(5)(a) No change.

(b) Activities undertaken outside the applicant's jurisdiction which are also undertaken within the applicant's jurisdiction, except in an Economic Development application where the infrastructure activities may be undertaken exclusively outside the jurisdiction. Applicants considering projects that would benefit Entitlement community residents should refer to the HUD Memorandum entitled "State CDBG Activities benefiting Entitlement Community Residents," issued May 26, 2006.

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

(e) When two jurisdictions apply for funding for a joint project supported by two subgrants, an interlocal agreement must be included in each application that indicates that the jurisdictions have agreed upon a service area, how the funding under each subgrant will be expended, and evidence that each subgrant will meet the LMI national objective.

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

(8) Completeness Review Letter (for all grant categories except economic development). Following the site visit, the Department will advise the applicant of the status of the application review.

(a) The Department shall request in writing required documentation determined unavailable or inadequate during the site visit. Except for Economic Development applications, applicants shall have 21 ~~42~~ calendar days from the date the request is received to provide appropriate documentation to the Department.

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

(9) Eligibility. ~~Contract performance shall be considered "on time" for open subgrants that have received an agreement period extension of less than twelve months.~~ Performance is on time schedule when expenditures and work activity plans stated in awarded subgrant agreement(s) have been met or surpassed. Any subgrants which have received an extension of the grant period of twelve months or more will be considered not on time, except for the time extension required for an Economic Development project for the purpose of tracking additional job creation when contractual job creation commitments have been met, but the cost per job exceeds \$10,000.

Specific Authority 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History--New 5-23-06, Amended \_\_\_\_\_.

9B-43.0051 Grant Administration and Project Implementation.

(1) Administrative Costs.

(a) If proposed administrative cost percentages in an application are exceeded, as set forth in Section 290.047, F.S., the dollars for administrative costs shall be reduced prior to the offering of a subgrant award in order to bring the percentages into compliance based on the total eligible subgrant costs.

(b) During the term of the subgrant, requests for payment of administrative funds will be approved in proportion to the progress of the project as reflected on approved workplans.

(2) through (5) No change.

(6) Completion of Activities. The Department will acknowledge a local government's closeout by mailing an administrative closeout notification or a Notice of Outstanding Closeout Issues (NOCISS).

(a) The NOCISS letter shall identify impediments to closeout which the local government must resolve before the Department's review of the closeout will proceed and will advise the local government that any remaining balance of funds will be deobligated.

(b) No change.

(7) Non-performance Penalties. Subgrant application penalties and subgrant application restrictions shall be assessed based on non-performance of contractual requirements related to project accomplishments. The following penalties and restrictions will apply to subgrant agreements for which an

administrative closeout was submitted prior to the upcoming application cycle deadline and will apply regardless of whether the subgrant agreement has been amended to permit the reduction in accomplishments:

(a) A penalty of five points per housing unit, up to a maximum of 50 points, for failure to address the number of housing units scored in the original Housing category application.

(b) A penalty of five points per low and moderate income household not served OR a penalty of five points for each business facade not addressed, as geographically displayed on the original application maps (as modified, if necessary, during the completeness process) in the Neighborhood Revitalization or Commercial Revitalization categories, up to a maximum of 50 points. All direct benefit activities proposed in the application (e.g., water hookups) must be completed to avoid this penalty. No penalty shall be assessed for failure to provide a water or sewer hookup if the hookup is not possible because the home is vacant or was damaged or destroyed after application submission and there are no other homes in the service area that were identified in the application as unmet need which qualify for a hookup.

(c) A penalty of five points per job, up to a maximum of 50 points, for failure to create or retain the total number of jobs in the original contract in the Economic Development category.

(d) All performance-related penalties penalty will be applied to the Category Subscore of the next application for funding.

(d) through (e) renumbered (e) through (f) No change.

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

(c) Upon completion of the activities contained in the local government's CDBG subgrant agreement, including any amendments, the local government shall submit to the Department a closeout which, at a minimum, gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, that all costs except those reflected on the closeout, and reflected on an enclosed final request for funds, have been paid, that the final score at closeout is within the fundable range as last amended and reports demographics of the program's beneficiaries.

(d) through (f)3. No change.

(g) A local government whose closeout is not received by the Department prior to the date of the opening of the application cycle, as defined in the Notice of Funding Availability (NOFA), shall not be eligible to apply for a Commercial Revitalization, Housing, Neighborhood Revitalization, or Planning and Design Specifications subgrant in that cycle.

(h) through (j) No change.

(12) Audit Requirements. If an audit or an attestation statement has not been received from a local government with either an open or administratively closed contract by the June

~~30 April 30~~ deadline date, a 25 point penalty will be assessed. The penalty will expire two years from the date that the audit or attestation statement was received.

(13) Program Income. ~~Any program income generated by a Florida Small Cities CDBG subgrant, whether open or closed, shall be reported and returned to the Department. Program income generated after closeout shall be returned to the Department. Program income generated prior to closeout of a subgrant shall be returned to the Department unless:~~

(a) The program income is used to fund additional units of CDBG activities referenced in the subgrant agreement under which the program income was generated; and

(b) The recipient amends the subgrant agreement to encompass expenditure of that program income prior to administrative closeout.

(14) Non-program Income. No change.

Specific Authority 290.048 FS. Law Implemented 290.044, 290.046, 290.047, 290.0475 FS. History–New 5-23-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Esrone McDaniels, Community Program Manager  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NOS.:                    RULE TITLES:  
12A-14.001                    Oyster Surcharge  
12A-14.002                    Reporting and Remitting the Surcharge  
12A-14.003                    Records and Auditing Requirements

PURPOSE AND EFFECT: Chapter 2006-185, L.O.F., repealed the surcharge imposed on oysters harvested from the Apalachicola Bay, effective June 12, 2006. This law instructed the Department to cease all efforts to collect any uncollected surcharge. Rule Chapter 12A-14, F.A.C., Apalachicola Bay Oyster Surcharge, is no longer necessary; therefore, it is necessary to repeal all sections of Rule Chapter 12A-14, F.A.C.  
SUMMARY: Chapter 2006-185, L.O.F., repealed the surcharge imposed on oysters harvested from the Apalachicola Bay, effective June 12, 2006. This law instructed the Department to cease all efforts to collect any uncollected surcharge. Rule Chapter 12A-14, F.A.C., Apalachicola Bay Oyster Surcharge, is no longer necessary; therefore, it is necessary to repeal all sections of Rule Chapter 12A-14, 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 a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) 370.07(3) FS.

LAW IMPLEMENTED: 95.091(3), 212.12(2), 212.13(2), (5), 212.14, 212.15, 213.235, 213.29, 213.755, 370.07(3) FS., s. 16, ch. 99-208, L.O.F.

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

DATE AND TIME: December 18, 2006, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

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 days before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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 RULES IS: Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-14.001 Oyster Surcharge.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3)(g) FS. Law Implemented 370.07(3) FS. History–New 10-16-89, Amended 3-20-96, Repealed.

12A-14.002 Reporting and Remitting the Surcharge.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3) FS. Law Implemented 212.12(2), 213.235, 213.755, 370.07(3) FS. History–New 10-16-89, Amended 3-21-95, 3-20-96, 4-2-00, 9-28-04, Repealed.

12A-14.003 Records and Auditing Requirements.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 370.07(3)(c) FS. Law Implemented 95.091(3), 212.13(2), (5), 212.14, 212.15, 213.29, 370.07(3)(c), (g) FS., s. 16, ch. 99-208, L.O.F. History–New 10-16-89, Amended 4-2-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Melton H. McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Pursuant to Section 120.54(2)(a), F.S., a rule development notice was not published in the Florida Administrative Weekly to propose the repeal of Rule Chapter 12A-14, F.A.C.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-4.013  
 RULE TITLE: Conveyances Subject to Tax

PURPOSE AND EFFECT: The purpose of amendments to Rule 12B-4.013, F.A.C. (Conveyances Subject to Tax), is to remove provisions from the rule that are not in compliance with the ruling of the Florida Supreme Court in Crescent Miami Center, LLC v. Department of Revenue, 903 So.2d 913 (Fla. 2005). The effect of the removal of subsections (7), (8), and (10) of this rule is to ensure that the Department’s rules conform to existing statutes and this case law.

SUMMARY: The provisions of subsections (7), (8), and (10) of Rule 12B-4.013, F.A.C. (Conveyances Subject to Tax), currently provide that conveyances of real property to corporations and partnerships in exchange for an ownership interest and conveyances of real property by a corporation as payment in lieu of cash dividends or transferred in corporate dissolutions or corporate liquidations are subject to the documentary stamp tax. The proposed amendments remove these provisions that are not in compliance with the ruling rendered in Crescent Miami Center, LLC v. Department of Revenue.

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

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

SPECIFIC AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.01, 201.02 FS.

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

DATE AND TIME: January 3, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

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: Larry Green at (850)922-4830. 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: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE FULL TEXT OF THE PROPOSED RULE IS:

12B-4.013 Conveyances Subject to Tax.

(1) through (6) No change.

~~(7) Corporation: A conveyance of realty to a corporation in exchange for shares of its capital stock, or as a contribution to the capital of a corporation, is subject to tax. There is a presumption that the consideration is equal to the fair market value of the real property interest being transferred.~~

~~(8) Corporation Dividends, Dissolution, Liquidation: A conveyance of real property by a corporation to its stockholders in lieu of a cash or stock dividend, or for the surrender or retirement of the corporate stock, is taxable. There is the presumption that the consideration is equal to the fair market value of the real property interest being transferred.~~

~~(7)(9) No change.~~

~~(10) Partnerships: A conveyance of real property by a partner in exchange for an interest in a partnership, or where the value of the partner’s interest in the partnership is increased by the conveyance, is taxable. There is the presumption that the consideration is equal to the fair market value of the real property interest being transferred. This presumption for consideration is also applicable for transfers of real property from a partnership to a partner, except as otherwise provided in Section 201.02(5), F.S.~~

(11) through (32) renumbered (8) through (29) No change.

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02 FS. History—Revised 8-18-73, Formerly 12A-4.13, Amended 12-11-74, 2-21-77, 5-23-77, 12-26-77, 7-3-79, 9-16-79, 11-29-79, 3-27-80, 12-23-80, 12-30-82, Formerly 12B-4.13, Amended 12-5-89, 6-4-90, 2-13-91, 2-16-93, 10-18-94, 12-30-97, 7-28-98, 1-4-01, 5-4-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Melton H. McKown, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4721

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006 (Vol. 32, No. 39, pp. 4531-4532)

**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."

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO: 28-101  
 RULE NO.: 28-101.001  
 RULE CHAPTER TITLE: Organization  
 RULE TITLE: Statement of Agency Organization and Operation

PURPOSE AND EFFECT: The purpose of this proposed rule is to facilitate filings by electronic mail or facsimile and require an agency to state hours during which it will accept filings, if the agency accepts such filings. The law implemented is also modified due to change in statutory authority.

SUMMARY: The proposed rule is to facilitate filings by electronic mail or facsimile and require an agency to state hours during which it will accept filings, if the agency accepts such filings. The law implemented is also modified due to change in statutory authority.

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

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

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)7. 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: Friday, December 15, 2006, 9:00 a.m.  
 PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-101.001 Statement of Agency Organization and Operation.

(1) No change.  
 (2) The Statement of Agency Organization and Operation shall:

(a) through (d) No change.  
 (e) State whether documents can be filed by electronic mail or facsimile transmission, including applicable telephone numbers and electronic mail addresses where filings may be submitted, and set forth the acceptable nature and scope of such filings, including the following:

1. That a party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause, and that the party shall produce it upon the request of other parties.

2. That a party who elects to file a document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the ~~electronic~~ agency as a result.

3. That the filing date for a ~~an electronically transmitted~~ document transmitted by electronic mail or by facsimile shall be the date the agency ~~electronic~~ receives the complete document.

(f) No change.  
(g) Set forth the agency's hours of operation during which filings will be accepted.

(3) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)7.5- FS. History--New 4-1-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO: 28-102  
 RULE CHAPTER TITLE: Agenda and Scheduling of Meetings, Hearings, and Workshops

RULE NOS.: 28-102.001  
 RULE TITLES: Notice of Public Meeting, Hearing, or Workshop

28-102.003  
 Emergency Meetings

PURPOSE AND EFFECT: The title of this Chapter is being amended to include "hearings." The purpose of the proposed amendment to Rule 28-102.001 is to change the 48 hour timeframe to 5 days when requesting a special accommodation. The purpose of the proposed amendment to Rule 28-102.003 is to require an agency to give notice of an emergency meeting on its website, if it has one, and by any procedure fair under the circumstances.

SUMMARY: The title of this Chapter is being amended to include "hearings." The purpose of the proposed amendment to Rule 28-102.001 is to change the 48 hour timeframe to 5 days when requesting a special accommodation. The purpose of the proposed amendment to Rule 28-102.003 is to require an agency to give notice of an emergency meeting on its website, if it has one, and by any procedure fair under the circumstances.

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

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

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.525, 120.525(3), 120.54(5)(b)1. 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: Friday, December 15, 2006, 9:00 a.m.  
 PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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 RULES IS: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULES IS:

AGENDA AND SCHEDULING OF MEETINGS, HEARINGS, AND WORKSHOPS

28-102.001 Notice of Public Meeting, Hearing, or Workshop.

(1) No change.

(2) An ~~The~~ agency shall utilize the following form, or a substantially similar form, in providing notice of any ~~the~~ public meeting, hearing, or workshop.

NOTICE OF PUBLIC MEETING, HEARING, OR WORKSHOP

The (name of the agency) announces a public meeting, hearing, or workshop to which all persons are invited.

DATE AND TIME: \_\_\_\_\_

PLACE: \_\_\_\_\_

PURPOSE: \_\_\_\_\_

A copy of the agenda may be obtained by writing to (name of the agency) at ~~headquarters~~ (address) or by calling (name) at (~~telephone number~~ ~~phone #~~).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 5 days ~~48 hours~~ before the workshop/hearing/meeting by contacting (name) at (telephone number). If you are hearing or speech impaired, please contact the agency by calling (telephone number of TDD).

Specific Authority 120.54(5) FS. Law Implemented 120.525 FS. History--New 4-1-97, Amended.

28-102.003 Emergency Meetings.

(1) An ~~The~~ agency may hold an emergency meeting notwithstanding the provisions of Rules 28-102.001 and 28-102.002, F.A.C., for the purpose of acting upon emergency matters affecting the public health, safety or welfare.

(2) Whenever an emergency meeting must ~~is scheduled to~~ be held, the agency shall give notice of the meeting on its website, if it has one, and by any procedure that is fair under the circumstances, such as notifying at least one major newspaper of general circulation in the area where the meeting will take place, and the agency may also notify all major wire services of the time, date, place, and purpose of the meeting.

(3) Following an emergency meeting, the agency shall publish in the appropriate publication prescribed by Section 120.54(3), F.S., and on its website, if it has one, notice of the time, date and place of the meeting, a statement setting forth

the reasons why an emergency meeting was necessary and a statement setting forth the action taken at the meeting. This notice is in addition to the notice requirements of Section 120.525(3)(c), F.S.

Specific Authority 120.54(5) FS. Law Implemented 120.525(3), 120.54(5)(b)1. FS. History--New 4-1-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-103  
RULE NO.: 28-103.002  
RULE CHAPTER TITLE: Rulemaking  
RULE TITLE: Rule Development Workshops

PURPOSE AND EFFECT: The purpose of this proposed rule is to delete language that reiterates statute and clarify rule language.

SUMMARY: The purpose of this proposed rule is to delete language that reiterates statute and clarify rule language.

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

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

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(2)(c), (5) 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: Friday, December 15, 2006, 9:00 a.m.  
PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-103.002 Rule Development Workshops.

(1) Whenever requested in writing by any affected person, the agency must either conduct a rule development workshop prior to proposing rules for adoption or the agency head must explain in writing why a workshop is unnecessary. ~~When rule development workshops are conducted in various regions of the state, they may be conducted either in person or through communications media technology as set out in Chapter 28-109, F.A.C.~~

(2) The agency ~~shall conduct~~ should consider conducting a rule development workshop whenever the agency determines that a workshop would help the agency understand and address concerns of affected persons. The agency ~~shall~~ should consider the following factors in determining whether to conduct a rule development workshop:

(a) through (d) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.54(2)(c), (5) FS. History--New 4-1-97, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-104  
RULE NOS.: 28-104.001, 28-104.005  
RULE CHAPTER TITLE: Variance or Waiver  
RULE TITLES: Purpose; Construction, Time for Consideration of Emergency Petition

PURPOSE AND EFFECT: The purpose of amended Rule 28-104.001, F.A.C., is to clarify language. With regard to Rule 28-104.005, F.A.C., the purpose of proposed subsection (2) is to require the agency to give notice of receipt of petition for variance or waiver on its website. The language of subsections (3) through (5) was modified, added, or deleted for clarification purposes. The specific authority is being amended to comport with statutory change.



SUMMARY: The purpose of amended Rule 28-104.001, F.A.C., is to clarify language. With regard to Rule 28-104.005, F.A.C., the purpose of proposed subsection (2) is to require the agency to give notice of receipt of petition for variance or waiver on its website. The language of subsections (3) through (5) was modified, added, or deleted for clarification purposes. The specific authority is being amended to comport with statutory change.

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

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

SPECIFIC AUTHORITY: 120.54(5)(b)8., 120.542(3) FS.

LAW IMPLEMENTED: 120.542(3) 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: Friday, December 15, 2006, 9:00 a.m.

PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULES IS:

28-104.001 Purpose; Construction.

(1) ~~The purpose of this chapter is to implement the provisions of Section 120.542, F.S., by setting forth establishing the uniform procedures for granting or denying petitions for variances from and waivers of agency rules, and,~~

(2) ~~This chapter should be read in conjunction with the provisions of Sections 120.52(18), 120.52(19) and 120.542, F.S.~~

Specific Authority 120.54(5)(b)6-8., 120.542(3) FS. Law Implemented 120.542(3) FS. History--New 4-1-97, Amended

28-104.005 Time for Consideration of Emergency Petition.

(1) No change.

(2) Within 5 days after filing a petition for emergency variance or waiver with the agency clerk, the agency shall give notice of receipt of the petition on its website, if it has one. The agency shall also give notice by any procedure that is fair under the circumstances or provide notice of the petition to the Department of State for publication in the first available issue of the Florida Administrative Weekly. Any interested person or other agency may submit written comments on the petition for emergency variance or waiver within 5 days after publication of the of the notice required herein. The notice and comment requirements in this subsection shall not apply if the agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, which final order shall recite with particularity the facts underlying such finding.

~~(3)(2) The agency shall issue a written order granting or denying the petition. The order shall state the facts and reasons supporting the agency's action. If the agency decides may deny a petition based on its decision that the situation is not an emergency, the petition shall then be reviewed by the agency on a non-emergency basis as set forth in Section 120.542(7), F.S.~~

~~(4)(3) The duration of an emergency variance or waiver shall be determined by the agency. The agency may also consider a petition requesting the same or similar variance or waiver on a non-emergency basis.~~

(5) The agency shall issue a written order granting or denying the petition. The order shall state the facts and reasons supporting the agency's action.

Specific Authority 120.54(5)(b)6-8., 120.542(3) FS. Law Implemented 120.542(3) FS. History--New 4-1-97, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO:	RULE CHAPTER TITLE:
28-105	Declaratory Statements
RULE NOS.:	RULE TITLES:
28-105.001	Purpose and Use of Declaratory Statement
28-105.002	The Petition
28-105.0024	Notice of Filing
28-105.0027	Intervention
28-105.003	Agency Disposition
28-105.004	Notice of Disposition

**PURPOSE AND EFFECT:** The purpose of proposed rule amendment to Rule 28-105.001, F.A.C., is to clarify the use of the declaratory statement. Rule 28-105.002, F.A.C., is being amended to clarify language. The Commission is proposing a new Rule 28-105.0024, F.A.C., to comport with statutory change. The rule delineates the requirements for filing a notice of the Petition for Declaratory Statement. Rule 28-105.0027 is also a proposed new rule, which is added to comport with statutory change; it addresses interventions in proceedings under Chapter 28-105, F.A.C.,. Rule 28-105.003, F.A.C., is being amended to clarify language and comport with statutory authority. Proposed new Rule 28-105.004, F.A.C., is added to comport with statutory change, and it requires the agency to file a notice of disposition.

**SUMMARY:** The purpose of proposed rule amendment to Rule 28-105.001, F.A.C., is to clarify the use of the declaratory statement. Rule 28-105.002, F.A.C., is being amended to clarify language. The Commission is proposing a new rule, 28-105.0024, F.A.C., to comport with statutory change. The rule delineates the requirements for filing a notice of the Petition for Declaratory Statement. Rule 28-105.0027, F.A.C., is also a proposed new rule, which is added to comport with statutory change; it addresses interventions in proceedings under Chapter 28-105, F.A.C. Rule 28-105.003, F.A.C., is being amended to clarify language and comport with statutory authority. Proposed new Rule 28-105.004, F.A.C., is added to comport with statutory change, and it requires the agency to file a notice of disposition.

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

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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, A HEARING WILL NOT BE HELD):**

**DATE AND TIME:** Friday, December 15, 2006, 9:00 a.m.  
**PLACE:** Room 2103, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)488-3494

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

**DECLARATORY STATEMENTS**

**28-105.001 Purpose and Use of Declaratory Statement.**

A declaratory statement is a means for resolving a controversy or answering questions or doubts concerning the applicability of statutory provisions, rules, or orders over which the agency has authority. A petition for declaratory statement may be used ~~only~~ to resolve questions or doubts as to how the statutes, rules, or orders may apply to the petitioner's particular circumstances. A declaratory statement is not the appropriate means for determining the conduct of another person ~~or for obtaining a policy statement of general applicability from an agency. A petition for declaratory statement must describe the potential impact of statutes, rules, or orders upon the petitioner's interests.~~

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History—New 4-1-97, Amended \_\_\_\_\_.

**28-105.002 The Petition.**

A petition seeking a declaratory statement shall be filed with the clerk of the agency that has the authority to interpret the statute, rule, or order at issue and shall provide the following information:

- (1) No change.
- (2) No change.
- (3) The name, address, telephone number, and any facsimile number of the petitioner's attorney or qualified representative (if any) ~~of the petitioner.~~
- (4) through (7) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History—New 4-1-97, Amended 3-18-98, \_\_\_\_\_.

**28-105.0024 Notice of Filing.**

The agency shall file a notice of the Petition for Declaratory Statement in the next available Florida Administrative Weekly including the following information:

- (1) The name of the agency with whom the Petition for Declaratory Statement is filed.
- (2) The name of the Petitioner.
- (3) The date the Petition for Declaratory Statement was received.

(4) The statutory provision(s), rule(s) or order(s) on which the declaratory statement is sought.

(5) The contact name, address, and phone number where a copy of the petition may be obtained.

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History–New \_\_\_\_\_.

28-105.0027 Intervention.

The presiding officer shall allow for intervention of persons meeting the requirements for intervention of Rule 28-106.205, F.A.C. Petitions for leave to intervene must be filed at least 10 days before the final hearing. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History–New \_\_\_\_\_.

28-105.003 Agency Disposition.

The agency may hold a hearing to consider a petition for declaratory statement. If the agency is headed by a collegial body, it shall take action on a petition for declaratory statement only at a duly noticed public meeting. ~~If a hearing is held, it shall be conducted in accordance with Sections 120.569 and 120.57(2), F.S.~~ The agency may rely on the statements of fact set out in the petition without taking any position with regard to the validity of the facts. Within 90 days of the filing of the petition, the agency shall render a final order denying the petition or issuing a declaratory statement.

Specific Authority 120.54(5)FS. Law Implemented 120.565 FS. History–New 4-1-97, Amended \_\_\_\_\_.

28-105.004 Notice of Disposition.

The agency shall file a Notice of Disposition for the Declaratory Statement or denial of the petition in the next available issue of Florida Administrative Weekly including the following information:

- (1) The name of the agency.
- (2) A summary statement of the agency’s decision.
- (3) The agency, contact person, and address where a copy of the petition and final order may be obtained.
- (4) The date the final order is filed.

Specific Authority 120.54(5) FS. Law Implemented 120.565 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
28-106	Decisions Determining Substantial Interests
RULE NOS.:	RULE TITLES:
Part I	General Provisions
28-106.103	Computation of Time
28-106.104	Filing
28-106.106	Who May Appear; Criteria for Qualified Representatives
28-106.111	Point of Entry into Proceedings and Mediation
28-106.201	Initiation of Proceedings
28-106.2015	Agency Enforcement and Disciplinary Actions
28-106.202	Amendment of Petitions
28-106.204	Motions
28-106.205	Intervention
28-106.213	Evidence
28-106.217	Exceptions and Responses
28-106.301	Initiation of Proceedings
28-106.305	Conduct of Proceedings
28-106.401	Purpose
28-106.402	Contents of Request for Mediation
28-106.501	Emergency Action

PURPOSE AND EFFECT: The purpose of the amendment to Rule 28-106.103, F.A.C., is to clarify the language pertaining to transmission of documents. Rule 28-106.104, F.A.C., is being amended to provide for electronic filing or facsimile transmission and to clarify rule language. Rule 28-106.106 is being amended to further define who may appear as counsel and explicitly exclude a disbarred lawyer from appearing as qualified representative. The purpose of amending Rule 28-106.111, F.A.C., is to incorporate statutory changes. The amendment to subsection (4) provides for equitable tolling as a defense to an untimely filed request for a hearing. The rule is further amended to clarify language, and in subsection (5)(b) language lacking statutory authority is deleted. The Commission is amending subsection 28-106.201(1), F.A.C., to reflect that enforcement and disciplinary actions are to proceed under new Rule 28-106.2015, F.A.C. Paragraph (2)(f) is amended to require an explanation in the petition of how the alleged facts relate to specific rules or statutes. Subsections (4) and (5) are being deleted because they reiterate statutory language. Rule 28-106.2015 is a rule promulgated pursuant to new statutory language. The rule establishes the process for agency enforcement and disciplinary actions; it incorporates former Rule 28-107.104, F.A.C. Rule 28-106.202, F.A.C., is being amended to clarify language and allow for amendment of requests for hearings. Rule 28-106.204, F.A.C., is being amended to clarify language and to allow for motions to relinquish jurisdiction when no genuine issue of material fact exists. Rule 28-106.205 is being amended to allow a party to oppose intervention and to clarify language. Paragraph (5)(b)

of Rule 28-106.213, F.A.C., is being amended to clarify procedure for notary when testimony is taken by telephone. Rule 28-106.217, F.A.C., is being amended to require parties to identify disputed portions of the recommended order and assert a legal basis for any exceptions. A proposed amendment to subsection (2) requires service to all parties on the day exceptions are filed with the agency. Rule 28-106.301, F.A.C., is being amended to reflect that enforcement and disciplinary actions will proceed under new Rule 28-106.2015, F.A.C. Subsections (3), (4), and (5) are deleted because they reiterate statutory language. Rule 28-106.305, F.A.C., is being amended to delete subsection (2) because Chapter 120, Florida Statutes, does not provide for this procedure. The proposed amendment to Rule 28-106.401, F.A.C., constitutes a substantial rewrite of the mediation process. Subsection (2) is being deleted for lack of statutory authority. The purpose of amending Rule 28-106.402, F.A.C., is to simplify the contents of a request for mediation. Rule 28-106.501, F.A.C., is a proposed new rule. The language is taken from former Rule 28-107.005, F.A.C. The new rule is created and Rule 28-107.005, F.A.C., repealed, because an emergency action is another type of proceeding in which substantial interests are determined.

**SUMMARY:** The purpose of the amendment to Rule 28-106.103, F.A.C., is to clarify the language pertaining to transmission of documents. Rule 28-106.104, F.A.C., is being amended to provide for electronic filing or facsimile transmission and to clarify rule language. Rule 28-106.106, F.A.C., is being amended to further define who may appear as counsel and explicitly exclude a disbarred lawyer from appearing as qualified representative. The purpose of amending Rule 28-106.111, F.A.C., is to incorporate statutory changes. The amendment to subsection (4) provides for equitable tolling as a defense to an untimely filed request for a hearing. The rule is further amended to clarify language, and in paragraph (5)(b) language lacking statutory authority is deleted. The Commission is amending subsection 28-106.201(1), F.A.C., to reflect that enforcement and disciplinary actions are to proceed under new Rule 28-106.2015, F.A.C. Paragraph (2)(f) is amended to require an explanation in the petition of how the alleged facts relate to specific rules or statutes. Subsections (4) and (5) are being deleted because they reiterate statutory language. Rule 28-106.2015, F.A.C., is a rule promulgated pursuant to new statutory language. The rule establishes the process for agency enforcement and disciplinary actions; it incorporates former Rule 28-107.104, F.A.C. Rule 28-106.202, F.A.C., is being amended to clarify language and allow for amendment of requests for hearings. Rule 28-106.204, F.A.C., is being amended to clarify language and to allow for motions to relinquish jurisdiction when no genuine issue of material fact exists. Rule 28-106.205, F.A.C., is being amended to allow a party to oppose intervention and to clarify language. Paragraph (5)(b) of Rule 28-106.213, F.A.C., is being amended to clarify procedure for notary when testimony is taken by telephone.

Rule 28-106.217, F.A.C., is being amended to require parties to identify disputed portions of the recommended order and assert a legal basis for any exceptions. A proposed amendment to subsection (2) requires service to all parties on the day exceptions are filed with the agency. Rule 28-106.301, F.A.C., is being amended to reflect that enforcement and disciplinary actions will proceed under new Rule 28-106.2015, F.A.C. Subsections (3), (4), and (5) are deleted because they reiterate statutory language. Rule 28-106.305, F.A.C., is being amended to delete subsection (2) because Chapter 120, Florida Statutes, does not provide for this procedure. The proposed amendment to Rule 28-106.401, F.A.C., constitutes a substantial rewrite of the mediation process. Subsection (2) is being deleted for lack of statutory authority. The purpose of amending Rule 28-106.402, F.A.C., is to simplify the contents of a request for mediation. Rule 28-106.501, F.A.C., is a proposed new rule. The language is taken from former Rule 28-107.005, F.A.C. The new rule is created and Rule 28-107.005, F.A.C., repealed, because an emergency action is another type of proceeding in which substantial interests are determined.

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

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or 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, A HEARING WILL NOT BE HELD):**

**DATE AND TIME:** Friday, December 15, 2006, 9:00 a.m.

**PLACE:** Room 2103, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

**DECISIONS DETERMINING SUBSTANTIAL INTERESTS**  
Part I General Provisions

28-106.103 Computation of Time.

In computing any period of time allowed by this chapter, by order of a presiding officer, or by any applicable statute, the day of the act from which the period of time begins to run shall

not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday. When the period of time allowed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in these rules, legal holiday means those days designated in Section 110.117, F.S. Except as provided in Rule 28-106.217, F.A.C., five days shall be added to the time limits when service has been made by regular U.S. mail. One business day shall be added when service is made by overnight courier. No additional time shall be added if service is made by hand, facsimile ~~telephone~~ transmission, or ~~other~~ mail transmission or when the period of time begins pursuant to a type of notice described in Rule 28-106.111, F.A.C.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History–New 4-1-97, Amended.

28-106.104 Filing.

(1) through (4) No change.

(5) All papers filed shall be titled styled to indicate clearly the subject matter of the paper and the party requesting relief.

(6) No change.

(7) If an agency allows documents to be filed by electronic mail or facsimile transmission, the following paragraphs apply:

(a)(7) A party who files a document by electronic mail or facsimile transmission represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. The party shall produce it upon the request of any other party or the agency clerk.

(b)(8) Any party who elects to file any document by electronic mail or facsimile transmission shall be responsible for any delay, disruption, or interruption of the ~~electronic~~ signals and accepts the full risk that the document may not be properly filed with the clerk as a result.

(c)(9) The filing date for a ~~an electronically transmitted~~ document transmitted by electronic mail or facsimile shall be the date the agency clerk receives the complete document.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History–New 4-1-97, Amended.

28-106.106 Who May Appear; Criteria for Qualified Representatives.

(1) Any party who appears in any agency proceeding has the right, at his or her own expense, to be represented by counsel or by a qualified representative. Counsel means a member of The Florida Bar or a law student certified pursuant to Chapter 11 of the Rules Regulating The Florida Bar. An attorney disbarred in any state shall not be authorized to serve as a qualified representative.

(2)(a) A party seeking representation by a qualified representative shall file a written request with the presiding officer as soon as practicable. The request shall identify the name, address and telephone number of the representative and shall state that the party is aware of the services which the representative can provide, and is aware that the party can be represented by counsel ~~an attorney~~ at the party's own expense and has chosen otherwise.

(b) The presiding officer shall consider whether assure that the representative is qualified to appear in the administrative proceeding and capable of representing the rights and interests of the party. The presiding officer may consider a representative's sworn affidavit setting forth the representative's qualifications.

(c) No change.

(3) through (5) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History–New 4-1-97, Amended.

28-106.111 Point of Entry into Proceedings and Mediation.

(1) The notice of agency decision shall contain the information required by Section 120.569(1), F.S. The notice shall also advise whether mediation under Section 120.573, F.S., is available ~~as an alternative remedy~~, and if available, that pursuit of mediation will not adversely affect the right to administrative proceedings in the event mediation does not result in a settlement.

(2) No change.

(3) An agency may, for good cause shown, grant a request for an extension of time for filing an initial pleading. Requests for extension of time must be filed with the agency prior to the applicable deadline. Such requests for extensions of time shall contain a certificate that the moving party has consulted with all other parties, if any, concerning the extension and that the agency and any other parties agree to or oppose said the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

(4) Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days waives the right to request a hearing on such matters. This provision does not eliminate the availability of equitable tolling as a defense.

(5) The agency may publish, and any person who has timely requested mediation may, at the person's own expense, cause the agency to publish, a notice of the existence of the mediation proceeding in the *Florida Administrative Weekly* or in a newspaper of general circulation in the affected area. The mediation notice can be included in the notice of intended agency action.

(a)1. through 4. No change.

(b) The notice shall also advise that in the absence of a timely request to participate in the mediation, any person whose substantial interests are or may be affected by the result of the mediation waives any right to participate in the mediation, ~~and that waiver of participation in the mediation is also a waiver of that person's ability to challenge the mediated final agency action pursuant to Chapter 120, F.S.~~

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.573 FS. History—New 4-1-97, Amended 3-18-98, \_\_\_\_\_.

28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, and except for agency enforcement and disciplinary actions that shall be initiated under Rule 28-106.2015, F.A.C. initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 1/2 by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) through (e) No change.

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and

(g) No change.

(3) No change.

~~(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.~~

~~(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.~~

Specific Authority 120.54(3), (5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History—New 4-1-97, Amended 9-17-98, \_\_\_\_\_.

28-106.2015 Agency Enforcement and Disciplinary Actions.

(1) Prior to entry of a final order to suspend, revoke, or withdraw a license, to impose administrative fines, or to take other enforcement or disciplinary action against a licensee or person or entity subject to the agency's jurisdiction, the agency shall serve upon the licensee an administrative complaint. For purposes of this rule, an agency pleading or communication

that seeks to exercise an agency's enforcement authority and to take any kind of disciplinary action against a licensee or other person shall be deemed an administrative complaint.

(2) An agency issuing an administrative complaint shall be the petitioner, and the licensee against whom the agency seeks to take disciplinary action shall be the respondent.

(3) The agency's administrative complaint shall be considered the petition, and service of the administrative complaint on the respondent shall be deemed the initiation of proceedings.

(4) The agency's administrative complaint shall contain:

(a) The name of the agency, the respondent or respondents against whom disciplinary action is sought and a file number.

(b) The statutory section(s), rule(s) of the Florida Administrative Code, or the agency order alleged to have been violated.

(c) The facts or conduct relied on to establish the violation.

(d) A statement that the respondent has the right to request a hearing to be conducted in accordance with Sections 120.569 and 120.57, F.S., and to be represented by counsel or other qualified representative.

(5) Requests for hearing filed by the respondent in accordance with this rule shall include:

(a) The name, address, and telephone number, and facsimile number (if any) of the respondent.

(b) The name, address, telephone number, facsimile number of the attorney or qualified representative of the respondent (if any) upon whom service of pleadings and other papers shall be made.

(c) A statement requesting an administrative hearing identifying those material facts that are in dispute. If there are none, the petition must so indicate.

(d) A statement of when the respondent received notice of the administrative complaint.

(e) A statement including the file number to the administrative complaint.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History—New \_\_\_\_\_.

28-106.202 Amendment of Petitions or Requests for Hearing.

A petition or request for hearing ~~The petitioner~~ may be amended ~~the petition~~ prior to the designation of the presiding officer by filing and serving an amended petition or amended request for hearing in the manner prescribed for filing and serving an original petition or request for hearing. Thereafter the petitioner may amend the petition or request for hearing after the designation of the presiding officer only upon order of the presiding officer.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97, Amended \_\_\_\_\_.

28-106.204 Motions.

(1) No change.

(2) Unless otherwise provided by law, motions to dismiss the petition or request for hearing shall be filed no later than 20 days after service of the petition on the party.

(3) No change.

(4) In cases in which the Division of Administrative Hearings has final order authority, a party may move for summary final order whenever there is no genuine issue as to any material fact. The motion may be accompanied by supporting affidavits. All other parties may, within seven days of service, file a response in opposition, with or without supporting affidavits. A party moving for summary final order later than twelve days before the final hearing waives any objection to the continuance of the final hearing.

(5) In cases in which the Division of Administrative Hearings has recommended order authority, a party may file a motion to relinquish jurisdiction whenever there is no genuine issue as to material fact.

~~(6)~~(5) Motions for extension of time shall be filed prior to the expiration of the deadline sought to be extended and shall state good cause for the request.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History–New 4-1-97, Amended \_\_\_\_\_.

28-106.205 Intervention.

Persons other than the original parties to a pending proceeding whose substantial interest ~~will may be determined in~~ affected by the proceeding and who desire to become parties may petition the presiding officer for leave to intervene. Except for good cause shown, petitions for leave to intervene must be filed at least 20 days before the final hearing unless otherwise provided by law. The petition shall conform to subsection 28-106.201(2), F.A.C., and shall include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule, or that the substantial interests of the intervenor are subject to determination or will be affected through the proceeding. The parties may, within 7 days of service of the petition, file a response in opposition. The presiding officer may impose terms and conditions on the intervenor to limit prejudice to other parties.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History–New 4-1-97, Amended \_\_\_\_\_.

28-106.213 Evidence.

(1) through (4) No change.

(5) If requested and if the necessary equipment is reasonably available, testimony may be taken by means of video teleconference or by telephone.

(a) No change.

(b) For any testimony taken by means of video teleconference or telephone, a notary public must be physically present with the witness to administer the oath. If testimony is taken by telephone, ~~t~~The notary public shall provide a written certification to be filed with the presiding officer confirming the identity of the witness, and confirming the affirmation or oath by the witness. It shall be the responsibility of the party calling the witness to secure the services of a notary public.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History–New 4-1-97, Amended \_\_\_\_\_.

28-106.217 Exceptions and Responses.

(1) Parties may file exceptions to findings of fact and conclusions of law contained in recommended orders with the agency responsible for rendering final agency action within 15 days of entry of the recommended order except in proceedings conducted pursuant to Section 120.57(3), F.S. Exceptions shall identify the disputed portion of the recommended order by page number and paragraph, shall identify the legal basis for the exception, and shall include any appropriate and specific citations to the record.

(2) Exceptions shall be provided to all parties by facsimile or electronic mail, if number or address is provided, the day they are filed with the agency.

~~(3)~~(2) Any party may file responses to another party’s exceptions within 10 days from the date the exceptions were ~~serve~~ filed with the agency.

~~(4)~~(3) ~~Notwithstanding Rule 28-106.103, F.A.C.,~~ No additional time shall be added to the time limits for filing exceptions or responses to exceptions when service has been made by mail.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History–New 4-1-97, Amended \_\_\_\_\_.

28-106.301 Initiation of Proceedings.

(1) Unless otherwise provided by statute and except for agency enforcement and disciplinary actions initiated under Rule 28-106.2015, F.A.C. Initiation of a proceeding shall be made by written petition to the agency responsible for rendering final agency action. The term “petition” includes any document which requests a proceeding. Each petition shall be legible and on 8 1/2 by 11 inch white paper or on a form provided by the agency. Unless printed, the impression shall be on one side of the paper only and lines shall be doubled-spaced.

(2) All petitions filed under these rules shall contain:

(a) through (b) No change.

(c) An explanation of how the petitioner’s substantial interests will be affected by the agency determination;

~~(d)~~(e) A statement of when and how the petitioner received notice of the agency decision;

~~(e)(d)~~ A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

~~(f)(e)~~ A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and

~~(g)(f)~~ A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

~~(3) If the petition does not set forth disputed issues of material fact, the agency shall refer the matter to the presiding officer designated by the agency with a request that the matter be scheduled for a proceeding not involving disputed issues of material fact. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.~~

~~(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.~~

~~(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.~~

Specific Authority 120.54(5) FS. Law Implemented 120.54(5), 120.569, 120.57 FS. History—New 4-1-97, Amended 9-17-98, \_\_\_\_\_.

28-106.305 Conduct of Proceedings.

~~(4)~~ The presiding officer before whom a case is pending may issue any orders necessary to effectuate discovery, to prevent delay, and to promote the just, speedy, and inexpensive determination of all aspects of the case, including bifurcating the proceeding.

~~(2) It during the course of the proceeding a disputed issue of material fact arises, then, unless waived by all parties, the proceeding under this Part shall be terminated and a proceeding under Part II shall be conducted.~~

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57 FS. History—New 4-1-97, Amended \_\_\_\_\_.

28-106.401 Purpose Scope.

This rule applies to all mediation proceedings conducted pursuant to Section 120.573, F.S.

(1) Mediation is a process where by a third person acts to encourage and facilitate a resolution of an administrative dispute, without prescribing what the resolution should be. Mediation is an informal and nonadversarial process with the objective of helping the parties reach a mutually acceptable agreement.

(2) Mediation proceedings are available to settle administrative disputes if provided for in the announcement of agency actions. If an agreement to mediation by the agency and all parties is filed within 10 days of the announcement for election of an administrative remedy under Sections 120.569 and 120.57, F.S. the time limitations shall be tolled until the completion of the mediation with settlement or impasse.

~~(1) Except for the initial agreement to mediate, which must be made within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, F.S., any time frames may be extended by written agreement of the parties.~~

~~(2) Participation in the mediation does not confer or limit standing in any subsequent judicial or administrative proceeding. However, non-participation may limit standing as provided in Rule 28-106.111, F.A.C.~~

Specific Authority 120.54(5) FS. Law Implemented 120.573 FS. History—New 4-1-97, Amended 3-18-98, \_\_\_\_\_.

28-106.402 Contents of Request for Mediation.

The request for mediation shall contain:

(1) The name, address, and telephone number of the party person requesting mediation and that party's person's representative, if any;

(2) No change.

~~(3) An explanation of how the person's substantial interests will be affected by the agency determination; and~~

~~(4) A statement of the relief sought.~~

Specific Authority 120.54(5) FS. Law Implemented 120.573 FS. History—New 4-1-97, Amended \_\_\_\_\_.

28-106.501 Emergency Action.

(1) If the agency finds that immediate danger to the public health, safety, or welfare requires emergency action, the agency shall enter an emergency order summarily suspending, limiting, or restricting a license, or taking such other emergency action as is authorized by law.

(2) The agency's emergency order shall include a notice of the licensee's right to an immediate appeal of the emergency final order pursuant to Section 120.569(2)(n), F.S. or 120.60(6), F.S.

(3) In the case of the emergency suspension, limitation, or restriction of a license, unless otherwise provided by law, within 20 days after emergency action taken pursuant to paragraph (1) of this rule, the agency shall initiate administrative proceedings in compliance with Sections 120.569, 120.57 and 120.60, F.S., and Rule 28-106.2015, F.A.C.

Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60(6) FS. History—New \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-107  
 RULE NOS.: 28-107.001, 28-107.002, 28-107.003, 28-107.004, 28-107.005  
 RULE CHAPTER TITLE: Licensing  
 RULE TITLES: General, Application for License, Denial of License, Suspension, Revocation, Annulment, or Withdrawal, Emergency Action

PURPOSE AND EFFECT: The purpose of repealing this chapter is to incorporate licensing into Chapter 28-106, F.A.C. Licensing is a type of proceeding in which substantial interests are affected, already covered in the rules. Rule 28-107.004, F.A.C., is incorporated into proposed new Rule 28-106.2015, F.A.C. Rule 28-107.005, F.A.C., is incorporated into proposed new Rule 28-106.501.

SUMMARY: The purpose of repealing this chapter is to incorporate licensing into Chapter 28-106, F.A.C. Licensing is a type of proceeding in which substantial interests are affected, already covered in the rules. Rule 28-107.004, F.A.C., is incorporated into proposed new Rule 28-106.2015, F.A.C. Rule 28-107.005, F.A.C., is incorporated into proposed new Rule 28-106.501, 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 a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.54(5) FS.  
 LAW IMPLEMENTED: 120.569, 120.57, 120.574, 120.60, 120.60(6) 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: Friday, December 15, 2006, 9:00 a.m.  
 PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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 RULES IS: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

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

28-107.001 General.  
 Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History–New 4-1-97, Repealed.

28-107.002 Application for License.  
 Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History–New 4-1-97, Repealed.

28-107.003 Denial of License.  
 Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.574, 120.60 FS. History–New 4-1-97, Repealed.

28-107.004 Suspension, Revocation, Annulment, or Withdrawal.  
 Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60 FS. History–New 4-1-97, Repealed.

28-107.005 Emergency Action.  
 Specific Authority 120.54(5) FS. Law Implemented 120.569, 120.57, 120.60(6) FS. History–New 4-1-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
28-108 Exception to Uniform Rules of Procedure  
RULE NO.: RULE TITLE:  
28-108.001 Petition for Exception to Uniform Rules of Procedure

PURPOSE AND EFFECT: The purpose of this proposed rule is to clarify language and parallel structure of other rules to list requirements of petitions to be filed with the Administration Commission.

SUMMARY: The purpose of this proposed rule is to clarify language and parallel structure of other rules to list requirements of petitions to be filed with the Administration Commission.

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

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

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54 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: Friday, December 15, 2006, 9:00 a.m.

PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULE IS:

28-108.001 Petition for Exception to Uniform Rules of Procedure.

(1) The agency head shall file a petition with the Administration Commission for an exception to the Uniform Rules of Procedure as provided in Section 120.54(5)(a)2., F.S. for all of the agency's procedural rules which fall within the subject matter or scope of any of the individual Uniform Rules of Procedure, Chapters 28-101 through 28-110, F.A.C. that includes the following:

- (a) Grounds for the request for the exception.
- (b) Citation to the particular Uniform Rule of Procedure for which each exception is sought.
- (c) Specific citation to the provisions of existing agency rule for which an exception is sought, if any.
- (d) Attachment of the proposed rule language as an exhibit to the petition.

~~(2) The petition shall include reasons for the exception as outlined in Section 120.54(5)(a), F.S., citation to the particular Uniform Rule of Procedure for which each exception is sought, and specific citation to the provisions of existing agency rule for which an exception is sought, or if a proposed rule or proposed rule amendment, attachment of the proposed rule language as an exhibit to the petition.~~

~~(2)(3) The agency shall publish notice of the petition in the next available edition of the Florida Administrative Weekly, after consultation with the agency clerk of the Administration Commission. The notice shall include:~~

- ~~(a) The name of the agency seeking an exception;~~
- ~~(b) The uniform rule of procedure from which the exception is sought, citations to the existing rule or a summary of the proposed rule for which the exception is sought, a summary of the stated grounds for the exception, and~~
- ~~(c) The date the matter is expected to be heard by the Administration Commission.~~

~~(d) The contact name, address, and phone number where a copy of the petition may be obtained.~~

~~(3)(4) The Administration Commission shall provide interested persons with the opportunity to file written statements or make oral presentations in support of or in opposition to the exception.~~

Specific Authority 120.54(5) FS. Law Implemented 120.54 FS. History—New 4-1-97, Amended 9-9-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
 28-109 Conducting Proceedings By  
 Communications Media  
 Technology

RULE NOS.: RULE TITLES:  
 28-109.001 Purpose  
 28-109.004 Government in the Sunshine  
 28-109.005 Notice  
 28-109.006 Evidence, Testimony, and Argument

PURPOSE AND EFFECT: CMT abbreviation is being added to the chapter title to alert reader of meaning. The purpose of amending Rule 28-109.001, F.A.C., is to delete unnecessary text and clarify language. Rule 28-109.004, F.A.C., is being amended to replace “may” with “shall,” requiring agencies to terminate proceedings until problems with communication networks are resolved. Rules 28-109.005 and 28-109.006, F.A.C., are being amended to clarify language.

SUMMARY: CMT abbreviation is being added to the chapter title to alert reader of meaning. The purpose of amending Rule 28-109.001, F.A.C., is to delete unnecessary text and clarify language. Rule 28-109.004, F.A.C., is being amended to replace “may” with “shall,” requiring agencies to terminate proceedings until problems with communication networks are resolved. Rules 28-109.005 and 28-109.006, F.A.C., are being amended to clarify language.

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

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

SPECIFIC AUTHORITY: 120.54(5) FS.

LAW IMPLEMENTED: 120.54(5)(b)2. 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: Friday, December 15, 2006, 9:00 a.m.

PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULES IS:

**CONDUCTING PROCEEDINGS BY COMMUNICATIONS MEDIA TECHNOLOGY (CMT)**

28-109.001 Purpose ~~General~~.

This chapter ~~provides the~~ implements the provisions of Section 120.54(5)(b)2., F.S., by providing general procedures to be followed when ~~an~~ the agency desires to conduct a proceeding by means of communications media technology (CMT) or to provide public access to a proceeding by the use of CMT ~~communications media technology~~.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)2. FS. History–New 4-1-97, Amended\_\_\_\_\_.

28-109.004 Government in the Sunshine.

(1) Nothing in this ~~rule~~ chapter shall be construed to permit the agency to conduct any proceeding otherwise subject to the provisions of Section 286.011, F.S., exclusively by means of CMT without making provision for the attendance of any member of the public who desires to attend.

(2) No proceeding otherwise subject to Section 286.011, F.S., shall be conducted exclusively by means of CMT if the available technology is insufficient to permit all interested persons to attend. If during the course of a CMT proceeding technical problems develop with the communications network that prevent interested persons from attending, the agency shall ~~may~~ terminate the proceeding until the problems have been corrected.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)2. FS. History–New 4-1-97, Amended\_\_\_\_\_.

28-109.005 Notice.

When the agency chooses to conduct a CMT proceeding, it shall provide notice in the same manner as required for a non-CMT proceeding regular proceeding, except in the case of an emergency meeting which shall be noticed as provided in Rule 28-102.003, F.A.C., and shall plainly state that such proceeding is to be conducted utilizing CMT and identify the specific type of CMT to be used. The notice shall describe how interested persons may attend and shall include:

(1) ~~The~~ The address or addresses of all access points, specifically designating those which are in locations normally open to the public. ~~If, for example, a CMT proceeding is to be conducted by utilizing a telephone conference hookup, the notice shall so state and shall provide.~~

(2) The address of each access point where an interested person may go for the purpose of attending the proceeding.

(3) ~~The notice shall also contain An address and telephone number where an interested person may write or call for additional information and shall provide.~~

(4) An address and designated person to whom a person may submit written or other physical evidence which he or she intends to offer into evidence during the CMT proceedings.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)2. FS. History–New 4-1-97, Amended \_\_\_\_\_.

28-109.006 Evidence, Testimony, and Argument.

(1) Any evidence, testimony, and argument which is offered introduced utilizing CMT shall be afforded equal consideration as if it were offered introduced by its proponent in person, and but shall be subject to the same objections as if it were made in person.

(2) No change.

Specific Authority 120.54(5) FS. Law Implemented 120.54(5)(b)2. FS. History–New 4-1-97, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

28-110 Bid Protests

RULE NOS.: RULE TITLES:

28-110.002 Definitions

28-110.003 Notice of Protest

28-110.004 Formal Written Protest

28-110.005 Bond

PURPOSE AND EFFECT: Chapter title is being amended to include the term “contract solicitation or award.” Rule 28-110.002, F.A.C., is being amended to clarify definitions of “contract procurement process,” “decisions or intended decision,” and “competitive solicitation.” “Electronic posting” is being added. Rule 28-110.003, F.A.C., is being amended to clarify that notice of protest must be received by the agency before the 72 hour period from electronic posting expires. Rule 28-110.004, F.A.C., is amended to clarify language. Rule 28-110.005, F.A.C., is amended to clarify language and delete obsolete term.

SUMMARY: Chapter title is being amended to include the term “contract solicitation or award.” Rule 28-110.002, F.A.C., is being amended to clarify definitions of “contract

procurement process,” “decisions or intended decision,” and “competitive solicitation.” “Electronic posting” is being added. Rule 28-110.003, F.A.C., is being amended to clarify that notice of protest must be received by the agency before the 72 hour period from electronic posting expires. Rule 28-110.004, F.A.C., is amended to clarify language. Rule 28-110.005, F.A.C., is amended to clarify language and delete obsolete term.

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

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

SPECIFIC AUTHORITY: 120.54(5)(a), (b) FS.

LAW IMPLEMENTED: 120.57(3), 624.425(1) 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: Friday, December 15, 2006, 9:00 a.m.

PLACE: Room 2103, The Capitol, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001. 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 RULES IS: Barbara Leighty, Senior Policy Analyst, telephone (850)487-1884, or Gladys Perez, General Counsel, telephone (850)488-3494, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

THE FULL TEXT OF THE PROPOSED RULES IS:

CONTRACT SOLICITATION OR AWARD BID PROTESTS

28-110.002 Definitions.

For purposes of this subchapter, the following terms mean:

(1) “Contract procurement process” has the same meaning as “contract solicitation or award bidding process” as used in Section 120.57(3), F.S. This ~~phase~~ includes procurements by invitation to bid (ITB), request for proposal (RFP), or invitation to negotiate (ITN), as each is defined in Section 287.012, F.S., approval of a single source procurement, as

defined in Section 287.057(5)(c), F.S., or other solicitation documents as permitted by law approval and negotiation approval.

(2) "Decision or intended decision" means:

(a) The contents of a solicitation ~~an ITB or an RFP or~~ other specifications, including addenda;

(b) A determination that a specified procurement can be made only from a single source;

(c) Rejection of a response or all responses to a solicitation; or Approval of procurement by negotiation;

~~(d) Rejection of a bid or proposal, or all bids or proposals, or a request to approve a single source or negotiation; or~~

~~(d)(e) Intention to award a contract as indicated by a posted solicitation bid or proposal tabulation or other written notice.~~

(3) "Competitive solicitation" or "solicitation" shall have the meaning ascribed in Section 287.012(7), F.S. ~~For purposes of this chapter, "electronic transmissions" permitted by Rule 28-106.104, F.A.C., are limited to facsimile transmissions which appear legibly on paper at the place of filing.~~

(4) "Electronic posting" shall have the meaning ascribed in Section 287.012(11), F.S.

Specific Authority 120.54(5)(a), (b) FS. Law Implemented 120.57(3) FS. History—New 4-1-97, Amended \_\_\_\_\_.

28-110.003 Notice of Protest.

(1) A notice of protest shall be addressed to the office that issued the solicitation ~~ITB or RFP~~ or made any other decision that is intended to be protested; shall identify the solicitation procurement by number and title or any other language that will enable the agency to identify it; and shall state that the person intends to protest the decision. If a bond is required, it ~~shall should~~ not be filed with the notice unless otherwise required provided by law.

~~(2) The notice must be actually received by the agency before the 72-hour period expires. The notice should be filed at the place designated by the procurement solicitation or, if no such place is designated, the notice should be filed either with the office that issued the solicitation or with the agency clerk.~~

~~(2)(3) A notice of protest shall should not be filed before the 72-hour period begins. The 72-hour period begins upon electronic posting of a decision or intended decision. The notice of protest must be received by the agency before the 72-hour period expires. The notice of protest must be filed with the agency clerk unless otherwise designated by the solicitation receipt of a copy of the ITB or RFP; when notice of a single source approval or disapproval or negotiation approval or disapproval is posted, or otherwise received if not posted; when a bid or proposal tabulation is posted; or when notice is otherwise received if not posted.~~

~~(3)(4) The 72-hour period is not extended by service of the notice of protest by mail.~~

Specific Authority 120.54(5)(a), (b) FS. Law Implemented 120.57(3) FS. History—New 4-1-97, Amended \_\_\_\_\_.

28-110.004 Formal Written Protest.

(1) The "formal written protest" required by Section 120.57(3)(b), F.S., is a petition that states with particularity the facts and law upon which the protest is based; The formal written protest shall contains the information specified Section 120.54(5)(b)4, F.S., and in subsection 28-106.201(2), F.A.C.; ~~and is substantially in the form set out in subsection (2) below.~~ If the formal written protest is filed in proper form within the 72-hour period for filing a notice of protest, the formal written protest will also constitute the notice of protest; ~~and all time limits applicable to a notice of protest; Thereafter, and all time limits applicable to a notice of protest are waived and all time limits relative to formal written protests apply.~~

(2) through (3) No change.

Specific Authority 120.54(5)(a), (b) FS. Law Implemented 120.57(3) FS. History—New 4-1-97, Amended \_\_\_\_\_.

28-110.005 Bond.

(1) Bid protest bonds are required by Section 287.042(2)(c), F.S., for procurements under Chapter 287 (commodities, contractual services, professional services and insurance) and by Section 255.25(3)(c), F.S., for procurements of leases of space in privately owned buildings. Bonds are not required for protests involving building construction projects undertaken pursuant to Chapter 255, except that Section 255.0516, F.S., authorizes school boards, community college boards of trustees and a state university board of trustees ~~the Board of Regents~~ to require bonds under some circumstances. Bonds are also required ~~also~~ by Section 337.11(5)(a), F.S., for certain procurements by the Department of Transportation.

(2) Bonds required by Section 337.11(5)(a), F.S., must be filed with the notice of protest. Other bonds are not to be filed with the notice of protest, but must be filed with the formal written protest or within the 10-day period allowed for filing the formal written protest. The bond must accompany a protest filed pursuant to Section 24.109(2)(a), F.S. A bond can be in substantially the following form:

STATE OF FLORIDA ADMINISTRATION COMMISSION  
PROCUREMENT PROTEST BOND

Bond Number: \_\_\_\_\_

Contract Number: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS:

That we, \_\_\_\_\_ a (mark one) [ ] corporation, [ ] partnership, [ ] proprietorship, organized and existing under the laws of

the State of \_\_\_\_\_, and having its principal place of business at \_\_\_\_\_, as PRINCIPAL; and \_\_\_\_\_, a surety company, organized under the laws of the State of \_\_\_\_\_, and duly authorized to do business in the State of Florida, whose principal place of business is, as SURETY, are

held and firmly bound unto the STATE OF FLORIDA, (Agency), as OBLIGEE, in the amount of \$\_\_\_\_\_ for the payment of which sum we, as Principal and Surety, bind ourselves, our heirs, personal representatives, successors and assigns, jointly and severally.

THIS BOND is issued under the provisions of ~~Section 287.042(2)(c)~~, Florida Statutes. The above-named Principal has initiated an administrative protest regarding the Obligee's decision or intended decision pertaining to (mark one) [ ] Bid Number \_\_\_\_\_ [ ] an agency's request for approval of an exceptional purchase of \_\_\_\_\_ submitted by \_\_\_\_\_. Said protest is conditioned upon the posting of a bond at the time of filing the formal written protest.

NOW, THEREFORE, the condition of this Bond is that if the Principal, after the administrative hearing process and/or any appellate court proceedings regarding the protest, shall satisfy all costs and charges allowed by final order and/or judgment, and interest thereon, in the event the Obligee prevails, then the obligation shall be null and void; otherwise it shall remain in full force and effect.

The Obligee may bring an action in a court of competent jurisdiction on this bond for the amount of such liability, including all costs and attorneys' fees.

PRINCIPAL: \_\_\_\_\_

BY: \_\_\_\_\_

Title: \_\_\_\_\_ (CORPORATE SEAL)

ATTEST: \_\_\_\_\_

SURETY: \_\_\_\_\_

BY: \_\_\_\_\_

Title: \_\_\_\_\_ (CORPORATE SEAL)

Florida Resident Agent: \_\_\_\_\_

(Note: Power of Attorney showing authority of Surety's agent or Attorney in Fact must be attached).

Bonds must be countersigned by an agent licensed in Florida a Florida resident agent. Section 287.042(2)(c), F.S., authorizes a cashier's check or money order in lieu of a bond, for procurements governed by Chapter 287, F.S.

(3) through (4) No change.

Specific Authority 120.54(5)(a), (b) FS. Law Implemented 120.57(3), 624.425(1) FS. History--New 4-1-97, Joint Administrative Procedures Committee Objection Filed - See FAW Vol. 24, No. 20, May 15, 1998, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.302 RULE TITLE: Inmate Discipline - Terminology and Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to clarify the definitions of major violation and minor violation and revise the Disciplinary Team composition to require that the team be made up of at least two staff persons, one of whom shall be a classification officer, senior classification officer or classification supervisor who serves as team chair at the direction of the warden.

SUMMARY: Amends the rule to clarify the definitions of major violation and minor violation and revise the Disciplinary Team composition to require that the team be made up of at least two staff persons, one of whom shall be a classification officer, senior classification officer or classification supervisor who serves as team chair at the direction of the warden.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.302 Inmate Discipline -- Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

(1) through (7) No change.

(8) Disciplinary Team - A team made up of at least two staff persons, one of whom shall be a classification officer, senior classification officer or classification supervisor above, who serves as team chair at the direction of the warden, and a correctional officer lieutenant or above, who will be responsible for hearing disciplinary reports. The correctional officer chief shall designate a correctional officer sergeant as a substitute team member only if neither a lieutenant nor captain is available and only when such substitution is absolutely necessary.

(9) through (10) No change.

(11) Major Violation – Any rule violation where the maximum penalty is 30 DC ~~and~~+ 30 GT or greater, or where the maximum penalty is less than 30 DC ~~and~~+ 30 GT and the designating authority has determined that based upon one or more of the criteria listed in subsection 33-601.302(12), F.A.C., it is assigned to the disciplinary team as a major disciplinary report.

(12) Minor Violation – Any rule violation for which the maximum penalty that could be imposed is less than 30 days disciplinary confinement ~~or~~+ 30 days loss of gain time shall be considered for assignment to the hearing officer as a minor disciplinary report based on:

(a) through (c) No change.

(13) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-1-95, Formerly 33-22.002, Amended 5-21-00, 2-11-01, 9-16-04, 7-25-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.724  
 RULE TITLE: Visitor Attire

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to include military style camouflage clothing (jungle, urban and desert) as inappropriate attire for visitors.

SUMMARY: Amends the rule to include military style camouflage clothing (jungle, urban and desert) as inappropriate attire for visitors.

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

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

SPECIFIC AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.8031 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.724 Visitor Attire.

(1) Persons desiring to visit shall be fully clothed including shoes. Small hats such as baseball caps, religious coverings, or surgical caps are permissible attire. Visitors shall not be admitted to the visiting area if they are dressed in inappropriate attire. The warden, assistant warden or duty warden shall be the final decision authority and shall assist in resolving inappropriate attire situations. Inappropriate attire includes:

(a)(4) Halter tops or other bra-less attire,

(b)(2) Underwear type tee shirts,

(c)(3) Tank tops,

(d)(4) Fish net shirts,

(e)(5) Skin tight clothing or spandex clothing,

(f)(6) Clothes made with see-through fabric unless a non-see-through garment is worn underneath,

(g)(7) Dresses, skirts, or Bermuda-length shorts more than three inches above the knee, ~~or~~

(h)(8) Any article of clothing with a picture or language which presents a potential threat to the security or order of the institution, ~~or~~

(i) Military style camouflage clothing to include jungle (green), urban (grey or black), and desert (tan or brown).

(2)(9) A visitor shall be subject to suspension of visiting privileges and the visit shall be terminated if, after admission to the visiting area, the visitor changes, removes or alters his or her attire so that it is in violation of subsection 33-601.724(1)-(8), F.A.C.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Formerly 3-601.708, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenthia “Tina” Hayes, Acting Deputy Secretary

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

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

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-601.725  
**RULE TITLE:** Permissible Items for Visitors  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend the rule to prohibit visitors from possessing keyless entry devices in any department facility unless approved by the duty warden or designee.  
**SUMMARY:** Amends the rule to prohibit visitors from possessing keyless entry devices in any department facility unless approved by the duty warden or designee.

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

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

**SPECIFIC AUTHORITY:** 944.09, 944.23 FS.

**LAW IMPLEMENTED:** 20.315, 944.09, 944.23, 944.47, 944.8031 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:** Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

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

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

- (a) through (b) No change.
- (c) Vehicle keys necessary to operate a motor vehicle.

However, keyless entry devices are not permitted unless approved by the duty warden or designee.

- (d) through (j) No change.

(2) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03, 12-30-03, 11-25-04,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** George Sapp, Assistant Secretary of Institutions  
**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Hieteenthia “Tina” Hayes, Acting Deputy Secretary  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 12, 2006  
**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** October 27, 2006

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-601.737  
**RULE TITLE:** Visiting – Forms  
**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend Form DC6-111D Visitation Screening Matrix, to clarify that visitation will be denied for certain convictions as measured from the date of the arrest and for persons who have terminated community supervision with the past year and amend Form DC6-111B, Visitor Information Summary, to provide that no military style camouflage clothing (to include jungle, urban, or desert) will be worn by males or females and that visitors will not be allowed to bring keyless entry devices into any department facility unless approved by the duty warden or designee.

**SUMMARY:** Amends the rule to incorporate amendments to Forms DC6-111D and DC6-111B. Form DC6-111D Visitation Screening Matrix, is amended to clarify that visitation will be denied for certain convictions as measured from the date of the arrest and for persons who have terminated community supervision with the past year and Form DC6-111B, Visitor Information Summary, is amended to provide that no military style camouflage clothing (to include jungle, urban, or desert) will be worn by males or females and that visitors will not be allowed to bring keyless entry devices into any department facility unless approved by the duty warden or designee.

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

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

**SPECIFIC AUTHORITY:** 944.09, 944.23 FS.

**LAW IMPLEMENTED:** 944.09, 944.23, 944.8031 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:** Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

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



33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) through (3) No change.
- (4) DC6-111B, Visitor Information Summary, effective 7-17-05.
- (5) No change.
- (6) DC6-111D, Visitor Screening Matrix, effective 3-21-06.

Specific Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, 9-29-03, 3-31-05, 7-17-05, 3-21-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
George Sapp, Assistant Secretary of Institutions  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenhia “Tina” Hayes, Acting Deputy Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.101                      RULE TITLE: Care of Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to designate how inmate identification cards will be displayed.

SUMMARY: Amends the rule to designate how inmate identification cards will be displayed.

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

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

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09, 945.215 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.101 Care of Inmates.

- (1) No change.
- (2) Inmates shall at all times wear the regulation clothing and identification card in accordance with institution policy.
  - (a) through (g) No change.
  - (h) The ID card shall be displayed on the tab designed for identification card display located on the right side of the shirt (male) or on the collar of the blouse (female) left front shirt pocket, collar of the blouse, collar of a shirt without pockets, or on the shirt tab designed for this purpose. In those circumstances in which an inmate is not wearing an upper garment, the inmate is responsible for securing the ID card. Once the special circumstance is over, the ID card shall again be displayed on the shirt or blouse.
    - (i) through (j) No change.
    - (3) through (11) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.09, 945.215 FS. History–New 10-8-76, Amended 4-19-79, 4-24-80, 10-14-84, 1-9-85, Formerly 33-3.02, Amended 11-3-87, 10-6-88, 7-23-89, 8-27-91, 3-30-94, 11-13-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, 10-23-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: 40D-1                      RULE CHAPTER TITLE: Procedural  
RULE NO.: 40D-1.659                      RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of the rule amendments is to incorporate by reference revisions to the Proposed Well Construction Location and Design Form. The proposed revisions to the form request additional information concerning the design of the proposed well. The additional information includes the pipe diameter, the estimated depth of the well pump, and the depth of any well screen. Other revisions to the form include corrections of grammatical errors or inconsistent references.

SUMMARY: The proposed rule amendment adopts revisions to the Proposed Well Construction Location and Design Form relating to Water Use Permitting. The revisions request additional information concerning the design of the proposed

well that includes pipe diameter, estimated well pump depth, and the depth of any well screen. The revisions will also include a revised form number.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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:** 373.044, 373.113, 373.149, 373.171 FS.

**LAW IMPLEMENTED:** 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

**IF REQUESTED IN WRITING 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:** Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

**GROUND WATER**

(1) through (2) No change.

(3) **PROPOSED WELL CONSTRUCTION LOCATION AND DESIGN FORM FORM NO. LEG-R.006.00 ( / / )**  
~~41-10-003-2/94/MH~~

(4) through (20) No change.

**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

**RULE CHAPTER NO.:** RULE CHAPTER TITLE:

40D-4 Individual Environmental Resource Permits

**RULE NO.:** RULE TITLE:  
40D-4.331 Modification of Permits

**PURPOSE AND EFFECT:** The proposed amendment of Rule 40D-4.331, F.A.C., will update a reference to the General Environmental Resource Permit Application for Modification Related to Outparcel Construction Within Permitted Commercial Projects, Form No. LEG-R.001.00(02/05).

**SUMMARY:** The proposed rule amendment will update reference to the form used to request modification of certain environmental resource construction permits.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.607, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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:** 373.044, 373.113, 373.149, 373.171 FS.

**LAW IMPLEMENTED:** 373.413, 373.416(1), 373.429, 373.805 FS.

**IF REQUESTED IN WRITING 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:** Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

40D-4.331 Modification of Permits.

An application for modification of an environmental resource permit shall be processed in accordance with this rule, unless the permit is revoked, suspended or expired.

(1) No change.

(2) Applications to modify a construction permit shall be made:

(a) By formal application and review using the same criteria as new applications, pursuant to Rules 40D-4.101, 40D-4.301 and 40D-4.302, F.A.C., unless the proposed modification involves an outparcel construction within a permitted commercial project. A request for modification involving construction within an outparcel of a permitted

commercial or industrial development should be made using the form “General Environmental Resource Permit Application for Modification Related to Outparcel Construction Within Permitted Commercial Projects” District Form No. LEG R001.00(2/05), adopted by reference in Rule 40D-1.659, F.A.C.

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

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
 40D-8 Water Levels and Rates of Flow  
 RULE NO.: RULE TITLE:  
 40D-8.624 Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lakes pursuant to Section 373.042, Florida Statutes.

SUMMARY: The proposed amendments establish minimum lake levels and guidance levels for Big Gant Lake, Lake Deaton, Lake Miona, Black Lake, Lake Okahumpka and Lake Panasoffkee in Sumter County, Florida, based on the District's current minimum lake level establishment methodology described in Rule 40D-8.624, F.A.C. The proposed amendments also repeal guidance levels previously adopted for these lakes and correct a rule reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's

determination that the proposed revisions to Rule 40D-8.624, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 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: Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40D-8.624 Guidance and Minimum Levels for Lakes.
- (1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8)(7), F.A.C., to establish the level. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.±

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten-Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (b) No change.						
(c) In Citrus County Within the Withlacoochee River Basin	<u>Fort Cooper Lake S-27 T-19S R-20E</u>	<u>35.4</u>	<u>30.9</u>	<u>30.1</u> <u>(CAT 3)</u>	<u>28.7</u> <u>(CAT 3)</u>	<u>26.7</u>
<b>RESERVED</b>	<u>Tsala Apopka Lake (Lakes and wetlands comprising the Floral City Pool) S-14 T-20S R-20E</u>	<u>43.4</u>	<u>41.8</u>	<u>41.2</u> <u>(CAT 1)</u>	<u>39.8</u> <u>(CAT 1)</u>	<u>39.6</u>
	<u>Tsala Apopka Lake (Lakes and wetlands comprising the Hernando Pool) S-26 T-18S R-19E</u>	<u>40.5</u>	<u>39.0</u>	<u>38.7</u> <u>(CAT 1)</u>	<u>37.3</u> <u>(CAT 1)</u>	<u>35.9</u>

(d) through (m) No change.	<u>Tsala Apopka Lake (Lakes and wetlands comprising the Inverness Pool)</u> <u>S-08 T-19S R-20E</u>	<u>41.8</u>	<u>40.3</u>	<u>40.1</u> <u>(CAT 1)</u>	<u>38.7</u> <u>(CAT 1)</u>	<u>37.8</u>
(n) In Levy County Within the Withlacoochee River Basin	<u>Marion, Lake</u> <u>S-02 T-14S R-17E</u>	<u>56.6</u>	<u>55.3</u>	<u>54.6</u> <u>(CAT 3)</u>	<u>50.7</u> <u>(CAT 3)</u>	<u>47.7</u>
<b>RESERVED</b>						
(o) through (bb) No change.						
(cc) In Sumter County Within the Withlacoochee River Basin	<u>Big Gant Lake</u> <u>S-14 T-22S R-22E</u>	<u>77.6</u>	<u>76.1</u>	<u>76.3</u> <u>(CAT 1)</u>	<u>74.9</u> <u>(CAT 1)</u>	<u>73.4</u>
<b>RESERVED</b>						
	<u>Black Lake</u> <u>S-23 T-18S R-23E</u>	<u>57.5</u>	<u>54.7</u>	<u>53.9</u> <u>(CAT 3)</u>	<u>51.3</u> <u>(CAT 3)</u>	<u>49.6</u>
	<u>Deaton, Lake</u> <u>S-14 T-19S R-23E</u>	<u>65.8</u>	<u>65.2</u>	<u>64.8</u> <u>(CAT 3)</u>	<u>63.2</u> <u>(CAT 3)</u>	<u>62.2</u>
	<u>Miona, Lake</u> <u>S-27 T-18S R-23E</u>	<u>57.5</u>	<u>54.7</u>	<u>53.9</u> <u>(CAT 3)</u>	<u>51.3</u> <u>(CAT 3)</u>	<u>49.6</u>
	<u>Okahumpka, Lake</u> <u>S-21 T-19S R-23E</u>	<u>59.9</u>	<u>58.1</u>	<u>58.1</u> <u>(CAT 1)</u>	<u>56.7</u> <u>(CAT 1)</u>	<u>55.0</u>
	<u>Panasoffkee, Lake</u> <u>S-29 T-19S R-22E</u>	<u>42.8</u>	<u>40.5</u>	<u>40.8</u> <u>(CAT 1)</u>	<u>39.4</u> <u>(CAT 1)</u>	<u>38.9</u>

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Location of Impoundment by County and Basin	Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
	Ten-Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	Flood High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a) through (b) No change.				
(c) In Citrus County Within the Withlacoochee River Basin				
Bradley, Lake	43.40	42.50	40.25	38.25
S23 T20S R20E				
Cato, Lake	38.82	38.00	35.50	34.00
S5 T19 R20				
Connell, Lake	35.68	35.50	32.00	30.00
S6 T19 R20				
Cooter, Lake	41.80	40.50	38.25	36.25
S17 T19 R20				
Hog Pond, Lake (Nina)	35.92	34.50	32.00	30.00
S2 T19 R19				
Holden, Lake (Inverness)	32.44	32.00	29.50	28.00
S32 T19 R20				
Magnolia, Lake	32.36	31.00	28.50	27.00
S3 T20 R20				
Rush, Lake (Williams)	36.20	35.75	33.25	31.25
S03 T17 R18				

Lake Tsalala Apopka (Floral City Pool)	43.40	42.50	40.25	38.25
19	19S	21E		
21	19S	21E		
22	19S	21E		
27	19S	21E		
28	19S	21E		
29	19S	21E		
30	19S	21E		
31	19S	21E		
32	19S	21E		
33	19S	21E		
34	19S	21E		
1	20S	20E		
2	20S	20E		
3	20S	20E		
10	20S	20E		
11	20S	20E		
12	20S	20E		
13	20S	20E		
14	20S	20E		
3	20S	21E		
4	20S	21E		
5	20S	21E		
6	20S	21E		
7	20S	21E		
8	20S	21E		
17	20S	21E		
18	20S	21E		
25	19S	20E		
26	19S	20E		
34	19S	20E		
35	19S	20E		
36	19S	20E		
Lake Tsalala Apopka (Hernando Pool)	40.50	39.00	36.75	34.75
Sec.	Twsp.	Rng.		
1	18S	19E		
2	18S	19E		
11	18S	19E		
12	18S	19E		
13	18S	19E		
23	18S	19E		
24	18S	19E		
25	18S	19E		
26	18S	19E		
5	18S	20E		
6	18S	20E		
7	18S	20E		
8	18S	20E		
16	18S	20E		
17	18S	20E		
18	18S	20E		
19	18S	20E		
20	18S	20E		
21	18S	20E		
27	18S	20E		
28	18S	20E		

29	18S	20E				
30	18S	20E				
31	18S	20E				
32	18S	20E				
33	18S	20E				
Lake Tsala Apopka (Inverness Pool)	41.80	40.50	38.25	36.25		
33	18S	20E				
34	18S	20E				
35	18S	20E				
1	19S	20E				
2	19S	20E				
3	19S	20E				
4	19S	20E				
8	19S	20E				
9	19S	20E				
10	19S	20E				
11	19S	20E				
12	19S	20E				
13	19S	20E				
14	19S	20E				
15	19S	20E				
16	19S	20E				
17	19S	20E				
21	19S	20E				
22	19S	20E				
23	19S	20E				
18	19S	21E				
19	19S	21E				
Little Lake (Consuella)	43.40	41.50	39.00	37.25		
S15 T20S R20E						
Twin Lake	38.11	37.00	35.00	33.00		
S6 T19 R20						
(d) through (m) No change.						
(n) In Levy County Within the Withlacoochee River Basin						
Marion, Lake	56.60	53.00	50.50	48.50		
S02 T14 R17						
(o) through (bb) No change.						
(cc) In Sumter County Within the Withlacoochee River Basin						
LAKES						
Big Gant Lake	76.50	76.25	74.50	72.50		
S14 T22S R22E						
Black Lake	56.70	55.00	53.00	51.00		
S23 T18S R23E						
Cherry Lake	56.70	55.00	53.00	51.00		
S24 T18S R23E						
Deaton, Lake	65.50	65.00	62.00	60.00		
S14 T19S R23E						
Miona, Lake,	56.70	55.00	53.00	51.00		
S27 T18S R23E						
Okahumpka, Lake	59.90	58.75	56.25	54.00		
S21 T19S R23E						
Panasofkee, Lake	42.80	42.50	39.50	38.50		

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85,

5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-10-04, 6-5-05, 5-2-06,\_\_\_\_\_.

**LAND AND WATER ADJUDICATORY COMMISSION****Six Mile Creek Community Development District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
 42GGG-1 Six Mile Creek Community  
 Development District

RULE NOS.: RULE TITLES:  
 42GGG-1.001 Establishment  
 42GGG-1.002 Boundary  
 42GGG-1.003 Supervisor

**PURPOSE, EFFECT AND SUMMARY:** The purpose of this proposed rule is to establish a community development district (“CDD”), the Six Mile Creek Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by Six Mile Creek Venture, LLC, requests the Commission establish a community development district located entirely within the unincorporated limits of St. Johns County, Florida. A Notice of Receipt of Petition for the Six Mile Creek Community Development District was published in the June 30, 2006, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 1,282.15 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. The proposed land area is east of Joe Ashton Road, north of County Road 208, west of Pacetti Road and south of the intersection of Pacetti Road and State Road 16. There is one excluded parcel within the boundary of the proposed District at 5405 S.R. 16, St. Augustine, Florida. No adverse impacts on the excluded parcel are anticipated. The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The development plan for the District includes construction of approximately 2,278 units of single family detached, single family attached units and multi-family housing. The District contemplates providing certain master infrastructure improvements within the boundaries to include roadway improvements to Pacetti Road and Loop Road, utility infrastructure improvements including water main and force main on Pacetti Road and a water main interconnection, recreation and security improvements including entry feature, landscaping and a guard house, and neighborhood infrastructure including lift stations and force mains, drainage, neighborhood roadways, street lighting and neighborhood parks.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 9 to the petition. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description

of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the District, the State of Florida, and St. Johns County. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur modest administrative costs. St. Johns County will incur modest costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a \$15,000 filing fee paid to St. Johns County to offset any costs it may incur. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on all small businesses. The petition to establish the District will not have an impact on small counties as defined by Section 120.52, F.S., as St. Johns County is not defined as a small county. Under section (e), the analysis provided in the SERC was based on a straightforward application of economic theory. Input was received from the developer’s engineer and other professionals associated with the developer.

**SPECIFIC AUTHORITY:** 190.005 FS.

**LAW IMPLEMENTED:** 190.004, 190.005 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, A HEARING WILL NOT BE HELD):**

**DATE AND TIME:** Wednesday, December 20, 2006, 10:00 a.m.

PLACE: Room 1802M, The Capitol, Tallahassee, Florida  
 Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

SIX MILE CREEK COMMUNITY DEVELOPMENT DISTRICT

42GGG-1.001 Establishment.

The Six Mile Creek Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005, FS. History—New \_\_\_\_\_.

42GGG-1.002 Boundary.

The boundaries of the District are as follows:  
A PART OF SECTIONS 31 AND 38, TOWNSHIP 6 SOUTH, RANGE 28 EAST, TOGETHER WITH A PART OF SECTIONS 6, 38 AND 41, TOWNSHIP 7 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE SOUTHERLY LINE OF SAID SECTION 41, TOWNSHIP 7 SOUTH, RANGE 28 EAST, WITH THE WESTERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 13A (A 100.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE NORTH 71°03'40" WEST, ALONG THE SAID SOUTH LINE OF SECTION 41, A DISTANCE OF 1065.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 71°03'40" WEST, ALONG THE SOUTHERLY LINE OF SAID SECTION 41, A DISTANCE OF 3030.75 FEET; THENCE NORTH 60°13'49" WEST, CONTINUING ALONG SAID SECTION LINE, A DISTANCE OF 1734.02 FEET TO THE COMMON CORNER TO SECTIONS 41, 5 AND 6; THENCE SOUTH 03°24'47" EAST, ALONG THE EASTERLY LINE OF SAID SECTION 6, A DISTANCE OF 3052.10 FEET; THENCE SOUTH 03°20'35" EAST, ALONG THE EASTERLY LINE OF SAID SECTION 38, A DISTANCE OF 2086.25 FEET; THENCE NORTH 86°59'59" WEST, A DISTANCE OF 863.15 FEET TO THE WATERS OF SIX MILE CREEK; THENCE NORTH 46°05'12" WEST, ALONG THE WATERS OF SAID SIX MILE CREEK, A DISTANCE OF 1430.00 FEET; THENCE NORTH 45°06'48" WEST, ALONG THE WATERS OF SIX MILE CREEK, A DISTANCE OF 1973.08 FEET; THENCE NORTH 15°52'42"

WEST, ALONG THE WATERS OF SAID SIX MILE CREEK, A DISTANCE OF 639.84 FEET; THENCE NORTH 07°08'17" EAST, A DISTANCE OF 540.00 FEET TO A POINT IN THE DIVISION LINE BETWEEN SECTION 6 AND 38; THENCE NORTH 89°07'35" WEST, ALONG SAID DIVISION LINE, A DISTANCE OF 540.00 FEET; THENCE NORTH 01°20'11" WEST, ALONG THE WESTERLY LINE OF THE NORTH 28 ACRES OF THE NORTHEAST ONE QUARTER AND NORTHWEST ONE QUARTER OF SAID SECTION SIX, A DISTANCE OF 2665.80 FEET TO A POINT IN SAID SIX MILE CREEK; THENCE WITH THE WATERS OF SAID SIX MILE CREEK, THE FOLLOWING FOURTEEN (14) COURSES: COURSE NO. 1) NORTH 21°46'57" WEST, A DISTANCE OF 115.71 FEET; COURSE NO. 2) NORTH 04°03'00" WEST, A DISTANCE OF 471.70 FEET; COURSE NO. 3) NORTH 15°30'16" WEST, A DISTANCE OF 530.00 FEET; COURSE NO. 4) NORTH 74°15'52" WEST, A DISTANCE OF 160.00 FEET; COURSE NO. 5) NORTH 31°54'28" WEST, A DISTANCE OF 147.65 FEET; COURSE NO. 6) NORTH 14°54'52" WEST, A DISTANCE OF 655.70 FEET; COURSE NO. 7) NORTH 58°35'33" WEST, A DISTANCE OF 336.17 FEET; COURSE NO. 8) NORTH 38°53'09" WEST, A DISTANCE OF 291.63 FEET; COURSE NO. 9) NORTH 07°47'32" EAST, A DISTANCE OF 480.55 FEET; COURSE NO. 10) NORTH 31°04'47" WEST, A DISTANCE OF 88.74 FEET; COURSE NO. 11) NORTH 20°38'46" EAST, A DISTANCE OF 219.13 FEET; COURSE NO. 12) NORTH 32°56'28" WEST, A DISTANCE OF 141.49 FEET; COURSE NO. 13) NORTH 08°25'22" EAST, A DISTANCE OF 515.92 FEET; COURSE NO. 14) NORTH 15°06'25" WEST, A DISTANCE OF 651.10 FEET; THENCE NORTH 77°45'24" EAST, LEAVING THE WATERS OF SIX MILE CREEK, A DISTANCE OF 2251.55 FEET; THENCE SOUTH 40°06'20" EAST, A DISTANCE OF 3560.03 FEET; THENCE SOUTH 85°45'56" EAST, A DISTANCE OF 4260.63 FEET TO A POINT IN THE DIVISION LINE BETWEEN SAID SECTION 38 AND SECTION 37; THENCE SOUTH 01°06'48" EAST, ALONG SAID WESTERLY LINE OF SECTION 37, A DISTANCE OF 258.39 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 37; THENCE SOUTH 89°40'57" EAST, ALONG THE SOUTH LINE OF SAID SECTION 37, A DISTANCE OF 1179.79 FEET TO THE NORTHWEST CORNER OF A 30.00 FOOT WIDE DRAINAGE EASEMENT, AS RECORDED IN DEED BOOK 182, PAGE 133; THENCE SOUTH 37°05'42" EAST, A DISTANCE OF 930.18 FEET; THENCE SOUTH 12°23'05" WEST, ALONG A LINE PARALLEL WITH AND LYING 50.00 FOOT WESTERLY OF WHEN MEASURED AT RIGHT ANGLES TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 13A (A 100.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED), A DISTANCE OF 1482.90 FEET TO THE



POINT OF CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 2392.01 FEET; THENCE SOUTHWESTERLY, CONTINUING ALONG SAID PARALLEL LINE AND ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 604.31 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 05°08'51" WEST AND A CHORD DISTANCE OF 602.70 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 02°05'24" EAST, CONTINUING ALONG SAID PARALLEL LINE, A DISTANCE OF 868.99 FEET; THENCE SOUTH 87°54'35" WEST, LEAVING SAID PARALLEL LINE, A DISTANCE OF 944.62 FEET; THENCE SOUTH 02°05'25" EAST, A DISTANCE OF 759.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 1288.95 ACRES MORE OR LESS. LESS AND EXCEPT THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 250, PAGE 693 OF THE PUBLIC RECORDS OF SAID COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SEC. 6, TOWNSHIP 7 SOUTH, RANGE 28 EAST; THENCE RUN NORTH 420 FEET TO A STAKE, THENCE RUN WEST 330 FEET TO A STAKE, THENCE RUN SOUTH 420 FEET TO A STAKE, THENCE RUN EAST 330 FEET TO POINT OF BEGINNING; CONTAINING THREE (3) ACRES MORE OR LESS AND BEING A PART OF THE PROPERTY CONVEYED BY GORDON FERREIRA AND WIFE TO JOHN Y. SMITH BY DEED DATED OCTOBER 25, 1899, AND RECORDED IN DEED RECORD N3, PAGE 133, ST. JOHNS COUNTY RECORDS.

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF SECTION 6, TOWNSHIP 7 SOUTH, RANGE 28 EAST; THENCE RUN WEST 330 FEET TO A STAKE, THENCE RUN SOUTH 10 CHAINS TO A STAKE, THENCE RUN EAST 330 FEET TO A STAKE, THENCE RUN NORTH 10 CHAINS TO A POINT OF BEGINNING; CONTAINING FOUR (4) ACRES MORE OR LESS, AND BEING PART OF THE PROPERTY CONVEYED BY R. I. KNOWLES TO JOHN Y. SMITH BY DEED DATED APRIL 16, 1888, AND RECORDED IN DEED RECORD "LL", PAGE 675, ST. JOHNS COUNTY RECORDS. (6.80 ACRES MORE OR LESS OR 296,208 SQUARE FEET MORE OR LESS).

TOTAL AREA = 1288.95 - 6.80 = 1282.15 ACRES

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New \_\_\_\_\_.

42GGG-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Kelly Kulinski, Steward A. Sparks, III, Cynthia Jones, Kirk Wendland, and Margaret Jenness.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-4.001	Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update January 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The Department of Health and Human Services, Centers for Medicare and Medicaid, revised the CMS-1500 claim form. The handbook update contains the instructions for the revised claim form. The effect will be to incorporate by reference in rule Update January 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule Update January 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The effect will be that Update January 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, will be incorporated in rule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS.

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

DATE AND TIME: Thursday, December 14, 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 IS: Karen Girard, Agency for Health Care Administration, Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, FL 32308, (850)488-9711

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006, updated January 2007, which is incorporated by reference. The handbook is 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 handbook may be obtained by calling Provider Inquiry at (800)377-8216.

(2) The following forms that are included in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference: in Chapter 1, the CMS-1500 Claim Form, Approved OMB-0938-0008 0999 Form CMS-1500 (08-05 ~~42-90~~), one page double-sided; and in Chapter 2, the Healthy Start Prenatal Risk Screening Instrument, DH 3134, 9/97, one page. The following forms that are included in Chapter 2 of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference in Rule 59G-4.160, F.A.C.: State of Florida, Florida Medicaid Authorization Request, PA01 04/2002, one page; Medically Needy Billing Authorization, DF-ES 2902, June 2003, one page; State of Florida, Sterilization Consent Form, SCF 7/94, one page; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2001, one page; State of Florida, Abortion Certification Form, AHCA-Med Serv Form 011, August 2001, one page. All the forms except for the Healthy Start Prenatal Risk Screening Instrument are available from the Medicaid fiscal agent by calling Provider Inquiry at (800)289-7799 or from its website at <http://floridamedicaid.acs-inc.com>. Click on Provider

Support, and then on Medicaid Forms. The Healthy Start Prenatal Risk Screening Instrument is available from the local County Health Department.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History—New 10-1-03, Amended 7-2-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Karen Girard  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE NO.: 61-5.007  
 RULE TITLE: Administrative Penalty Guidelines for Unlicensed Activity

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to set administrative penalty guidelines for violations of the unlicensed activity statutes articulated by Chapter 455, F.S., the professional practice acts administered by DBPR.

SUMMARY: The rule creates guidelines for imposing administrative penalties for violations of the unlicensed activity statutes in Chapter 455, F.S., and the professional practice acts administered by DBPR.

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

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

SPECIFIC AUTHORITY: 455.228 FS.

LAW IMPLEMENTED: 455.228 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: December 11, 2006, 2:30 p.m. – 4:00 p.m.  
 PLACE: Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 North Monroe Street, Tallahassee, Florida 32399

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: Jennifer A. Tschetter at (850)488-0062. 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: Jennifer A. Tschetter, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULE IS:

61-5.007 Administrative Penalty Guidelines for Unlicensed Activity.

(1) In imposing administrative penalties upon unlicensed persons, the Department of Business and Professional Regulation (hereinafter, "Department") shall act in accordance with the following guidelines and shall impose a penalty consistent herewith absent the application of aggravating or mitigating circumstances and subject to the provisions of Section 455.228, Florida Statutes.

(2) For the purpose of this rule, the term "license" shall mean the professional license, registration, certificate or certification issued by the Department to authorize the practice of a profession pursuant to a professional practice act administered by the Department.

(3) All penalties established herein are for each count or separate violation found.

(4) In imposing administrative penalties hereunder in cases in which a Notice to Cease and Desist or Order to Cease and Desist has been issued to the unlicensed person prior to the violation(s) currently being prosecuted, the Department shall impose its attorney fees and costs, including the costs of collection, pursuant to subsection 455.228(1), Florida Statutes.

(5) For using a professional title or designation without holding the requisite license to do so, the following penalties shall apply:

- (a) First violation – \$2500 administrative fine; and
- (b) Second and subsequent violations – \$5000 administrative fine.

(6) For advertising or offering to practice a profession without holding the requisite license to do so, the following penalties shall apply:

- (a) First violation – \$3000 administrative fine; and
- (b) Second and subsequent violations – \$5000 administrative fine.

(7) For practicing a profession without holding the requisite license to do so, the following penalties shall apply:

- (a) First violation – \$4000 administrative fine; and
- (b) Second and subsequent violations – \$5000 administrative fine.

(8) Notwithstanding the foregoing, all second and subsequent violations of Section 489.13, Florida Statutes, shall result in the imposition of a \$10,000 administrative fine.

(9) Circumstances which may be considered for the purposes of mitigation or aggravation of the foregoing penalties shall include, but are not limited to, the following:

(a) Monetary or other damage to the unlicensed person's customer and/or other persons, in any way associated with the violation, which damage the unlicensed person has not relieved as of the time the penalty is to be assessed.

(b) The severity of the offense.

(c) The danger to the public.

(d) The number of repetitions of offenses.

(e) The number of complaints filed against the unlicensed person.

(f) The length of time the unlicensed person has been engaging in unlicensed activity.

(g) The actual damage, physical or otherwise, to the unlicensed person's customer.

(h) The deterrent effect of the penalty imposed.

(i) The effect of the penalty upon the unlicensed person's livelihood.

(j) Any efforts at rehabilitation.

(k) The unlicensed person's use of an altered license or impersonation of a licensee.

(l) Any other mitigating or aggravating circumstances.

(10) The administrative penalty guidelines established by this rule are only applicable to final orders issued by the Secretary of the Department or his/her appointed designee.

Specific Authority 455.228 FS. Law Implemented 455.228 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer A. Tschetter, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marsteller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: RULE TITLE:

61G1-12.005 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language concerning fines.

SUMMARY: New fines will be added concerning practicing without a certificate of authorization and failing to timely respond to a continuing education audit.

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

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

SPECIFIC AUTHORITY: 455.224, 455.225, 481.306 FS.

LAW IMPLEMENTED: 455.224 FS.

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

(b) Firm practicing without a certificate of authorization (481.219, F.S.)

(c) through (d) No change.

(e) Failure to timely respond to a continuing education audit (481.225(1)(a), F.S. through 61-6.010, F.A.C.

(4) through (5) No change.

Specific Authority 455.224, 455.225, ~~481.306~~ FS. Law Implemented 455.224 FS. History–New 12-22-91, Amended 1-3-93, 3-28-93, Formerly 21B-12.005, Amended 11-16-93, 5-4-97, 2-25-98, 12-3-98, 6-30-99, 12-12-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-16.002 RULE TITLE: Description of Seal

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to provide a description of the seal required.

SUMMARY: The type of seal required will be added to the rule.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-12.005 Citations.  
(1) through (3)(a) No change.

~~A penalty of \$100 per month or \$500 maximum. \$500.00 fine for up to 5 years unauthorized practice. \$750 fine for 5 years up to 10 years. \$1,000 fine for 10 or more years.~~ (Penalty requires firm to obtain certificate of authorization or cease practice.)

\$500 fine

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

SPECIFIC AUTHORITY: 481.221 FS.

LAW IMPLEMENTED: 481.221(2) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-16.002 Description of Seal.

(1) The seal shall contain the name of only one architect or interior designer and the registration number; the seal of the architect shall be circular, and the seal of the interior designer shall be hexagonal. Both seals shall be an impression-type metal seal, approximately 2" in diameter with two circular lines between which lines shall appear, at the top, the words "State of Florida" and at the bottom the words "registered architect" or "licensed interior designer," whichever is applicable.

(2) No change.

Specific Authority 481.221 FS. Law Implemented 481.221(2) FS. History–New 12-23-79, Formerly 21B-16.002, Amended 7-27-89, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Architecture and Interior  
Design

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: October 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: August 25, 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 ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-204.800	Federal Regulations Adopted by Reference

PURPOSE AND EFFECT: The proposed rule involves amendments to rule Chapter 62-204, F.A.C., to update the Department's adoption by reference of U.S. Environmental Protection Agency (EPA) regional haze regulations at 40 CFR Part 51. The update includes recent revisions to EPA's regulations related to Best Available Retrofit Technology (BART). Pursuant to the federal Clean Air Act, the Department is required to ensure that certain sources of visibility-impairing pollutants in Florida use BART to reduce the impact of their emissions on regional haze. The proposed amendments are part of the Department's overall rulemaking project to implement the BART requirement.

SUMMARY: EPA BART regulations at 40 CFR Part 51 and related EPA regulations at 40 CFR Parts 52 and 81 are adopted and incorporated by reference in support of the Department's overall rulemaking project including exemptions and other administrative procedures related to BART implementation.

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

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

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 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:

DATE AND TIME: Monday, December 18, 2006, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

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: Ms. Lynn Searce at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or [lynn.searce@dep.state.fl.us](mailto:lynn.searce@dep.state.fl.us), phone (850)921-9551. 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: Ms. Lynn Searce at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or [lynn.searce@dep.state.fl.us](mailto:lynn.searce@dep.state.fl.us), phone (850)921-9551

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

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) No change.

(2) Chapter 40, Code of Federal Regulations, Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

(a) The following subparts of 40 CFR Part 51, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 2. No change.

3. 40 CFR 51, Subpart P, Protection of Visibility, amended July 6, 2005, at 70 FR 39103; amended October 13, 2006, at 71 FR 60611.

4. through 5. No change.

(b) The following appendices of 40 CFR Part 51, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 3. No change.

4. 40 CFR 51, Appendix Y, Guidelines for BART Determination Under the Regional Haze Rule, promulgated July 6, 2005, at 70 FR 39103.

(3) Chapter 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 CFR Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) No change.

(b) 40 CFR Part 52, Subpart K, Florida, amended July 22, 2003, at 68 FR 43312; amended August 11, 2003, at 68 FR 47468; amended February 13, 2004 at 69 FR 7127; amended March 29, 2004, at 69 FR 16167; amended June 17, 2004, at 69 FR 33860; amended April 28, 2006, at 71 FR 25327.

(4) through (21) No change.

(22) Chapter 40, Code of Federal Regulations, Part 81, Designation of Areas for Air Quality Planning Purposes. The following sections and subparts of 40 CFR Part 81, revised as of July 1, 2005 ~~July 1, 2004~~, or later as specifically indicated, are adopted and incorporated by reference:

(a) through (f) No change.

(g) 40 CFR Part 81, Subpart D, Identification of Mandatory Class I Federal Areas Where Visibility Is an Important Value.

(23) through (25) 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, 9-4-06, 9-6-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Sole

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-296.340 RULE TITLE: Best Available Retrofit Technology

PURPOSE AND EFFECT: The proposed rule involves amendments to rule Chapter 62-296, F.A.C., to implement the Best Available Retrofit Technology (BART) portion of the U.S. Environmental Protection Agency’s regional haze rules. Pursuant to the federal Clean Air Act, the Department is required to ensure that certain sources of visibility-impairing pollutants in Florida use BART to reduce the impact of their emissions on regional haze. New Rule 62-296.340, F.A.C., is created to set forth procedural requirements by which individual BART determinations will be made.

SUMMARY: The proposed new rule section addresses air permitting requirements for sources subject to BART and visibility analysis requirements for sources claiming exemption from BART.

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

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

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 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:

DATE AND TIME: Friday, December 18, 2006, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

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: Ms. Lynn Scarce at (850)921-9551. 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: Ms. Lynn Scarce at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or lynn.scarce@dep.state.fl.us, phone (850)921-9551

THE FULL TEXT OF THE PROPOSED RULE IS:

62-296.340 Best Available Retrofit Technology.

(1) Applicability. This rule applies to all BART-eligible sources as defined at 40 CFR 51.301, adopted and incorporated by reference at Rule 62-204.800, F.A.C. Failure of the Department to include a particular BART-eligible source on any list of BART-eligible sources it produces does not relieve the owner or operator of such source from responsibility to comply with the requirements of this rule.

(2) Definitions. For the purposes of this rule:

1. All definitions at 40 CFR 51.301 shall apply, including the definition of “Best Available Retrofit Technology (BART)” contained therein.

2. The term "CAIR Program" shall mean the requirements of 40 CFR 52.540 and 52.541, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or it shall have the meaning given at Rule 62-210.200, F.A.C., whichever is applicable.

3. The term "Class I area" shall mean any mandatory Class I federal area where visibility is an important value, as set forth at 40 CFR Part 81, Subpart D, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(3) Requirements.

(a) Unless exempted under subsection 62-296.340(5), F.A.C., the owner or operator of a BART-eligible source shall install, operate, and maintain BART, as determined by the Department, for each emissions unit and each pollutant for which a BART determination is required.

1. The Department shall determine BART for all BART-eligible sources in accordance with the criteria of 40 CFR 51.308(e) and the procedures and guidelines contained in 40 CFR Part 51, Appendix Y, each adopted and incorporated by reference at Rule 62-204.800, F.A.C.

2. The pollutants for which a BART determination is required are those pollutants identified as visibility-impairing pollutants in 40 CFR Part 51, Appendix Y, excluding volatile organic compounds, ammonia, and ammonia compounds, except that:

a. A BART determination shall not be required for sulfur dioxide or for nitrogen oxides if the BART-eligible source has the potential to emit less than 40 tons per year of such pollutant(s), or for PM<sub>10</sub> if the BART-eligible source has the potential to emit less than 15 tons per year of such pollutant.

b. A BART determination shall not be required for sulfur dioxide or for nitrogen oxides for any electric generating unit at a BART-eligible source that is subject to the CAIR Program.

(b) The Department shall establish its BART determination(s) in an air construction permit.

1. The owner or operator of a BART-eligible source subject to the requirement for BART determination under paragraph 62-296.340(3)(a), F.A.C., shall perform a BART evaluation for each emissions unit comprising the BART-eligible source and for each pollutant for which a BART determination is required. The BART evaluation shall be performed in accordance with the criteria of 40 CFR 51.308(e) and the procedures and guidelines contained in 40 CFR Part 51, Appendix Y. The BART evaluation and proposed BART determination(s) shall be submitted to the Department in an application for an air construction permit not later than January 31, 2007.

2. The air construction permit issued by the Department shall require the owner or operator of the BART-eligible source to comply with BART as expeditiously as practicable, but not later than December 31, 2013. Such permit shall also require an operation and maintenance plan for any control equipment required by the BART determination.

3. Before taking final agency action on any air construction permit application to establish its BART determination(s), the Department shall comply with all applicable provisions of Rule 62-110.106, F.A.C., and provide an opportunity for public comment which shall include at a minimum the following:

a. Pursuant to Chapter 119, Florida Statutes, a complete file available for public inspection at its Tallahassee offices which includes the information submitted by the owner or operator, exclusive of confidential records under Section 403.111, Florida Statutes, and the Department's preliminary BART determination(s);

b. A 30-day period for submittal of public comments; and

c. A notice, by advertisement in a newspaper of general circulation in the county affected, specifying the nature and location of the BART-eligible source and the location of the information specified in sub-subparagraph 62-296.340(3)(b)3.a., F.A.C., and notifying the public of the opportunity for submitting comments. The notice shall be prepared by the Department and published by the applicant in accordance with all applicable provisions of Rule 62-110.106, F.A.C., except that the applicant shall cause the notice to be published no later than thirty (30) days prior to final agency action.

(4) Optional Reasonable Progress Evaluation. An electric generating unit that is part of a BART-eligible source and also subject to the CAIR Program shall not be subject to further emissions reductions to meet Florida's reasonable progress goal for 2018 for any Class I area pursuant to the requirements of 40 CFR 51.308(d)(1), provided that the owner or operator:

(a) Performs a unit-specific BART evaluation for sulfur dioxide and nitrogen oxides in accordance with the criteria of 40 CFR 51.308(e) and the procedures and guidelines contained in 40 CFR Part 51, Appendix Y, and submits such evaluation and proposed BART-equivalent emission limitations for sulfur dioxide and nitrogen oxides to the Department in an application for an air construction permit; and

(b) Accepts an air construction permit wherein the Department establishes BART-equivalent emission limitations for sulfur dioxide and nitrogen oxides for the unit.

(c) In establishing BART-equivalent emission limitations pursuant to this subsection, the Department shall use the criteria of 40 CFR 51.308(e) and the procedures and guidelines contained in 40 CFR Part 51, Appendix Y, each adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(d) The air construction permit issued by the Department shall require the owner or operator of the unit to comply with the BART-equivalent emission limitations as expeditiously as practicable, but not later than December 31, 2013, if the permit is issued on or before December 31, 2008; or the earlier of December 31, 2017, or the date five years after permit issuance, if the permit is issued after December 31, 2008.

(e) Before taking final agency action on any air construction permit application to establish its BART-equivalent emission limitations, the Department shall provide opportunity for public comment in accordance with the provisions of subparagraph 62-296.340(3)(b)3., F.A.C.

(f) BART-equivalent emission limitations for sulfur dioxide and nitrogen oxides established pursuant to this subsection are separate and distinct from the BART requirements of subsection 62-296.340(3), F.A.C. Noncompliance with a BART-equivalent emission limitation established pursuant to this subsection shall not constitute noncompliance with BART.

(5) Exemptions.

(a) A BART-eligible source may demonstrate that it is exempt from the requirement for BART determination for all pollutants by documenting that:

1. The sum of its potential emissions of sulfur dioxide, nitrogen oxides, and particulate matter (expressed as equivalent tons of sulfur dioxide or nitrogen oxides in terms of its light extinction efficiency) is less than 500 tons per year and the source is located greater than 50 kilometers from all Class I areas; or

2. The sum of its potential emissions of sulfur dioxide, nitrogen oxides, and particulate matter (expressed as equivalent tons of sulfur dioxide or nitrogen oxides in terms of its light extinction efficiency) is less than 1,000 tons per year and the source is located greater than 100 kilometers from all Class I areas.

(b) A BART-eligible source comprising only electric generating units that are subject to the CAIR Program and other emissions units that emit no visibility-impairing pollutants other than particulate matter may demonstrate that it is exempt from the requirement for BART determination for all pollutants by documenting that:

1. Its potential emissions of particulate matter (expressed as equivalent tons of sulfur dioxide or nitrogen oxides in terms of its light extinction efficiency) are less than 500 tons per year and the source is located greater than 50 kilometers from all Class I areas; or

2. Its potential emissions of particulate matter (expressed as equivalent tons of sulfur dioxide or nitrogen oxides in terms of its light extinction efficiency) are less than 1,000 tons per year and the source is located greater than 100 kilometers from all Class I areas.

(c) If unable to claim exemption pursuant to paragraph 62-296.340(5)(a) or (b), F.A.C., a BART-eligible source may demonstrate that it is exempt from the requirement for BART determination for all pollutants by performing an individual source attribution analysis in accordance with the procedures contained in 40 CFR Part 51, Appendix Y. A BART-eligible source is exempt from BART determination requirements if its

contribution to visibility impairment, as determined below, does not exceed 0.5 deciviews above natural conditions in any Class I area.

1. For electric generating units subject to the CAIR Program, the source attribution analysis need only consider particulate matter emissions (including primary sulfate) for comparison with the contribution threshold.

2. For all other units, the source attribution analysis shall consider sulfur dioxide, nitrogen oxides, and particulate matter emissions collectively for comparison with the contribution threshold.

(d) If the owner or operator of a BART-eligible source requests exemption from the requirement for BART determination for all pollutants by submitting its source attribution analysis or other supporting documentation to the Department not later than January 31, 2007, and the Department ultimately grants such exemption, the requirement for submission of an air construction permit application pursuant to subparagraph 62-296.340(3)(b)1., F.A.C., shall not apply. If the Department denies such exemption, the owner or operator shall submit an application for air construction permit containing a BART evaluation and proposed BART determination(s) to the Department not later than January 31, 2007, or thirty (30) days after receipt of the Department's denial, whichever is later.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Sole

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

64B-1 Examinations

RULE NO.: RULE TITLE:

64B-1.016 Fees: Examination and

Post-Examination Review

PURPOSE AND EFFECT: To update the rule.

SUMMARY: The Department is required to raise and lower exam fees for the various professions based upon the actual examination.

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



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

SPECIFIC AUTHORITY: 456.004 FS.

LAW IMPLEMENTED: 456.004(10), 456.017(2) 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: Jennifer Hamilton, Division of MQA/Bureau of Operations/Testing Services, 4052 Bald Cypress Way, Bin #C-90, Tallahassee, Florida 32399-3290

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-1.016 Fees: Examination and Post-Examination Review.

(1)(a) The following fees shall be assessed by the department to cover administrative costs, actual per-applicant costs, and costs incurred to develop, purchase, validate, administer, and defend the following department developed, administered, or managed examinations:

Exam Fees		
Profession	Exam	Exam Fee
Chiropractic Medicine	Physical Diagnosis	<del>\$450.00</del> \$705.00
	Technique	<del>\$450.00</del> \$120.00
	X-Ray	<del>\$450.00</del> \$145.00
	Laws & Rules	<del>\$170.00</del> \$70.00
Dental	Clinical	<del>\$675.00</del> \$320.00
	Laws & Rules	<del>\$55.00</del> \$75.00
Dental Hygiene	Clinical	<del>\$470.00</del> \$405.00
	Laws & Rules	<del>\$30.00</del> \$25.00
Electrolysis	National	\$150.00
Hearing Aid Specialist	National	\$300.00
Massage	Colonics	<del>\$150.00</del> \$375.00
Nursing Home Administrator	Laws & Rules	<del>\$150.00</del> \$300.00
	National	\$20.00
Opticianry	Clinical	<del>\$580.00</del> \$545.00

	Neutralization	<del>\$170.00</del> \$190.00
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Exam Fees		
Profession	Exam	Exam Fee
Optometry	Clinical	<del>\$900.00</del> \$1,100.00
	Pharmacology	<del>\$550.00</del> \$245.00
	Laws & Rules	<del>\$25.00</del> \$80.00
Osteopathic Medicine	National	\$2,750.00
Physical Therapy	Laws & Rules	\$20.00
	National	\$5.00
Physical Therapist Assistant	Laws & Rules	\$20.00
	National	\$5.00
Psychology	National	\$20.00
	Laws & Rules	<del>\$75.00</del> \$200.00

(b) For those examinations administered by the computer based testing vendor, the candidate will be assessed a fee by the vendor.

(2) No change.

Specific Authority 456.004 FS. Law Implemented 456.004(10), 456.017(2) FS. History--New 3-14-02, Amended 7-20-03, 7-12-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jennifer Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2006

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-11.001

RULE TITLE: Advertising

PURPOSE AND EFFECT: The proposed rule amendment is intended to address recent legislation requiring appropriate notification to patients with regard to licensure status.

SUMMARY: The proposed rule amendment prohibits the dissemination of advertisements which fail to properly identify a licensee's licensure status.

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

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

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 456.072(1)(t), 458.331(1)(d), (n), (o), 458.3312, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-11.001 Advertising.

(1) through (6) No change.

(7) No person licensed pursuant to Chapter 458, F.S., shall disseminate or cause the dissemination of any advertisement or advertising that contains the licensee's name without clearly identifying the licensee as either a medical doctor (M.D.), physician assistant (P.A.), or anesthesiologist assistant (A.A.).

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

Specific Authority 458.309 FS. Law Implemented 456.072(1)(t), 458.331(1)(d), (l), (n), (o), 458.3312 FS. History--New 3-31-80, Formerly 21M-24.01, Amended 11-15-88, Formerly 21M-24.001, Amended 12-5-93, Formerly 61F6-24.001, Amended 4-3-95, 4-16-96, 5-29-97, Formerly 59R-11.001, Amended 1-31-01, 9-1-02,\_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2006

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: RULE TITLE:

64B15-9.007 Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to incorporate amendments to the new application.

SUMMARY: The proposed rule amendment incorporates amendments to the new application.

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

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

SPECIFIC AUTHORITY: 120.53, 459.005 FS.

LAW IMPLEMENTED: 459.022 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-9.007 Forms and Instructions.

The following constitutes a list of forms and instructions used by the Department and Board in their dealings with the public:

(1) DH-MQA 1029 – 1/04, entitled “Board of Osteopathic Medicine Application for Licensure (9/06) Application for licensure for osteopathic physician with instructions.

(2) through (3) No change.

Specific Authority 120.53, 459.005 FS. Law Implemented 459.022 FS. History--New 10-23-79, Formerly 21R-9.07, 21R-9.007, Amended 11-9-93, Formerly 61F9-9.007, 59W-9.007, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2006

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NOS.: RULE TITLES:

64B33-2.001

Licensure Requirements

64B33-2.003

Requirements for Continuing Education

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth changes and clarification with regard to educational requirements for initial licensure as well as licensure renewal.

SUMMARY: The proposed rule amendments to Rule 64B33-2.001, F.A.C., set forth curriculum requirements for initial licensure of athletic trainers. In addition, Rule 64B33-2.003, F.A.C., clarifies the requirement for continuing education for licensure renewal.

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

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

SPECIFIC AUTHORITY: 456.013, 468.705, 468.707, 468.711(2), (3) FS.

LAW IMPLEMENTED: 456.013(7), 468.707, 468.711(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B33-2.001 Licensure Requirements.

All candidates for licensure shall pay the application fee and shall submit a completed DOH form DOH-AT-001 entitled "STATE OF FLORIDA EXAMINATION APPLICATION FOR LICENSURE AS AN ATHLETIC TRAINER" incorporated herein by reference and effective 1/19/96, to the Department. The application can be obtained by writing the Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

(1) Each applicant for licensure shall meet the following requirements:

(a) The applicant shall submit proof of successful completion of an approved athletic training curriculum ~~The applicant shall submit transcripts indicating completed coursework in the following areas with a minimum of the hours specified in each area:~~

- ~~1. 3 semester hours or 4 quarter hours of health;~~
- ~~2. 3 semester hours or 4 quarter hours of human anatomy;~~
- ~~3. 3 semester hours or 4 quarter hours of kinesiology/biomechanics;~~
- ~~4. 3 semester hours or 4 quarter hours of human physiology;~~
- ~~5. 3 semester hours or 4 quarter hours of physiology of exercise;~~

~~6. 2 semester hours or 4 quarter hours of basic athletic training; and~~

~~7. 3 semester hours or 4 quarter hours of advanced athletic training. Coursework covering evaluation of injuries and therapeutic modalities shall meet this requirement.~~

(b) The applicant shall submit proof of passing the ~~National Athletic Trainers Association~~ Board of Certification Entry Level Certification examination, which is hereby approved by the Board.

~~(c)(2) The applicant shall submit proof of~~ For all applicants, current certification in standard first aid training and cardiovascular pulmonary resuscitation from the American Heart Association, ~~shall be accepted as an equivalent to certification from the American Red Cross, or an entity approved by the Board as equivalent.~~

~~(2)(3) All Effective July 1, 2001,~~ all applicants for initial license or renewal of initial license shall submit to the Board proof of completion of a two (2) hour continuing education course relating to the prevention of medical errors. The 2-hour course shall count toward the total number of continuing education hours required for license renewal. The course must be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The address of the Board of Athletic Training is 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

Specific Authority 456.013(7), (9), ~~468.705, 468.707~~ FS. Law Implemented 456.013(7), 468.707 FS. History--New 5-29-96, Formerly 61-25.002, 64B30-25.002, Amended 8-22-00, 5-9-02,

64B33-2.003 Requirements for Continuing Education.

(1) In the 24 months preceding each biennial renewal period, every athletic trainer licensed pursuant to Chapter 468, Part XIII, Florida Statutes, shall be required to complete 24 hours of continuing education in courses approved by the Board. However, athletic trainers who receive an initial license during the second half of the biennium shall ~~only~~ be required to complete only 12 hours of continuing education in courses approved by the Board prior to renewal. The continuing education requirement includes current certification in cardiovascular pulmonary resuscitation from the American Red Cross, the American Heart Association, or an entity approved by the Board as equivalent for all athletic trainers shall include 4 hours of cardiopulmonary resuscitation (CPR) and first aid training, regardless of whether they are required to complete 24 hours or 12 hours of continuing education. Athletic trainers who receive an initial license during the 90 days preceding a renewal period shall not be required to complete any continuing education for that renewal period.

(2) through (3) No change.

(4) The following continuing education is approved by the Board:

(a) Courses, professional development activities, and publication activities approved by the ~~National Athletic Trainer's Association~~ Board of Certification (~~NATABOC~~) in ~~NATABOC~~ Category A or B;

(b) Courses approved by ~~The~~ the Athletic Trainers' Association of Florida in ~~NATABOC~~ Category A or B;

(c) Post-certification courses sponsored by a college or university approved by the United States Department of Education which provides a curriculum for athletic trainers in ~~NATABOC~~ Category C; and

~~(d) Cardiopulmonary resuscitation certification courses in NATABOC Category D-~~

(5) Category A (home study) courses approved by the ~~NATABOC~~ will be acceptable for no more than 10 of the required continuing education hours. The remaining 14 hours require actual attendance and participation. For those licensees who are initially licensed during the second year of the biennial period, only 5 of the required continuing education hours may consist of home study courses. The remaining 7 hours require actual attendance and participation.

(6) No change.

Specific Authority 456.013, 468.705, 468.711(2), (3) FS. Law Implemented 468.711(2) FS. History--New 8-4-98, Formerly 64B30-25.0031, Amended 8-22-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Athletic Training  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.: 64B33-5.001  
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendment is intended to add the penalty of revocation for a part of the range in penalty for a first offense of Section 456.072(1)(u), Florida Statutes.

SUMMARY: The proposed rule amendment adds revocation of licensure as a possible first time penalty for the violation of Section 456.072(1)(u), 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 a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.072, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.719 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-5.001 Disciplinary Guidelines.

(1) through (4) No change.

(5)When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has violated Section 456.072, F.S., by violating any of the following provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

**VIOLATIONS**

- (a) through (i) No change.
- (j) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or sexual activity. (456.072(1)(u), F.S.)
- (k) No change.

**RECOMMENDED PENALTIES**

	First Offense	Second Offense	Third Offense
	From reprimand to <del>revocation</del> suspension of the license, and an administrative fine ranging from \$1,000.00 to \$4,000.00, or refusal to certify an application for licensure.	From probation to revocation of the license, and an administrative fine ranging from \$4,000.00 to \$7,000.00, or refusal to certify an application for licensure.	From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.

Specific Authority 456.072, 468.705, 468.719 FS. Law Implemented 456.072, 456.079, 468.719 FS. History–New 10-22-02, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Athletic Training  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Athletic Training  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:                    RULE TITLES:  
64E-2.008                    Emergency Medical Technician  
64E-2.009                    Paramedic  
64E-2.0094                    Voluntary Inactive Certification  
PURPOSE AND EFFECT: Emergency Medical Technician/Paramedic recertification application has been revised to facilitate online renewals. Currently, there are approximately 50,000 certified Emergency Medical Technicians and Paramedics (please note: some may have dual certifications). They are required to renew their certifications on a biennial basis. Online renewals will streamline the renewal process and allow these individuals to obtain their renewal in a more efficient manner.

SUMMARY: Online renewal/recertification will be utilized to further the state's paperless objectives as well as make the renewal process more simple and more quickly accessible to emergency medical technicians and paramedics. All other healthcare professions already have this capability. Online process will allow licensees to print a temporary license to show they've renewed which will enable them to work until the license prints, is mailed, and reaches the licensee.

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

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

SPECIFIC AUTHORITY: 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.23, 401.27, 401.34, 401.41, 401.35, 401.411, 401.414 FS.

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

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 2 days before the workshop/meeting by contacting: 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 RULES IS: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, (850)245-4440 ext. 2733 or Lisa\_Walker2@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.008 Emergency Medical Technician.

(1) through (1)(c) No change.

(2) Renewal Certification – To be eligible for renewal certification as an EMT an individual shall submit DH Form 622, October 06 April 05, EMT/Paramedic Renewal Certification Application, which is incorporated by reference and available from the department or apply for renewal online at [www.flhealthsource.com](http://www.flhealthsource.com); and within 2 years prior to the expiration date of his or her EMT certification complete one of the following:

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.41, 401.35, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97. Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, 10-24-05, 1-11-06, \_\_\_\_\_.

64E-2.009 Paramedic.

(1) through (1)(c) No change.

(2) Renewal Certification – To be eligible for renewal certification as a paramedic an individual shall submit DH Form 622, October 06 April 05, EMT/Paramedic Renewal Certification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C. or apply for renewal online at [www.flhealthsource.com](http://www.flhealthsource.com), and within 2 years prior to the expiration date of his or her paramedic certification complete one of the following:

Specific Authority 381.0011, 381.0034, 381.0035, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.57, Amended 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97. Formerly 10D-66.057, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, 10-24-05, \_\_\_\_\_.

64E-2.0094 Voluntary Inactive Certification.

An EMT or paramedic who is currently certified can place their certificate on inactive status by sending a written request to the department and paying a fee of \$50. Any EMT or paramedic whose certificate has been placed on inactive status shall not function as an EMT or paramedic until such time as he or she has completed the following requirements for reactivating the certificate:

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

(e) After completion of the above requirements, submit to the department:

1. DH Form 622, ~~October 06~~ ~~April 05~~, EMT/Paramedic Renewal Certification Application which is incorporated in subsection 64E-2.008(2), F.A.C., or apply for renewal online at [www.flhealthsource.com](http://www.flhealthsource.com).

2. through (3)(d) No change.

(e) After completion of the above requirements, submit to the department:

1. DH Form 622, ~~October 06~~ ~~April 05~~, EMT/Paramedic Renewal Certification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C., or apply for renewal online at [www.flhealthsource.com](http://www.flhealthsource.com).

Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. History—New 8-4-98, Amended 1-3-99, 9-3-00, 4-21-02, 6-3-02, 11-3-02, 10-24-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, (850)245-4440, ext. 2733 or [Lisa\\_Walker2@doh.state.fl.us](mailto:Lisa_Walker2@doh.state.fl.us)

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Bencie Fairburn, M.D., M.S.A., Director Division of Emergency Medical Operations  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program Office**

RULE NO.: 65E-5.180  
RULE TITLE: Right to Quality Treatment

PURPOSE AND EFFECT: Rule 65E-5.180, Florida Administrative Code, is being revised to comply with amendments to Section 394.459(4)(b)3., F.S., of the Baker Act, requiring facilities develop a system for investigating and responding to certain complaints. The proposed amendments to Chapter 65E-5, Florida Administrative Code, will bring the rule into compliance with statutory requirements.

SUMMARY: In order to comply with the statutory amendment to Section 394.459(4)(b)3., F.S., requiring facilities develop a system for investigating and responding to certain complaints, the Department of Children and Families, Mental Health Program Office, is amending Rule 65E-5.180, Florida Administrative Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not requested nor prepared for this rule.

Any affected person who wishes to provide information regarding the statement of estimated regulatory costs must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 394.459(4)(b) FS.

LAW IMPLEMENTED: 394.459(4)(b)3. FS.

IF REQUESTED WITHIN 21 DAYS 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: Monday, December 18, 2006, 9:00 a.m.

PLACE: Building 6, Conference Room A, Winewood Office Complex, 1317 Winewood Blvd., Tallahassee, Florida

Persons with disabilities requiring accommodations in order to participate in this hearing should contact: Linda Henshaw, Department of Children and Families, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 239, Tallahassee, Florida 32399-0700, (850)921-5724, (Voice) or (850)921-8880 (TDD), as soon as possible, but no later than five full working days prior to the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ron Kizirian, Medical/Healthcare Program Analyst, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 211, Tallahassee, Florida 32399-0700. Telephone: (850)413-0928

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-5.180 Right to Quality Treatment.

The following standards shall be required in the provision of quality mental health treatment:

(1) through (5) No change.

(6) Each ~~designated receiving and treatment~~ facility shall develop a written policy and procedure for receiving the receipt, review, investigating, tracking, managing and responding to formal and informal investigation of oral or written complaints by a person receiving services or by an individual acting on his or her behalf about his or her care while hospitalized, which shall be documented in the person's clinical record.

(a) The complaint process shall be verbally explained during the orientation process and provided in writing in language and terminology that the person receiving services can understand. It will explain how individuals may address complaints informally through the facility staff and treatment team, and formally through the staff person assigned to handle formal complaints, as well as the administrator or designee of the facility. The person receiving services shall also be advised that he or she may contact the Local Advocacy Council, the Florida Abuse Registry, the Advocacy Center for Persons with Disabilities, or any other individual or agency at anytime during the complaint process to request assistance. The complaint process, including telephone numbers for the above named entities, shall be posted in plain view in common areas and next to telephones used by individuals receiving services. Any complaint may be verbal or written. Any staff person

receiving an informal or formal complaint dealing with life-safety issues will take immediate action to resolve the matter.

(b) Informal complaints are initial complaints that are usually made verbally by a person receiving services or by an individual acting on his or her behalf. If resolution cannot be mutually agreed upon, a formal written complaint may be initiated.

(c) When the person receiving services, or a person acting upon that person's behalf, makes a formal complaint a staff person not named in the complaint shall assist the person in initiating the complaint. The complaint shall include the date and time of the complaint and detail the issue and the remedy sought. All formal complaints shall be forwarded to the staff person, or designee, who is assigned to track and monitor formal complaints. All formal complaints shall be tracked and monitored for compliance and shall contain the following information:

1. The date and time the formal complaint was originally received by staff;
2. The date and time the formal complaint was received by the staff assigned to track formal complaints;
3. The nature of the complaint;
4. The name of the person receiving services;
5. The name of the person making the complaint;
6. The name of the individual assigned to investigate the complaint;
7. The date the individual making the complaint was notified of the individual assigned to investigate the complaint;
8. The due date for the written response; and
9. At closure, the written disposition of the formal complaint.

(d) The investigation shall be completed within 7 days from the date of entry into the system for tracking complaints.

(e) A written response must be given or mailed to the person receiving services within 24 hours of disposition. The individual acting on behalf of the person receiving services shall be notified of the completion of the investigation but will not be given specific details of the disposition unless they have a legal right to the information or a signed release of information is in place.

(f) The disposition of a complaint may be appealed to the administrator of the facility. If appealed, the facility administrator or designee shall review the written complaint and the initial disposition. Within five working days, the facility administrator or designee will make a final decision concerning the outcome of the complaint and will provide a written response within 24 hours to the person receiving services. A copy of the written response shall also be given to the staff member assigned to track complaints.

(7) through (13) No change.

Specific Authority 394.457(5), 394.459(4)(b) FS. Law Implemented 394, Part I, 394.459(2)(d), (4), (4)(b)3., 401.455 FS. History—New 11-29-98, Amended 4-4-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ron Kizirian

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Roderick L. Hall, Ph.D., Director, Mental Health Program Office

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2005

## **DEPARTMENT OF FINANCIAL SERVICES**

### **Division of Funeral, Cemetery, and Consumer Services**

RULE NOS.:

RULE TITLES:

69K-22.004

Operating Procedures

69K-22.007

Standard Uniform Procedures for  
Removal of Cremated Remains and  
Postcremation Procedures

PURPOSE AND EFFECT: Section 497.608(2), F.S., requires cinerator facilities to establish written procedures for the removal of cremated remains and to file such procedures with the Board. Section 497.608(2), F.S., also authorizes the Board to adopt by rule standard uniform procedures for the removal of cremated remains that can be used by a cinerator facility in lieu of establishing its own written procedures.

SUMMARY: The proposed amendment updates Rule 69K-22.004, F.A.C. Rule 69K-22.007, F.A.C., implements Section 497.608(2), F.S., by adopting a standard procedure for the removal of cremated remains that can be used by cinerator facilities in lieu of establishing their own procedures.

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

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

SPECIFIC AUTHORITY: 497.103(1)(n), (5)(a), 497.606, 497.608 FS.

LAW IMPLEMENTED: 497.103(1)(n), 497.606, 497.607, 497.608 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: December 21, 2006, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida

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: Diana Evans, (850)413-3039. 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 RULES IS: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE FULL TEXT OF THE PROPOSED RULES IS:

69K-22.004 Operating Procedures.

(1) Cinerator facility operators shall establish a system of identification of human remains received for cremation. This system shall be designed to track the identity of the remains from time of receipt until completion of the cremation and delivery of the cremated remains to the legally authorized persons, or until otherwise disposed of in accordance with instructions from the legally authorized person.

(2) No more than one dead human body shall be placed in a retort at one time unless written permission has been received from the legally ~~personal representative~~ (authorized person) responsible for each body.

(3) Upon completion of each cremation cycle, the cremated remains ~~residual of the cremation~~ shall be removed from the retort, pulverized and placed in a separate container.

(4) Human remains shall be cremated in the container or casket in which received unless written instructions to the contrary are received from the legally authorized person. Personal effects shall not be removed from the deceased without express written consent from the legally authorized person.

(5) All alternative containers used for cremation must meet the criteria set forth in Section 497.606(9)(h)(14), F.S. The receptacle or container may be an unfinished wooden box or other non-metal alternative container, which is designed for the encasement of human remains and which is made of cardboard, fiberboard, pressed wood, composition materials, or other enclosures which are all rigid enough for handling with ease and which completely enclose the human remains during the entire cremation process. ~~All facilities must maintain a complete list of all alternative containers used for cremation which must be available for inspection.~~

(6) Any part of the container chosen for cremation which has not been completely consumed in the cremation process shall be disposed of by completely burning, crushing, or otherwise lawfully disposing of ~~burying~~ the container.

(7) The ~~residual or~~ cremated remains and the separate container shall be disposed of according to the express written instruction of the legally authorized person. If no instructions are given, the ~~residual or~~ cremated remains shall be disposed of in a dignified and humane manner as authorized by law.

Specific Authority 497.103(1)(n), (5)(a), 497.606, 497.607 FS. Law Implemented 497.103(1)(n), 497.606, 497.607 FS. History—New 6-26-85, Amended 10-16-85, Formerly 21J-22.04, 21J-22.004, Amended 11-20-96, Formerly 61G8-22.004, Amended \_\_\_\_\_.

69K-22.007 Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures.

(1) A cinerator facility operator shall follow its written procedures for the removal of cremated remains and the postcremation processing, shipping, packing, or identification of those remains filed with and approved by the Board, or it may adopt the following standard uniform procedures. In either case, the cinerator facility operator shall notify the Board of its choice on Form DFS-N1-1770, Election of Procedures for Removal of Cremated Remains and Postcremation Processing, which form is incorporated by reference in Rule 69K-5.010, effective 10/06. Said form shall be mailed to, and can be obtained from, the Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. A cinerator facility shall not be operated unless it has established and follows its specified written procedures approved by the Board.

(2) Removal of Cremated Remains Resulting from the Cremation of a Human Body.

(a) Allow the crematory to cool to a suitable temperature for recovery of the remains after the burners have been shut off (either manually or automatically).

(b) Place a clean metal tray, pan or container in position to receive the cremated remains.

(c) Move the cremation documents from their position near the door or control panel of the crematory to a position in close proximity to or attached to the recovery pan, where it shall remain in place until the cremation process is complete.

(d) Upon completion of the cremation, all cremated remains shall be removed from the cremation chamber and the chamber swept clean.

(e) Remove the metal identification tag from the chamber and place it on or in the recovery tray, pan or container.

(f) Check the removal brushes and tools for bone fragments. If any fragments have adhered to the tools, place them in the recovery pan with the rest of the cremated remains.

(g) Take the recovery pan, its contents and the cremation documents to an appropriate cool down area.

(3) Postcremation Processing.

(a) Remove the metal identification tag from the recovery tray and place it next to the processor along with any cremation documents.



(b) Remove all other metal from the cremated remains, using a magnet and/or forceps (for nonmagnetic metal). Separate all bone fragments and cremated remains from the nonhuman materials. Do not discard the metal until it is completely free of cremated remains. Refer to the cremation documents for the appropriate disposition of dental materials, mementos and jewelry, to the extent they can be recognized in the cremated remains.

(c) Place any other nonhuman materials, such as metal, prosthetics and any other materials retrieved from the crematory, in a specified container until they are packaged for nonrecoverable disposal.

(d) The cremated remains must be processed or pulverized until they are granulated particles.

(4) Packaging of Cremated Remains.

(a) Pour the cremated remains into a heavy plastic bag and place in a temporary container or urn.

(b) If the urn or container is too small to accept all the cremated remains, use a larger container or provide a second container. When there is more than one container, the additional container(s) must be securely fastened to the original container, must have identification labels placed on each urn or container, and must be marked as 1 of 2, 2 of 2, and so on.

(c) Secure or affix the metal identification tag to the bag. Verify the identification of the cremated remains one final time, by comparing the metal identification tag number and the name of the decedent to the information on any cremation documents. Close the urn or cremated remains container.

(d) Store the cremated remains in a secure area until such time as they are released. Document in a log at least the name of the deceased, the date the cremated remains were placed into storage, the date they were removed, and by whom.

(e) If the cremated remains are to be shipped, place the urn or container in a shipping box and securely tape all box seams to increase the security and integrity of the container. The outside of the shipping box shall be clearly identified with the name of the deceased person whose processed remains are contained therein. Ship the box via registered mail, return receipt requested, or by any other lawful and traceable shipment method.

(5) Releasing Cremated Remains.

(a) Verify the identity of the cremated remains by comparing the identification label to the cremation documents and the crematory log.

(b) Release the cremated remains to a representative of the funeral or direct disposal establishment. Obtain a signed receipt for the cremated remains and file the receipt with the cremation documents.

(c) If the cremated remains have not been claimed after 120 days, the funeral or direct disposal establishment may dispose of the remains in any manner specified in Section 497.607, Florida Statutes.

Specific Authority 497.103(1)(n), (5)(a), 497.608 FS. Law Implemented 497.103(1)(n), 497.607, 497.608 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2006

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: 690-186.017  
 RULE TITLE: Certificate of Mortgage Release  
 PURPOSE AND EFFECT: Section 701.041(9), Florida Statutes, requires the Financial Services Commission to "adopt rules establishing an actuarially sound premium charge to be made for each certificate of release recorded pursuant to this section." This proposed rule specifies the rates to be charged for certificates of mortgage release that are recorded in Florida, pursuant to Section 701.041, Florida Statutes.

SUMMARY: Section 701.041(9), Florida Statutes, requires the Financial Services Commission to "adopt rules establishing an actuarially sound premium charge to be made for each certificate of release recorded pursuant to this section." This proposed rule specifies the rates to be charged for certificates of mortgage release that are recorded in Florida, pursuant to Section 701.041, 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 a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 701.041(9) FS.

LAW IMPLEMENTED: 701.041(9) 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: December 28, 2006, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the person listed above. 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: Peggy Cheng, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: Peggy.Cheng@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-186.017 Certificate of Mortgage Release.

There is no actuarially sound premium that may be charged for recording a certificate of mortgage release pursuant to Section 701.041, Florida Statutes. However, a reasonable fee for actual work performed during the recording of the certificate of mortgage release, not to exceed twenty-five dollars, may be charged by title insurers in this state, as a related title insurance service charge.

Specific Authority 701.041(9) FS. Law Implemented 701.041(9) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Koon, Director, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

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

**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."

**STATE BOARD OF ADMINISTRATION**

RULE NO.:	RULE TITLE:
19-15.001	Insurance Capital Build-Up Incentive Program

INCORPORATED FORM TO BE CHANGED

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida that paragraph (8)(e) of Rule 19-15.001, F.A.C., has been removed and language has been added to the acknowledgement by the notary to indicate whether the document is signed by one personally known to the notary or who presented identification.

Paragraph (8)(e) which read as follows has been stricken:

~~(e) A late fee in the amount of 5% of the invoiced amount may be charged if a payment is received five calendar days after the due date except such fee will not be charged if it results from a delay beyond the control of the insurer arising from the Office's disapproval of the payments or delay in issuing approval of the payment of interest or principal.~~

Incorporated Form: Insurance Capital Build-Up Incentive Program Surplus Note, Form SBA 15-2. The insurer is required to provide its NAIC number on page 1. Under the Terms and Conditions section, the following changes have been made: subparagraph (e) in paragraph (4), which addresses late fees, has been removed.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-7	Dues Collection on Behalf of Certain Not-for-profit Corporations
RULE NOS.:	RULE TITLES:
20-7.002	Request Procedure and Conditions
20-7.003	Commission Consideration of Properly Submitted Requests
20-7.004	Licensed Citrus Fruit Dealer Collection and Remittance Responsibilities
20-7.005	Fees and Other Related Costs

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. 44, November 3, 2006 issue of the Florida Administrative Weekly.

- 20-7.001 No change.
- 20-7.002 Request Procedure and Conditions.
  - (1) No change.
  - (a) through (i) No change.

(j) a statement acknowledging that, if the corporation’s request is granted by the Department, then the corporation agrees to execute a contract, the duration of which shall not exceed five years, including a continuing indemnity agreement, in the form attached to this Chapter 20-7 as Appendix A, Eff 10-25-06, incorporated herein by reference;

- (k) through (l) No change.
(2) No change.

Specific Authority 601.10(1), 601.992, 837.06 FS. Law Implemented 601.992 FS. History–New \_\_\_\_\_.

20-7.003 Commission Consideration of Properly Submitted Requests.

- (1) through (2) No change.

(3) After issuance of the Order, the Department shall cause a contract, the duration of which shall be not greater than five years, but which shall be terminable by the Department without cause upon providing the requesting corporation 60 days written notice, and a continuing indemnity agreement in the form attached to this Chapter 20-7 as Appendix A, Eff 10-25-06, incorporated herein by reference to be presented to the requesting corporation identified in the Order. Each such contract shall include a requirement that the requesting corporation pay to the Department a fee equal to, but not exceeding, the amount necessary to ensure that any direct costs incurred by the Department in administering the contract are paid by the requesting corporation as calculated pursuant to Rule 20-7.005, F.A.C. Each such contract shall also include provisions to ensure that the requesting corporation continues to meet the requirements outlined in Section 601.992, F.S., and this Chapter 20-7, F.A.C., throughout the term of said contract. If the requesting corporation and the Department have not mutually agreed to a contract and indemnification agreement, for submission to the Commission for approval, within 63 days of the date of the Commission Order, then the Order shall be of no force and effect, except that the Department’s Executive Director or Secretary of the Commission may expand this 63-day time limit if, in their sound discretion, more time is needed to effectuate a contract consistent with the Order.

~~(4) Upon a majority vote of the Commission, any time limit herein may be expanded, condensed, or waived.~~

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History–New \_\_\_\_\_.

20-7.004 Licensed Citrus Fruit Dealer Collection and Remittance Responsibilities.

Upon the execution of a Commission-approved contract as contemplated by this Chapter 20-7, the Department shall cause a copy of the Order to be sent to each affected licensed citrus fruit dealer licensed by the Department. Pursuant to the terms of the Order, each affected licensed citrus fruit dealer shall

collect the dues, contributions, or any other financial payments on behalf of the corporation named in the Order and shall remit such funds as outlined in the Order.

~~(2) Licensed citrus fruit dealers found by the Department to be in non-compliance with any Resolution duly promulgated hereunder may be subject to disciplinary action of the Florida Department of Agriculture and Consumer Services, including, but not limited to, fines, license suspension or revocation as prescribed in Section 601.67, F.S. and 601.68, F.S.~~

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History–New \_\_\_\_\_.

20-7.005 Fees and Other Related Costs.

- (1) through (5) No change.

~~(6) The annual contract administration fee established hereunder shall be due as established by contract provision.~~

Specific Authority 601.10(1), 601.992 FS. Law Implemented 601.992 FS. History–New \_\_\_\_\_.

EXECUTIVE OFFICE OF THE GOVERNOR
Office of Tourism, Trade and Economic Development

RULE CHAPTER NO.: RULE CHAPTER TITLE:
27M-2 Entertainment Industry – Financial Incentive

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. 44, November 3, 2006 issue of the Florida Administrative Weekly.

A notice of rule development on the above rule was published in the October 27, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 43, on page 5003. The rule title was erroneously given as “ENTERTAINMENT INDUSTRY – FINANCIAL INCENTIVE.” The correct rule title is “Certification for Retained Spring Training Facilities.” In addition, the title of the contact person Ted Banana was erroneously given as “Excutive Director.” The correct title for Ted Bonanno is “Senior Attorney.” The foregoing changes do not affect the substance of the proposed rule. The person to be contacted regarding the above changes is Ted Bonanno, Senior Attorney, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, Florida 32399-0001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.: RULE TITLES:
61D-14.076 Player Tracking System
61D-14.078 Patron Slot Machine Wagering Accounts

Notice is hereby given that the following changes have been made to the proposed rules referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 32, No. 39, September 20, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments received from interested parties in the pari-mutuel industry, and comments made at a public rule hearing on October 24, 2006.

61D-14.076 Player Tracking System.

(1) Each slot machine licensee that offers the use of a card or device to its patrons for ~~accessing funds from a patron account established under Rule 61D-14.078, F.A.C., or, uses such a card or device for~~ tracking player history, shall include a description of this program or system as part of its internal control procedures and submit the internal control procedures to the division for approval.

(2) Any card or device used as referenced in (1) shall only be used for the establishment of a promotional account slot machine gaming at the slot machine license facility where the card or device was issued.

(3) No change.

(4) Each card or device issued to a patron shall require at least a four digit Personal Identification Number (PIN) for use or redemption of promotional items as outlined in (1).

(5) The following errors related to the use of a card or device shall be recorded by the facility based monitoring system and a message shall be displayed by the slot machine ~~or automatic ticket redemption machine~~ to the patron:

(a) through (b) No change.

(c) Inactive or closed account, ~~as determined by Rule 61D-14.078(2)(g), F.A.C., or~~

~~(d) Attempt to use a card or device that has been reported to the slot machine licensee as lost or stolen.~~

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (1)(e) FS. History–New \_\_\_\_\_.

61D-14.078 Patron Slot Machine Wagering Gaming Accounts.

(1) A slot machine licensee shall only establish wagering accounts for its patrons who are real persons. Controls for such wagering accounts (Wagering Patron Accounts) shall be included within the slot machine licensee’s system of internal controls. The licensee’s system of internal controls may allow for the use of test accounts for the purposes of testing and troubleshooting wagering accounts. Test accounts established will be clearly marked in the patron name area as “test” to differentiate the test account from active accounts.

(2) The system of internal controls for Wagering Patron Accounts shall include procedures for the following:

(a) No change.

(b) Retention of a copy of the form of identification produced by the patron and a current photograph of the patron. Should the identification required to be retained by this rule contain a current photograph, then one copy of the identification and correlating photograph will be sufficient.

(c) Maintenance of the last provided ~~current~~ street and mailing address and telephone number of the patron;

(d) through (e) No change.

(f) Reconciliation of the balances of the Wagering Patron Accounts, Wagering Patron Account Transaction Forms, and the log of transactions referenced in (7) made by patrons during a shift;

(g) Auditing and rendering inactive all AFT [Advanced Funds Transfer] – related associations of Wagering Patron Accounts that have had no activity or those having a zero balance for a period of 90 days;

(h) The system shall use, at a minimum, a SAS 6.01 protocol for AFT internal slot system at a minimum; and

(i) A requirement to reactivate a Wagering patron account, the patron shall present identification at the cage as required by Rule 61D-14.010, F.A.C., in person.

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

(g) All voided original and duplicate Wagering Patron Account Transaction Forms shall be marked “VOID” and shall require the signatures and occupational license numbers of the preparer and a supervisor.

(6) After preparation of the Wagering Patron Account Transaction Form, the cashier shall obtain the patron’s signature and shall distribute the copies in the following manner:

(a) through (8) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (1)(e) FS. History–New \_\_\_\_\_.

**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 JUVENILE JUSTICE**

**Probation**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

63D-1	Probation
RULE NOS.:	RULE TITLES:
63D-1.003	Preliminary Screening
63D-1.004	Documentation
63D-1.005	Documentation

## 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. 36, September 8, 2006 issue of the Florida Administrative Weekly.

INTAKE PROBATION.

## 63D-1.003 Preliminary Screening.

(1) The juvenile probation officer (JPO) or contracted intake screener shall conduct a preliminary screening on all youth charged with a criminal or delinquent offense, using the Positive Achievement Change Tool (PACT), which is the department-approved screening instrument. The PACT uses a series of risk factors that may indicate the presence of a substance abuse or mental health problem. The PACT is completed while screening a youth for detention eligibility, or during the initial intake conference if the youth was detention screened after hours. The Positive Achievement Change Tool (PACT) (8-27-06) is incorporated, and is available from the Assistant Secretary for Probation and Community Corrections at 2737 Centerview Dr., Suite 105, Tallahassee, FL 32399-3100.

(2) The PACT screening instrument is in the Juvenile Justice Information System (JJIS) web-based forms package and is scored automatically to determine the need for further assessments. The screening instrument must be completed in the JJIS. All juvenile assessment centers shall have access to JJIS. If there is no access to JJIS at the time of the screening or intake conference, the PACT screening instrument may be completed and scored by hand. However, the screening instrument must be entered in JJIS within 24 hours after the screening.

(3) The JPO or contracted intake screener administering the PACT screening instrument shall use the score on the PACT screening instrument to determine whether a referral for further assessment or immediate attention must be made. The screener must refer youths directly to the designated assessment provider(s) for the comprehensive assessment.

(4) If the youth is to be released to his or her parents, the parents must be informed of the results of the PACT screening instrument and must be given information as to the location of the comprehensive assessment provider, the appointment time if one could be made, and the importance of delivering the youth for the follow-up appointment to complete any subsequent mental health or substance abuse assessment or any assessment of suicide risk.

(a) When the Suicide Ideation scale of the PACT screening instrument indicates further assessment is needed, or other information obtained at intake/admission suggests potential suicide risk, the youth must be immediately referred by the JPO or Juvenile Assessment Center screener for an assessment of suicide risk and a comprehensive assessment. The assessment of suicide risk must be conducted within 24 hours unless the youth becomes unavailable. The JPO shall explain

to the parent or responsible family member the importance of the assessment and the need to complete the assessment within 24 hours.

(b) If the PACT screening instrument score or treatment history indicates the need for further mental health or substance abuse assessment, the youth must be referred for comprehensive assessment.

(5) The screen is predominantly a self-report tool, and youth sometimes supply inaccurate information about themselves or their situation. The person conducting the PACT screening should use their own observations and those of collateral sources such as parents, agency staff, law enforcement or other informed persons who have knowledge of the youth's behavior and condition. The PACT screening might calculate that no follow-up referral for further assessment is needed. Personal observations or collateral contacts can indicate that the youth's response is a denial of a problem area. In those cases, despite the PACT screening instrument findings, a referral for further assessment must be recommended and contacts documented in writing.

(6) For detained youth, the PACT screening instrument results must be forwarded to the detention center where the youth is detained. The JPO shall provide written notification to the detention center in the detention screening packet of the need for crisis intervention for any youths who are indicated as at-risk for suicide attempts on the suicide screening, and shall notify the detention center of the need for referral to the center's mental health professional for any youths who are indicated as in need of further mental health or substance abuse evaluation as noted on the PACT mental health summary. The JPO must ensure that the detention center is informed of any youth who are to be detained and who are identified by the screening instrument, or identified through special circumstances or collateral information, as in need of crisis intervention/treatment or referral for assessment of suicide risk. The JPO is responsible for ensuring that detention staff are informed of the need for a referral for comprehensive assessment for detained youths.

(7) In all cases in which the PACT screening instrument screens the youth as needing further assessment, a referral shall be made by the JPO or intake screener and a copy of the PACT screening instrument results will be sent to the designated assessment contracted agent within the circuit. The JPO must verbally advise the youth and family of the requirement for further assessment and provide a copy of the referral. The JPO must encourage the youth and family to cooperate with any further evaluations indicated by the PACT screening.

(8) If there is no indication of a substance abuse or mental health problem, the youth has no further involvement with the substance abuse and mental health screening process. The JPO must place the completed screening instrument results in the youth's file.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1)(a)4.c., (4)(a) FS. History--New\_\_\_\_\_.

## 63D-1.004 Comprehensive Assessment.

(1) A comprehensive assessment may be completed using either:

(a) The Substance Abuse and Mental Health (SAMH-2 and SAMH-3) process in which an instrument specifically created by the Department of Children and Families is administered to youth in the DJJ system who, as a result of the preliminary screening process, are identified as having risk factors that require further evaluation, or

(b) An equivalent department-approved instrument.

(c) SAMH-2 (DJJ/PP Form 36, June 2000) and SAMH-3 (DJJ/PP Form 37, June 2000) are incorporated and available from the Assistant Secretary for Probation and Community Corrections at 2737 Centerview Dr., Suite 105, Tallahassee, FL 32399-3100.

(2) If there is a need for comprehensive assessment and the youth is not detained, the JPO must contact the designated assessment provider directly. If the attempt to schedule the assessment is not successful, the attempt shall be documented and the JPO shall inform ~~or have the parents to make the initial~~ contact within two working days of the screening interview to schedule an appointment for the youth.

(3) The JPO must forward a copy of the completed PACT screening instrument results to the designated comprehensive assessment provider and place another copy in the youth's file.

(4) The JPO shall assist the youth and family in complying with follow-up evaluations by providing directions, copies of documents and referrals to support service providers, if necessary.

(5) Required comprehensive assessments shall be administered in timely fashion, as follows:

(a) The designated contracted agents who perform comprehensive assessments must conduct a comprehensive assessment or equivalent department-approved assessment on all youths referred as a result of intake screening. Providers who perform comprehensive assessments shall conduct an in-depth assessment of the youth gathering information from interviews with the youth and from collateral sources.

(b) The designated comprehensive assessment provider must complete the comprehensive assessment or equivalent department-approved instrument within ten (10) calendar days on youths in secure detention. The designated comprehensive assessment provider must complete the comprehensive assessment or equivalent department-approved instrument within fourteen (14) calendar days on youths not in secure detention. Time frames for completion may be modified by order of the court.

(c) Anytime a provider takes longer than 14 days to complete a comprehensive assessment, the JPO or contracted intake screener shall notify the chief probation officer who shall notify ~~and~~ the Department of Children and Families District Program Administrator, ~~shall be informed and~~ The

Chief Probation Officer shall request the District Program Administrator to develop a plan ~~developed~~ to improve performance or change providers.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1)(a)4.d., (4)(a) FS. History--New\_\_\_\_\_.

## 63D-1.005 Documentation.

(1) After the comprehensive assessment or equivalent department-approved instrument is completed, the designated contracted agents who perform comprehensive assessments must complete the SAMH-2, which provides summary results and outlines recommendations for the disposition of the case, for all youths referred for comprehensive assessment or treatment.

(a) Options include recommendations regarding treatment in a substance abuse or mental health setting, further in-depth evaluation to determine appropriate treatment response, or termination of substance abuse/mental health involvement.

(b) ~~In some rare situations, a youth's problems may appear to be complex or his/her symptoms so confusing that an additional evaluation may be required before an appropriate recommendation for treatment can be made.~~ If the designated contracted agents who perform comprehensive assessments determine that a more in-depth ~~such an~~ evaluation is necessary, a referral for further in-depth evaluations must be made prior to making a specific treatment recommendation.

(2) The designated contracted agents who perform comprehensive assessments must forward the original comprehensive assessment or equivalent department-approved instrument and SAMH-2 form to the JPO.

(a) The designated comprehensive assessment provider must retain a copy of the comprehensive assessment or equivalent department-approved instrument and SAMH-2 form in the assessment provider client file. The JPO must keep the SAMH-2 form in the youth's file.

(b) When completing the Preliminary Disposition Report (PDR), the JPO must incorporate the findings of the comprehensive assessment recommendation and attach the comprehensive assessment summary to the PDR. The JPO must not attempt to summarize or interpret the comprehensive assessment summary or any subsequent evaluation in the PDR.

(c) All individuals involved in the comprehensive assessment process shall comply with the confidentiality requirements of Section 985.04, Florida Statutes.

(3) If a PDR is required and the results have not been received from the designated assessment provider within seven (7) working days of the date the PDR must be submitted, the JPO must contact the contracted agents and request a comprehensive assessment or inquire as to why the results have not been received. If the youth and family have not participated in the evaluation ~~been cooperative~~, the JPO must

contact the family by telephone or in writing and inform them of their obligation to participate in the evaluation ~~intervene and encourage them to cooperate.~~

(4) If the SAMH-2 form is not received after diligent efforts, the JPO must document that fact in the PDR, and all efforts made to obtain the results.

(a) The JPO must notify the chief probation officer, through his/her supervisor, who will report in writing the noncompliance of the designated assessment provider to the district Department of Children and Family Services Alcohol, Drug Abuse and Mental Health Program Office contract manager.

(b) The JPO must also document (chronologically) this information in the chronological section of the case file.

(5) When the comprehensive assessment is received, the JPO will forward the assessment to the detention center for youths held in secure detention.

(6) The JPO is responsible for ensuring that youths are referred for a predisposition comprehensive evaluation when residential commitment disposition is anticipated or recommended. The purpose of the comprehensive evaluation is to collect sufficient information about the youth's medical, academic, psychological, behavioral and sociological needs to ensure an effective match between these needs and the service capacity provided by the residential commitment program.

(7) The JPO is responsible for ensuring that comprehensive assessments are forwarded to the provider(s) contracted to provide comprehensive evaluations. This ensures that data and information provided through the comprehensive assessment is not needlessly duplicated, but is included in the comprehensive evaluation.

Specific Authority 985.21, 985.405 FS. Law Implemented 985.21(1), (4) FS. History--New\_\_\_\_\_.

**DEPARTMENT OF JUVENILE JUSTICE**

**Probation**

RULE NOS.:	RULE TITLES:
63D-2.002	Procedure for Assessing Risk
63D-2.003	Detention Risk Assessment Instrument

**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. 42, October 20, 2006 issue of the Florida Administrative Weekly.

63D-2.002 Procedure for Assessing Risk.

(1) The Detention Risk Assessment Instrument (DRAI) directs the decision-making process as to whether detention care is warranted and whether the youth should be placed into secure detention, home detention, or some other form of non-secure detention status.

(2) The Admissions Criteria in Section II of the DRAI must be completed for all youths brought to the screening location. A completed DRAI is required for all youths who are delivered to the Department for detention screening.

(3) If a youth is presented for detention screening on non-detainable law violations, the screener is only required to complete sections I, II, V, and VI of the DRAI. If a youth is presented for detention screening on law violations, technical violations of probation, or court orders that hold the potential for secure detention, the screener must complete the entire DRAI accordingly.

(4) In making the decision to detain or release a youth, the screener must take several key factors into consideration:

(a) The placement decision must be based upon an independent assessment of risk as determined by the DRAI. To ensure equality of treatment, supervisors must ensure that screeners, in performing their duties, do not discriminate based upon race, culture, gender, religion, ethnic origin, disability, sexual orientation, or socioeconomic status.

(b) The screener must attempt to contact the parent(s)/guardian(s), arresting law enforcement officer, victim, and others who have knowledge of the youth to obtain their assessment of the youth and the pending charge(s).

(c) The screener must check the Juvenile Justice Information System (JJIS) and, if possible, the Department of Children and Families client information system HomeSafenet (HSN) and Florida Criminal Investigation Center/National Criminal Investigation Center (FCIC/NCIC) systems, to obtain a prior history on the youth. Only eligible certified DJJ, law enforcement, or criminal justice employees are allowed to conduct checks on the HSN or FCIC/NCIC system.

(5) Section III-B of the DRAI is intended to score additional, current, separate, non-related offenses with which the youth is charged, and which are not accounted for in section III-A referencing the most serious current offense.

(6) Section III-E of the DRAI, which scores aggravating or mitigating factors, allows the screener to take into account relevant issues that are not scored in other parts of the DRAI, ensuring the appropriateness of detention and release decisions.

(a) The screener must consider any aggravating and mitigating circumstances that may exist.

(b) Because the DRAI is intended to be an independent and objective measure of the risk posed by each youth, the decision to either aggravate or mitigate must not be determined by pressures from outside influences.

(c) The screener should never consider factors that are already accounted for in the DRAI, such as the absence of prior offenses, or the seriousness of the charge.

(d) The screener must fully explain what factors were considered in the section VI narrative portion of the DRAI.

(7) When the screener believes that a youth who is otherwise eligible for detention should be released, he or she must contact the state attorney to approve the release, as set out in DRAI section IV. The screener must document the reasons for the recommendation in narrative section VI. The state attorney may also approve home or non-secure detention for a youth who scores eligible for secure detention.

Specific Authority 985.213, 985.405 FS. Law Implemented 985.213 FS. History--New\_\_\_\_\_.

**63D-2.003 Detention Risk Assessment Instrument.**

The Detention Risk Assessment Instrument shall be as set forth in DJJ Form 2049 (06/2006 02/2005), which is incorporated herein, and is available from the Assistant Secretary for Probation and Community Corrections at 2737 Centerview Dr., Suite 105, Tallahassee, FL 32399-3100.

Specific Authority 985.213, 985.405 FS. Law Implemented 985.213 FS. History--New\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Massage**

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

**NOTICE OF PUBLIC HEARING**

The Board of Massage Therapy announces a hearing regarding the above rule, as noticed in Vol. 32, No. 34, August 25, 2006 Florida Administrative Weekly.

DATE AND TIME: Thursday, January 18, 2007, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Belleview Biltmore Resort, 25 Belleview Blvd., Clearwater, Florida 33756

GENERAL SUBJECT MATTER TO BE CONSIDERED: The previous hearing on this rule which was scheduled for the Board's October meeting is continued to the above date and location

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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399. 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).

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.:                    RULE TITLE:  
64B14-1.004                    Address of Record and Place of Practice

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 45, November 9, 2006 issue of the Florida Administrative Weekly. The above-proposed rule was published in the November 9, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 45. The date of publishing for the original notice of rule development was erroneously given as October 13, 2006. The correct date is October 20, 2005. The foregoing change does not affect the substance of the proposed rule.

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.:                    RULE TITLE:  
64B17-3.002                    Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination

**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.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

(1) Subsection (2) shall now read as follows:

(2) Applicants must obtain a passing score on the National Physical Therapy Examination for Physical Therapists developed by the Federation of State Boards of Physical Therapy.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255



**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

RULE NOS.:                   RULE TITLES:  
65-2.045                   Hearings Request  
65-2.057                   Conduct of Hearing

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules published in Vol. 32, No. 34, August 25, 2006, issue of the Florida Administrative Weekly in accordance with subparagraph 120.54(3)(d)1., F.S. The specific changes were made in response to comments received from the Joint Administrative Procedures Committee requesting clarification on the dismissal of a hearing requests and stating the need to include a specific citation for the reference to federal regulations.

Specific changes in rule text are as follows:

65-2.045 Hearing Request.

(1) through (2) No change.

(3) A Request for Hearing may be made by the applicant/recipient or someone in his/her behalf. However, if the appeal is filed by someone other than the applicant/recipient, attorney, legal guardian, spouse, next of kin, the grantee relative in cash assistance, or a person allowed by the department as an authorized representative to participate in the eligibility determination, the person making the appeal must have written authorization of the applicant/recipient. Such written authorization must accompany the Hearing Request. Should the request be filed without the written authorization, the authorization must be provided in response to a request from the department or hearing officer, prior to the appeal going forward. Without prior proper written authorization, the department will treat a request for hearing as being made by someone not authorized to do so. Therefore, the appeal will be dismissed.

(4) through (5) No change.

~~(6) This amendment is to be effective March 1, 1979.~~

Specific Authority ~~120.53, 20.05, 409.026~~, 409.285 FS. Law Implemented ~~120.53, 120.57, 120.58~~, 409.285 FS. History—New 5-17-78, Amended 3-1-79, Formerly 10-2.45, 10-2.045, Amended \_\_\_\_\_.

65-2.057 Conduct of Hearing.

The Hearing is a formal proceeding and shall be conducted pursuant to these rules. At the request of the petitioner, the Hearing may be conducted as an informal proceeding pursuant to Section 120.57(2), F.S.

(1) through (8) No change.

(9) Federal regulations require that public assistance records shall be confidential as set forth in subsections 65A-1.204(2) and (3), F.A.C. Hearings conducted pursuant to these rules are only open to a party or witness, except as provided in federal regulation.

(10) through (13) No change.

Specific Authority ~~120.53, 20.05, 409.026~~, 409.285 FS. Law Implemented ~~120.53, 120.57, 120.58~~, 409.285 FS. History—New 5-17-78, Amended 3-1-79, Formerly 10-2.57, 10-2.057, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE NO.:                   RULE TITLE:  
69L-6.009                   Forms and Instructions

**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. 33, August 18, 2006 issue of the Florida Administrative Weekly.

(1) The following forms are hereby adopted for use in connection with these rules:

(a) ~~DWC 250 Notice of Election to be Exempt, (eff. \_\_\_\_\_) revised 9/01;~~ and instructions for same (Instructions for Completing Notice of Election to be Exempt, (eff. \_\_\_\_\_) Construction Industry Instructions for DWC 250, revised 9/01 and Non-Construction Industry Instructions for DWC 250, revised 2/00).

(b) through (d) No change.

(2) No change.

(3) The field offices of the Division of Workers' Compensation, Bureau of Compliance, are:

921 North Davis Street, Building B Suite 250 Jacksonville, FL 32209 Telephone (850)798-5806	1111 N. E. 25th Avenue, Suite 403 Ocala, FL 34470 Telephone (352)401-5350
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2012 Capital Circle, S. E. Suite 102, Hartman Bldg. Tallahassee, FL 32399-2161 Telephone (850)413-1609	<del>2686 Chapman Drive Panama City, FL 32405-4914 Telephone (850)747-5425</del>
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610 East Burgess Road Pensacola, FL 32504-6320 Telephone (850)453-7804/7850	3111 South Dixie Highway Suite 123 West Palm Beach, FL 33405 Telephone (561)837-5716/5442
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499 N.W. 70th Avenue Suite 116 Plantation, FL 33317 Telephone (954)321-2906/3143	<del>4415 Metro Parkway 12381 S. Cleveland Avenue Suite #300, Suite 506, Ft. Myers, FL 3391607 Telephone (239)938-1840/278-7239</del>
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1313 <u>North</u> Tampa Street Suite 503 Tampa, FL 33602 Telephone (813)221-6506	1718 Main Street Suite 201 Sarasota, FL 34236 Telephone (941)361-6042
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400 West Robinson Street <del>Suite N Room</del> 512, North Tower Orlando, FL 32801 Telephone (407)835-4406	401 N.W. 2nd Avenue South Tower, Suite 321 Miami, FL 33128 Telephone (305)536-0306
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Specific Authority 440.05, ~~440.05(9)~~, 440.10, 440.185(7), 440.42(2), 440.591, ~~440.593~~ FS. Law Implemented 440.05, ~~440.103~~, ~~440.185(7)~~, ~~(9)~~, ~~440.38(2)~~, ~~440.42(2)~~, ~~440.593~~ FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended

The remainder of the rule reads as previously published.

## 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."

### 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

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on October 20, 2006, from the City of Frostproof. The petitioner seeks a permanent waiver of paragraph 9B-43.0051(7)(b), Florida Administrative Code, which imposes a non-performance penalty of five (5) points for every low and moderate income household not served by sewer hookup and septic tank abandonment under the City's 2004 Community Development Block Grant subgrant. The petition for waiver is being applied for under Section 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA06-WAI-271, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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."

### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Mariposa Utility Company, LLC's petition for waiver of paragraphs 25-30.033(1)(j), (k), (m), (r), (t), (u), (v), and (w), Florida Administrative Code, filed on March 23, 2006, in Docket No. 060276-WS, was approved by the Commission by Order No. PSC-06-0835-PAA-WS, issued October 9, 2006, and consummated Order No. PSC-06-0923-CO-WS, issued November 3, 2006. The rule addresses information required for setting initial rates in original water and wastewater certificate proceedings. The petitioner requested that the rule be waived temporarily to permit bifurcation of the certification proceeding. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the F.A.W. on August 18, 2006.

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

### WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on September 12, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-74), to Sweni International, Inc. The Petition for Variance was received by SJRWMD on July 7, 2006. Notice of receipt of the petition requesting the variance was published in the F.A.W., Vol. 32, No. 29 on July 21, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, Florida

Statutes to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: 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.

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NOTICE IS HEREBY GIVEN that on October 27, 2006, the St. Johns River Water Management District, received a petition for variance from Town Center Partners, Ltd., pursuant to Section 120.542, Florida Statutes. Petitioner Town Center Partners, Ltd., 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.), for Environmental Resource Permit (ERP) Application 4-009-63572-25. The permit applicant is proposing to construct 142 single-family and 41 multi-family residential units and related facilities southeast of the C-42 Melbourne-Tillman Water Control District canal system for a surface water management system known as Fairway Crossing/Stonebriar, Phase II, in the City of 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: Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2006-100.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, or by telephone at (386)312-2347.

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NOTICE IS HEREBY GIVEN that on November 9, 2006, the St. Johns River Water Management District, received a petition for variance from DiVosta Homes, LP, pursuant to Section 120.542, Florida Statutes. This Petition seeks a comprehensive 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.), for a conceptual Environmental Resource Permit (ERP) Application 4-009-96251-6, to cover all remaining phases of DiVosta's

Waterstone's multi-phase planned unit development. The permit applicant is proposing the expansion and completion of the surface water management system for this multi-phase development in the City of Palm Bay, Brevard County, as well as expanding the existing surface water management system, including wet detention ponds that discharge into the Melbourne-Tillman Water Control District canal system. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibits 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 Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2006-105.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Timothy A. Smith, Senior Assistant General Counsel, at the Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or by telephone at (386)312-2347.

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NOTICE IS HEREBY GIVEN that on November 8, 2006, South Florida Water Management District (District) received a petition for waiver from Gilberto Lugo, Application No. 02-0717-1, for utilization of Works or Lands of the District known as the C-10 Canal, Palm Beach County for an existing dock within the east right of way of C-10 at the rear of 2666 Coolidge Street, Section 9, Township 51 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the low member elevation of docks within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (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, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

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NOTICE IS HEREBY GIVEN that on November 6, 2006, South Florida Water Management District (District) received a petition for waiver from Donald A. Murphy, Application Number 06-1106-1 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the L-28, Collier County, to allow utilization of approximately 22 miles of the District's L-28 right of way for permanent access to privately-owned land lying in Section 23,

Township 51 South, Range 34 East. The petition seeks relief from paragraph 40E-6.221(2)(j), and 40E-6.221(9), Florida Administrative Code, which governs the utilization of District Works as permanent access to privately-owned property and, the which governs the requirement that, except for both private and public utilities, an applicant must own or lease the land lying adjacent to the District Works within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (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, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

NOTICE IS HEREBY GIVEN that on November 6, 2006, South Florida Water Management District received a Petition for Waiver from James W. Brownell and Bessie L. Landis, Application Number 06-0803-2, for utilization of Works or Lands of the District known as C-6 Canal, Miami-Dade County, for an existing wood rail fence (in future to be change to chain link) located on top of the existing bulkhead and a portion of an existing residence which encroaches within Lands of the District. The petition seeks relief from subsection 40E-6.011(4), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground encroachments (existing bulkhead and portion of an existing residence) within forty feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from Kathy Ruff at (561)682-6230 or email at kruff@sfwmd.gov. The District will accept comments concerning the petition received by end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn. Kathy Ruff, Office of Counsel.

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

Notice is hereby given that on October 19, 2006, the Agency for Health Care Administration (the "Agency") received a petition pursuant to Section 120.542, Florida Statutes, from Petitioner, Rochelle Cutter. Petitioner is an applicant for licensure as a healthcare risk manager. The Petition requests a variance from subsection 59A-10.032(14), Florida Administrative Code. That Rule defines "Health Care Administrator" to include individuals with a degree in "hospital administration, hospital finance, hospital management, public health administration, or other such education which included successful completion of college level courses in the management and administration of a health care facility," but not a degree in "healthcare leadership and management." Proof of attainment of a degree identified in

subsection 59A-10.032(14), Florida Administrative Code, serves under subsection 59A-10.033(2), Florida Administrative Code, as evidence of the competency of a healthcare risk manager applicant. Petitioner is seeking permanent variance from the Rule to allow her to use her degree in healthcare leadership and management as evidence of her competency.

A copy of the Petition can be obtained from and comments provided to: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop #3, Tallahassee, Florida 32308. The Agency 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. For additional information, please contact Richard J. Shoop, Agency Clerk, at the above address, or telephone (850)922-5873.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on November 3, 2006, Bureau of Elevator Safety received a Petition for Emergency Variance from Chapter 8.11.3.1.3, A.S.M.E. 17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code, an escape hatch on top of the elevator car. The petition was received from Kenny Elsherbeny of Master Elevator Sales on behalf of Remington Place Apts. located in Altamonte Springs, Florida (Petition VW 2006-286).

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 November 3, 2006, Bureau of Elevator Safety received a Petition for Emergency Variance from Chapter 3.10.4, A.S.M.E. 17.3, 1996 Edition, as adopted by Chapter 3001.2, Florida Building Code, prohibiting single bottom jacks. The petition was received from Robert B. Kendrick, President, Waterfront Park Corporation, located in St. Petersburg, Florida (Petition VW 2006-287).

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 November 6, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1), and

61C-4.010(6), Florida Administrative Code from Aruba Catering located in Kissimmee. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants 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 November 2, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from El Beacon Bakery Café located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for thirty (30) people.

This variance request was approved November 8, 2006, and is contingent upon Petitioner ensuring the public bathroom inside of El Beacon Bakery Cafe is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed thirty (30) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

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NOTICE IS HEREBY GIVEN that on November 2, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code, from El Beacon Bakery Café located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for thirty (30) people.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants 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 October 30, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(b), Florida Administrative Code from Emma Nell's Cakes and Catering located in Panama City. The above referenced F.A.C. states places serving food or drink on a take-out, carry-out or delivery basis only which provide no seating shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to the bathroom facilities inside of St. Andrew's Coffee House for customer use.

This variance request was approved November 8, 2006, and is contingent upon Petitioner ensuring public bathrooms inside St. Andrews Coffee House has running water at all times, kept in a clean and sanitary manner, and they are available during all hours of operation. Petitioner shall ensure directional signage is installed within the establishment clearly stating the location of the bathrooms. All plan review deficiencies and provisos must be complied prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

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NOTICE IS HEREBY GIVEN that on October 30, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from La Moon Restaurant located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty (20) people.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants 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 November 6, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from La Moon Restaurant located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty (20) people.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and

Restaurants 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 November 8, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from NY Chinese Restaurant of Clermont located in Clermont. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty (20) people.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants 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 November 9, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(1), and 61C-4.010(6), Florida Administrative Code from Orange County Catering #2 of Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on four Mobile Food Dispensing Vehicles.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants 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 November 3, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from The Sandwich Mill located in Pace. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty-four (24) people. This variance request was approved November 8, 2006, and is contingent upon Petitioner ensuring the public bathroom inside of the Sandwich Mill is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating

shall not exceed twenty-four (24) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

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NOTICE IS HEREBY GIVEN that on November 3, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code, from The Sandwich Mill located in Pace. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. The Petitioner is requesting to use the one existing bathroom facility but have seating for twenty-four (24) people.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants 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 October 24, 2006, the Board of Professional Engineers, received a petition for Variance or Waiver filed on October 24, 2006 on behalf of the State of Florida, Department of Transportation (FDOT). Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., Petitioner seeks a waiver of the provisions of Rule 61G15-22.011, Florida Administrative Code, which is entitled "Board Approval of Continuing Education Providers." Specifically, and as a consequence of an scrivener's error on the part of FDOT, which resulted in unintentionally failing to place a check mark next to the line designated "BOARD'S LAWS & RULES" in the Board's Application For Continuing Education Provider form, the Petitioner requests a waiver of the "check-off" requirement within the application form and further seeks entry of an order allowing credit to be given to engineers who have taken the Board's laws and rules course provided by FDOT from June 1, 2005, to and including September 21, 2006.

This Petition will be considered by the Board at it's December 2006 meeting.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301.

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NOTICE IS HEREBY GIVEN that on November 03, 2006, the Board of Accountancy, received a petition for William Ray Barbee, seeking a variance or waiver of subsections 61H1-33.006(1), and (2), Florida Administrative Code, and the

requirement that an inactive or delinquent licensee submit additional hours of continuing education in order to reactivate their licenses.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on November 7, 2006, the Board of Accountancy, received a petition for Dominic Ciarimboli, Esquire, seeking a variance or waiver of paragraph 61H1-33.003(1)(b), Florida Administrative Code, and the requirement that the licensee submit an additional 8 hours of continuing education if they do not timely meet the initial requirements for continuing professional education within their reestablishment period.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on September 28, 2006, the Board of Accountancy, received a petition for Marian Jacklich, seeking a variance or waiver of paragraph 61H1-27.002(2)(b) and subsection (3), Florida Administrative Code, and requirements regarding upper division general business courses for licensure as a C.P.A.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, or by telephone at (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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NOTICE IS HEREBY GIVEN that on November 07, 2006, the Board of Accountancy, received a petition for Nelson Sabbagh, CPA, seeking a variance or waiver of paragraphs 61H1-33.003(1)(a) and (b), Florida Administrative Code, to allow for an extension of time of the reestablishment period for submitting continuing education hours.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

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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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## DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on November 9, 2006, the Board of Acupuncture, received a petition for Maryann McCarthy, seeking a waiver or variance of subsection 64B1-4.001(1), Florida Administrative Code, allowing her to waive the requirement of the rule that the applicant must have completed at least 900 hours of supervised instruction in traditional oriental acupuncture and at least 600 hours of supervised clinical experience and to provide proof in the form of official transcripts from the institution(s) where the applicant completed his/her program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-0750.

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## FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on November 14, 2006, the Florida Housing Finance Corporation, received a petition for waiver of the requirement that, in order to receive 1.25 proximity tie-breaker points for an otherwise qualifying grocery store, all 4,500 square feet or more of air conditioned space be available to the public as of the Application Deadline. 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.

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NOTICE IS HEREBY GIVEN that on November 13, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.004(14), Florida Administrative Code, from Catholic Charities Housing, Diocese of Venice, Inc. ("Petition"). The Petition is seeking a change in the developer entity which is prohibited by the rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: 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.

NOTICE IS HEREBY GIVEN that on November 14, 2006, the Florida Housing Finance Corporation, received a petition for Waiver or Variance of subsections 67-48.004(14), 67-48.009(4), 67-48.012(g) and Part V.A.1 of the Universal Application Instructions Incorporated by Reference into Rule 67-48.002(111), Florida Administrative Code from Creative Choice Homes XXIX, Ltd. ("Petition"). The Petition is seeking a waiver of the requirement for a change in the funding request for the development.

A copy of the Petition for Variance or Waiver may be obtained by contacting: 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 Florida **Folklife Apprenticeship Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 12, 2006, 10:00 a.m.

PLACE: Conference Call: 1(800)847-7278, R. A. Gray Building, 4th Floor, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Florida Folklife Council.

A copy of the agenda may be obtained by writing to: Division of Historical Resources, Bureau of Historic Preservation, Attn.: Florida Folklife Program, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by calling 1(800)847-7278.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to obtain a verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to the provisions of the Americans with Disabilities Act, persons with

disabilities who wish to arrange special accommodations should contact Jennifer Blake Patnode at 1(800)847-7278 or by Fax at (850)245-6437.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting, Chapter 5E-14, Revisions, to which all interested persons are invited.

DATE AND TIME: December 15, 2006, 9:00 a.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, FL, (407)884-2034

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss revisions to subsections 5E-14.106(6) and (9), 5E-14.117(11), paragraph 5E-14.142(2)(c) and subsection 5E-14.149(3), F.A.C.

For more information contact Michael J. Page, Chief, Bureau of Entomology and Pest Control, (850)921-4177.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, December 7, 2006, 10:00 a.m.

PLACE: 777 South Flagler Drive, Suite 300-E, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Repair Advisory Council will be meeting to discuss consumer-related issues, proposed legislation for the 2007 Florida session addressing issues of interest to consumers, and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

NOTICE OF RESCHEDULING – The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council.

DATE AND TIME: Wednesday, November 29, 2006 (Rescheduled from November 9, 2006), 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call Louise King at (305)401-1502.



The Florida **Department of Agriculture and Consumer Services, Division of Forestry** (DOF) and the Tate's Hell State Forest Management Plan Advisory Group announce a public hearing and public meeting to which all persons are invited.

Tate's Hell State Forest Management Plan Advisory Group

DATE AND TIME: Tuesday, December 12, 2006, 5:30 p.m.

PLACE: Apalachicola Community Center, 1 Bay Avenue, Apalachicola, FL 32320

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To allow the Tate's Hell State Forest Management Plan Advisory Group to prepare for a public hearing the evening of December 12th, 2006, and provide recommendations to the DOF to help in preparation of a management plan for Tate's Hell State Forest.

Public Hearing

DATE AND TIME: Tuesday, December 12, 2006, 6:00 p.m.

PLACE: Apalachicola Community Center, 1 Bay Avenue, Apalachicola, FL 32320

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To solicit comments on the Tate's Hell State Forest Ten Year Management Plan. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted in advance to the DOF at the Carrabelle Forestry Station, 290 Airport Road, Carrabelle, FL 32322, to the attention of David Morse. Written comments should be mailed as to arrive by the date of hearing.

Public Meeting

DATE AND TIME: Wednesday, December 13, 2006, 1:30 p.m.

PLACE: Carrabelle Forestry Station Conference Room, 290 Airport Road, Carrabelle, Florida 32322

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To allow the Tate's Hell State Forest Management Plan Advisory Group to review comments from the public hearing on December 12, 2006 and provide recommendations to the DOF to help in preparation of a management plan for the Tate's Hell State Forest.

Copies of a working draft of the plan and the management prospectus are available by contacting the Tate's Hell State Forest Headquarters at Carrabelle Forestry Station in writing at the above address or by calling (850)697-3734.

If special accommodations for persons with a disability are desired, please contact the Carrabelle Forestry Station. The public is hereby notified in accordance with Section 286.0105, Florida Statutes, should anyone decide to appeal any decision made as a result of, or take exception to findings of fact with respect to matters considered at the hearing and meeting referred to above, may need to ensure that a verbatim record of the proceedings is made. Such record shall include the testimony and evidence upon which the appeal is to be based.

## DEPARTMENT OF EDUCATION

The Florida **Community College at Jacksonville District**, Board of Trustees announces the following meetings to which the public is invited.

**STRATEGIC CONVERSATION**

DATE AND TIME: December 5, 2006, 12:00 Noon – 2:00 p.m.

PLACE: Betty P. Cook, Nassau Center, Room T-117, 760 William Burgess Blvd., Yulee, Florida 32097

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Joint meeting with Nassau County Public School Board to discuss "Collaborative Update".

**REGULAR MONTHLY BOARD MEETING**

DATE AND TIME: December 5, 2006, 2:00 p.m. – 3:00 p.m.

PLACE: Betty P. Cook, Nassau Center, Room T-126, 760 William Burgess Blvd., Yulee, Florida 32097

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular meeting.

**DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING:**

DATE AND TIME: December 5, 2006, 3:00 p.m. – 4:00 p.m.

PLACE: Betty P. Cook, Nassau Center, Room T-108, 760 William Burgess Blvd., Yulee, Florida 32097

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** College operational matters.

Copies of the agenda will be available for inspection on and after Tuesday, November 28, 2006 and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items will be provided an opportunity to do so by appearing before the Board at the meeting.

All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the College President, Florida Community College at Jacksonville on or before December 5, 2006. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

Through the months of November and December, 2006, the Board will hold informal meetings each Thursday from 12:00 Noon to 4:00 p.m. at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college.

If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

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The **Gulf Coast Community College District**, Board of Trustees will hold its Monthly meeting as follows: Contact person for the meeting is Dr. Robert L. McSpadden, President.  
DATE AND TIME: December 14, 2006, 10:00 a.m. (CST)  
PLACE: Third Floor, Seminar Room, Student Union West.  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

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The **Gulf Coast Community College District**, Board of Trustees Professional Services Selection Committee will hold a meeting as follows: Contact person for the meeting is Dr. John R. Holdnak, Vice President of Administrative Services.  
DATE AND TIME: December 14, 2006, 1:00 p.m.  
PLACE: Room 117, Facilities Management Building  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Emergency Operation Center, Professional Services Proposals.

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The **Gulf Coast Community College District**, Board of Trustees Professional Services Selection Committee will hold a meeting as follows: Contact person for the meeting is Dr. John R. Holdnak, Vice President of Administrative Services.  
DATE AND TIME: January 9, 2007, 1:00 p.m.  
PLACE: Room 306, Student Union West  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Interview Firms for the Emergency Operations Center Project.

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The **Gulf Coast Community College District**, Board of Trustees will hold its monthly meeting as follows: Contact person for the meeting is Dr. Robert L. McSpadden, President.  
DATE AND TIME: December 8, 2005, 10:00 a.m. (CST)  
PLACE: Third Floor, Seminar Room, Student Union West  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

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The **Florida Rehabilitation Council** announces the following Meetings/Workshops to which all interested persons are invited.  
MEETING: FRC New Member Orientation  
DATE AND TIME: November 27, 2006, 9:00 a.m. – 5:00 p.m.  
PLACE: Division of Vocational Rehabilitation, Building A, 2002 Old St. Augustine Road, Tallahassee, Florida 32301-4862  
MEETING: Public Awareness Committee  
DATE AND TIME: December 1, 2006, 9:00 a.m. – 5:00 p.m.  
PLACE: Client Advocacy Center, 4411 Sheridan Street, Hollywood, Florida 33021  
MEETING: Coordination Committee  
DATE AND TIME: December 7, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Orlando, Florida (Location –To Be Announced)  
MEETING: FRC Quarterly Meeting(s)  
DATES AND TIME: January 25-26, 2006, 9:00 a.m. – 5:00 p.m.  
PLACE: Tampa, Florida (Location –To Be Announced)  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council.  
A copy of the agenda or additional meeting location information may be obtained by contacting: the Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.  
COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105).  
Any interested parties that need further information may contact Yolanda Manning at (850)245-3320.

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The **Florida Rehabilitation Council** announces the following Conference Calls to which all interested persons are invited.  
MEETING: SRC Conference Call  
DATE AND TIME: November 27, 2006, 10:00 a.m. – 12:00 Noon  
MEETING: Legislative Taskforce,  
DATE AND TIME: November 28, 2006, 10:00 a.m. – 12:00 Noon  
MEETING: Evaluation Committee  
DATE AND TIME: December 7, 2006, 12:00 Noon – 1:00 p.m.  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council.

A copy of the agenda or additional meeting location information may be obtained by contacting: the Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105).

Any interested parties that need further information may contact Yolanda Manning at (850)245-3320.

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE OF AMENDMENT – The **Florida Building Commission** announces the following meetings to which all persons are invited.

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612, (813)977-7066

DATE: December 3, 2006, 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Structural Technical Advisory Committee.

DATE: December 4, 2006

8:00 a.m. Product Approval/Prototype Buildings/ Manufactured Buildings POC.

10:00 a.m. Meeting of the Mechanical Technical Advisory Committee.

1:00 p.m. Meeting of the Education Program Oversight Committee.

1:00 p.m. Meeting of the Fire Technical Advisory Committee.

3:00 p.m. Meeting of the Roofing Technical Advisory Committee.

DATE: December 5, 2006

8:00 a.m. Meeting of the Energy Technical Advisory Committee.

9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: My Little Angels Daycare, 29400 Old Dixie Highway, Homestead; Congo River Golf, Port Richey; St. Johns County Fairgrounds Bleacher Addition, State Road 207, St. Johns County; South Pointe Park, 1 Washington Avenue, Miami Beach; St. James Episcopal Church, 38 and 44 South Halifax Drive, Ormond Beach; HCH company, 2950 5th Avenue, North, St. Petersburg; Cobb Theatre at Dolphin Mall, 11741 N. W. 12th Street, Miami.

10:00 a.m. Meeting of the Code Administration Technical Advisory Committee.

1:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

1:00 p.m. Meeting of the Ad Hoc Committee on Organization and Processes.

DATE: December 5, 2006

3:30 p.m. Meeting of the Plenary Session of the Florida Building Commission.

Review and approval of the Agenda.

Review and approval of the October 11, 2006 Minutes and Facilitator's Report.

Consideration of requests for waiver from accessibility code requirements: My Little Angels Daycare, 29400 Old Dixie Highway, Homestead; Congo River Golf, Port Richey; St. Johns County Fairgrounds Bleacher Addition, State Road 207, St. Johns County; South Pointe Park, 1 Washington Avenue, Miami Beach; St. James Episcopal Church, 38 and 44 South Halifax Drive, Ormond Beach; HCH company, 2950 5th Avenue, North, St. Petersburg; Cobb Theatre at Dolphin Mall, 11741 N. W. 12th Street, Miami.

Consideration of Applications for Product and Entity Approval.

Consideration of Legal Issues and Petitions for Declaratory Statement.

Supplemental Hearing:

DCA06-DEC-182 by Michael Thompson, HPA Consulting Engineers, Inc.

Second Hearing:

DCA06-DEC-200 by Warren Schaefer, PE

DCA06-DEC-201 by Warren Schaefer, PE

DCA06-DEC-212 by Steve Munnell, FRSA, Inc.

DCA06-DEC-215 by Bruce A. Kaiser, WindTripper Corporation

DCA06-DEC-216 by Eddie Fischer

DCA06-DEC-218 by Paul B. Dickson, CBO, City of Cape Coral

First Hearing:

DCA06-DEC-188 by Kevin McGrath, PE, Four Seasons Solar Products, LLC

DCA06-DEC-250 by Michael Griffin, Fugelberg Koch  
DCA06-DEC-252 by Christopher M. Spence  
DCA06-DEC-270 by Cindy, CSP Roof Consultants  
DCA06-DEC-273 by Jack McLaughlin, Oriolum Corporation  
DCA06-DEC-282 by Bert Kolodziej, PE, ITW Buildex  
DCA06-DEC-283 by James Lozier, Hurricane Harness Corporation  
DCA06-DEC-284 by Steve Munell, FRSA

DATE: December 6, 2006  
8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission.

Chair's Discussion of Issues and Recommendations.  
Review and Update of Commission Workplan  
Supplemental Rule Development Workshop on Rule 9B-70, Building Code Training Program.  
Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Code Administration TAC/Window Work Group/Shutter and Garage Door Work Group Report; Energy TAC/Energy Code Work Group Report; Fire TAC Report; Mechanical TAC Report; Roofing TAC Report; Structural TAC Report; Education POC Report; Product Approval/Prototype Buildings/Manufactured Buildings POC Report; Ad Hoc Committee on Organization and Processes/Code Amendment Process Work Group Report.  
Recommendations to the 2007 Legislature  
Presentation by Dennis Grim, B.O. on Design Problems with Aluminum Structures.  
Status Report on Florida Board of Engineers' Practice of Engineering Design of Aluminum Structures  
Commission Member Comments and Issues  
General Public Comment  
Review Committee Assignments and Issues for the February 5, 6 and 7, 2007, Commission Meeting.  
Summary Review of Meeting Work Products  
Adjourn.

DATE: December 6, 2006  
1:00 p.m. Joint Fire TAC and the Fire Code Advisory Council Meeting

DATE: December 7, 2006  
8:30 a.m. Joint Fire TAC and the Fire Code Advisory Council Meeting, if needed.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing to: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, or going to the web site at [www.floridabuilding.org](http://www.floridabuilding.org)

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

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant at the Department of Community Affairs (850)487-1824 at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, December 7, 2006, 1:00 p.m. – 5:00 p.m.; Friday, December 8, 2006, 8:30 a.m. – 12:00 Noon

PLACE: The Sea Turtle Inn, One Ocean Boulevard, Atlantic Beach, Florida 32233, (904)249-7402

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing to: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Investigations and Forensic Science Program, Office of Field Services, Post Office Box 1489, Tallahassee, Florida 32302, or by telephoning (850)410-7096.

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

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#### DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District Five, announces the Public Hearings for the Department's Tentative Work Program for Fiscal Year 2007/2008 through 2011/2012. The Public Hearings will include information for Brevard, Flagler, Lake, Orange, Osceola, Seminole, Sumter and Volusia Counties. The Department's Tentative Work Program for Marion County will be discussed at a Public Hearing held by the Ocala/Marion County Transportation Planning Organization (TPO).

##### MARION COUNTY

DATE AND TIME: November 28, 2006, 4:00 p.m., TPO Public Hearing

PLACE: Marion County Commission Chambers, 601 S. E. 25th Avenue, Ocala, Florida

VOLUSIA AND FLAGLER COUNTIES

DATE AND TIMES: December 7, 2006, 6:00 p.m., Public Information Review; 6:30 p.m., FDOT Public Hearing

PLACE: Indigo Professional Centre, 2570 W. International Speedway Boulevard, Suite 120, Daytona Beach, Florida

ORANGE, OSCEOLA, AND SEMINOLE COUNTIES (METROPLAN)

DATE AND TIMES: December 13, 2006, 8:30 a.m., Public Information Review – Lobby; 10:00 a.m., FDOT Public Hearing

PLACE: METROPLAN ORLANDO Board Room, One Landmark Center, 315 East Robinson Street, Suite 355, Orlando, Florida

FOR LAKE AND SUMTER COUNTIES

DATE AND TIMES: December 13, 2006, 5:00 p.m., Public Information Review; 5:30 p.m., FDOT Public Hearing

PLACE: County Administration Building, Commission Chambers 2nd Floor, Room 233, Tavares, Florida

FOR BREVARD COUNTY

DATE AND TIMES: December 14, 2006, 9:30 a.m., Public Information Review – Atlantic Room; 10:00 a.m., FDOT Public Hearing – Florida Room

PLACE: Brevard County Government Center, Building C, Third Floor, 2725 Judge Fran Jamieson Way, Atlantic Room, Viera, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department's Public Hearings are being conducted pursuant to Section 339.135(4)(C), Florida Statutes, as amended. The purpose of the Public Hearings is to consider the Department's Tentative Work Program for Fiscal Years 2007/2008 through 2011/2012 and consider making any changes to the Program. Some of Public Hearings also will include consideration of proposed projects for the Florida's Turnpike Enterprise.

Written comments from all interested parties will be accepted by the Department at the Public Hearing and within ten days after the Public Hearing. Comments should be addressed to: Noranne Downs, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

In compliance with the Americans with Disability Act, the Department, if requested, will provide special assistance at the Public Hearing for those persons who are disabled. Those persons requiring special assistance must notify the Department at least ten days prior to the public hearing, by contacting: Mary Schoelzel, 719 South Woodland Boulevard, DeLand, Florida 21720, (386)943-5398.

The presentation of the Department's Tentative Work Program will also be available through various local TV stations. Please check the website [www.D5WPPH.com](http://www.D5WPPH.com) for the availability in your area. For more information on the dates and places of the

District Five Florida Department of Transportation's Work Program Public Hearings, please contact Mary Schoelzel at (386)943-5398.

The **Florida Transportation Commission** announces public meetings to which all persons are invited.

DATE AND TIME: December 4, 2006, 2:00 p.m. – 5:00 p.m.

PLACE: Jacksonville Transportation Authority, 100 North Myrtle Avenue, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop of the Florida Transportation Commission.

DATE AND TIME: December 5, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Jacksonville Transportation Authority, 100 North Myrtle Avenue, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman at (850)414-4105.

Tentative Program of Work For Fiscal Years July 1, 2008 Through June 30, 2012. The Florida **Department of Transportation**, District 3 hereby announces public hearings to which all persons are invited. Specific notice is provided to the Florida-Alabama Transportation Planning Organization and the County Commissioners for Escambia and Santa Rosa Counties serving as TPO for their respective counties; the Tallahassee Capital Region Transportation Planning Agency and the County Commissioners for Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties serving as TPO for their respective counties; the Okaloosa-Walton Transportation Planning Organization and the County Commissioners for Okaloosa and Walton Counties serving as TPO for their respective counties; and the Bay County Transportation Planning Organization and the County Commissioners for Bay, Gulf, Washington, Jackson, Holmes, and Calhoun Counties serving as TPO for their respective counties.

The Public Hearings are scheduled as follows:

1. Okaloosa and Walton Counties:

DATE AND TIME: December 11, 2006, 2:00 p.m. (CST), District Three Work Program

PLACE: City of Niceville Council Chambers, 208 North Partin Drive, Niceville, Florida 32578

2. Bay, Gulf, Washington, Jackson, Holmes and Calhoun Counties:

DATE AND TIME: December 8, 2006, 2:00 p.m. (CST), District Three Work Program

PLACE: Panama City Commission Chamber, City Hall, 9 Harrison Avenue, Panama City, Florida 32401

3. Escambia and Santa Rosa Counties:

DATE AND TIME: December 12, 2006, 2:00 p.m. (CST), District Three Work Program

PLACE: Santa Rosa County Commission Chamber, 6495 Caroline Street, Milton, Florida, 32570

4. Leon, Gadsden, Liberty, Wakulla, Franklin, and Jefferson Counties:

DATE AND TIME: December 7, 2006, 3:00 p.m. (EST), District Three Work Program

PLACE: Florida Department of Transportation Midway Operations Conference Room, 17 Commerce Boulevard, Midway, Florida 32343

Any comments or input are welcome from all local and regional interest groups, governmental entities, business enterprises, and the general public. These Hearings are held in conformance with Public Law 101-336, the Americans with Disabilities Act (ADA). Assistance for disabled persons may be arranged by contacting the Title VI/VII Coordinator at (850)415-9520 at least 7 working days in advance of the public hearing.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes. The hearings serve two purposes. The purpose of the public hearings is to consider the Department's Improved Tentative Work Program for District Three, for the period 2007/2008 through 2011/2012, and to consider the necessity of making any changes to the Program.

Written comments from TPOs and other interested parties will be received by the Department at the Public Hearings and within 10 days after the Public Hearings. Comments should be addressed to: Mr. H. E. Prescott, District Secretary, Department of Transportation, District Three, Post Office Box 607, Chipley, Florida 32428.

District Four Tentative Work Program, Fiscal Years July 1, 2007 through June 30, 2012. The Florida **Department of Transportation**, District Four, announces public hearings to which all interested persons are invited. Specific notice is provided to the Broward County, Indian River County (Vero Beach), Martin County (Stuart), Palm Beach County, and St. Lucie County Metropolitan Planning Organizations.

**BROWARD COUNTY:**

DATE AND TIME: Thursday, December 14, 2006, 1:30 p.m.

PLACE: Broward County Governmental Center, Room 422, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301

**PALM BEACH COUNTY:**

DATE AND TIME: Thursday, December 11, 2006, 1:30 p.m.

PLACE: Palm Beach County Governmental Center, 12th Floor, Conference Room, 301 N. Olive Avenue, West Palm Beach, Florida 33401

**ST. LUCIE, MARTIN, & INDIAN RIVER COUNTIES:**

DATE AND TIME: Wednesday, December 6, 2006, 5:00 p.m.

PLACE: Port St. Lucie Council Chambers, 121 S. W. Port St. Lucie Blvd., Port St. Lucie, Florida 34984

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The purpose of these public hearings is to present the Department's Tentative Five Year Work Program for Fiscal Years 2007/08-2011/12, which contains a listing of Project Phases to be undertaken during that time frame. These Hearings also will include consideration of proposed projects for Florida's Turnpike Enterprise System as applicable.

All Interested person are invited to attend and be heard. Assistance for disabled persons may be arranged by contacting: Florida Department of Transportation, District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, Michael DeRosa, (954)777-4627 or Julie Lucas, (954)777-4631, at least ten (10) working days prior to the public hearings.

Written comments from the Metropolitan Planning Organizations and other interested parties will be received by the Department at the public hearing and within ten days after the public hearing. Comments should be addressed to: Mr. James Wolfe, P.E., District Secretary, Florida Department of Transportation, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

The Florida **Department of Transportation**, District One announces a Public Hearing to present the Department's Tentative Work Program for Fiscal Years beginning July 1, 2007, through June 30, 2012, to which all persons are invited.

Assistance for disabled persons may be arranged by contacting Debbie Tower, Public Information Director, SouthWest Area Office (SWAO) for District One, 1(239)461-4300 at least ten (10) days in advance of the Public Hearing.

Specific notice is provided to Collier, Lee, and Charlotte Metropolitan Planning Organizations (MPOs) and the County Commission Chairpersons for Polk, Manatee, Sarasota, Charlotte, Lee, Collier, Hendry, Glades, Okeechobee, Highlands, Hardee, and DeSoto Counties.

DATE AND TIME: Friday, December 15, 2006, 3:00 p.m.

PLACE: Florida Department of Transportation Southwest Area Office, 2295 Victoria Ave, Fort Myers, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The hearing will consist of a presentation by the Department on the FDOT Tentative Five Year Work Program for fiscal years 2007/2008 through 2011/2012, followed by a public testimony period. This public hearing is being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. At the

hearing, the public is invited to review the District One Tentative Five Year Work Program. Department staff will be available prior to and immediately following for information discussion and assistance. A court reporter will be available to accept public comments, if desired, for entry into the public record.

Written comments from all interested parties will be accepted by the Department at the public hearing and within ten days after the hearing. Comments should be mailed to: Stanley M. Cann, P.E., District Secretary, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831.

The proposed projects have been developed in accordance with the Civil Rights Act of 1964, and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United State Civil Rights Act and person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Department of Transportation's Equal Opportunity Office in Tallahassee or contact the District Title VI and Title VIII Coordinator in Bartow.

Central Office: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450.

District Office: Florida Department of Transportation, District One, Title VI & Title VIII Coordinator, 801 North Broadway Avenue, Bartow, Florida 33830.

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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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#### **STATE BOARD OF ADMINISTRATION**

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 6, 2006, 9:00 a.m. – Until conclusion

PLACE: Hermitage Room, Plaza Level, Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Audit Committee.

A copy of the agenda may be obtained by writing: State Board of Administration, Attention: Loveleen Verma, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308, (850)413-1246.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations should call James Linn, (850)488-4406, at least five (5) days prior to the meeting.

The **State Board of Administration** (SBA) announces a public meeting of the Investment Advisory Council (IAC) to which all persons are invited.

DATE AND TIME: Thursday, December 7, 2006, 10:00 a.m.

PLACE: The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council. The IAC is a six-member advisory council, which reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444, Florida Statutes.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call James Linn, (850)413-1166, five days prior to the meeting so that appropriate arrangements can be made.

If you would like to have a copy of the agenda, please contact: Diane Bruce, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, (850)413-1253.

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The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, December 7, 2006, 9:30 a.m. or soon thereafter – Until completion

PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by writing to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

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

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

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The **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, December 7, 2006, 11:00 a.m. or soon thereafter – Until completion

PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by writing to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

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

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

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The **Florida Prepaid College Foundation Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, December 7, 2006, 12:30 p.m. or soon thereafter – Until completion

PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Foundation Board to which all persons are invited.

A copy of the agenda may be obtained by writing to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

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

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

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## DEPARTMENT OF CITRUS

The **Citrus Harvesting Research Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 5, 2006, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review status reports on IFAS/CREC research and CMNP registration will be presented as well as updates on harvested acreage reports and to discuss any other matters which might relate to this committee.

A copy of the agenda may be obtained by contacting: Renee Dyer, (863)499-2530.

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.

For more information, you may contact Renee Dyer, (863)499-2530.

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 Renee Dyer, (863)499-2530. 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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## FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 6, 2006, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road., Bldg. C, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by contacting: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

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.

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: Florida Parole Commission, (850)488-3417. 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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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission**, pursuant to Section 120.54, Florida Statutes, at the agenda conference scheduled at the following time and place, will consider the comments of New Cingular Wireless PCS, LLC; Sarasota Cellular Telephone Company; Melbourne Cellular Telephone Company; Bradenton Cellular Partnership; Ocala Cellular Telephone Company, Inc., Florida RSA No. 2B (Indian River) Limited Partnership; Orlando SMSA Limited Partnership; and Jacksonville MSA Limited Partnership, all of which d/b/a Cingular Wireless (collectively "Cingular") and the proposed rules in the docket identified below:

Docket No.: 060607-TP – Proposed adoption of Rule 25-4.0665, F.A.C., Lifeline Service.

DATE AND TIME: December 5, 2006, 9:30 a.m.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider and make a decision regarding the proposed rules in this docket and adopt, reject, or modify the proposed rules.

**LEGAL AUTHORITY:** Chapters 120, 350, and 364, F.S.

The person to be contacted regarding these rules is Samantha Cibula at (850)413-6202.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations) by writing to: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399. The agenda and recommendation are also available on the PSC Homepage at <http://www.florida.psc.com> at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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The Florida **Public Service Commission** will consider at its Agenda Conference Docket No.: 060723-EI, Application of Florida Power & Light Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, to issue and sell, and/or exchange any combination of the long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$5.6 billion during calendar year 2007. In addition, the Company seeks permission to issue and sell short-term securities during the calendar years 2007 and 2008 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at the time of, and including, any such sale shall not exceed \$3.0 billion.

**DATE AND TIME:** Tuesday, December 5, 2006, The Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

**PLACE:** Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To take final action in Docket No.: 060723-EI.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For additional information, please contact Katherine Fleming, Office of the General Counsel, (850)413-6218.

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The Florida **Public Service Commission** will consider at its December 5, 2006, Agenda Conference, Docket No.: 060728-GU, Application by Chesapeake Utilities Corporation (Chesapeake or Company) for Authorization to Issue Common Stock, Preferred Stock, and Secured and/or Unsecured Debt, to Enter into Agreements for Interest Swap Products, Equity Products and other Financial Derivatives, and to Exceed Limitation Placed on Short-Term Borrowings in 2007. The Company seeks PSC approval, pursuant to Section 366.04, Florida Statutes, to issue up to 5,000,000 shares of Chesapeake common stock; up to 1,000,000 shares of Chesapeake preferred stock; up to \$80,000,000 in secured and/or unsecured debt; to enter into agreements up to \$40,000,000 in Interest Rate Swap Products, Equity Products and other Financial Derivatives; and to obtain authorization to exceed the limitation placed on short-term borrowings by Section 366.04, Florida Statutes, so as to issue short-term obligations in 2007, in an amount not to exceed \$70,000,000.

DATE AND TIME: Tuesday, December 5, 2006. The Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No.: 060728-GU.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** will consider at its Agenda Conference Docket No.: 060729-GU, Application of Florida City Gas (FCG), a Division of Pivotal Utility Holdings, Inc., for authority to issue short-term debt security pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to finance its on-going cash requirements through its participation and borrowings from and investments in AGL Resources Inc.'s (AGLR) Utility Money Pool. In addition, the Company seeks approval to make short-term borrowings not to exceed \$800 million (aggregate for the Company's three utilities) annually from the Utility Money Pool according to limits that are consistent, given the seasonal nature of the Company's business and its anticipated cash demands, with the Company's capitalization. FCG's share of these borrowings will not exceed \$250 million.

DATE AND TIME: Tuesday, December 5, 2006, The Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No.: 060729-GU.

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

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

For additional information, please contact Katherine Fleming, Office of the General Counsel, (850)413-6218.

The Florida **Public Service Commission** announces the continuation of the fuel clause hearing from November 6-8, 2006, to which all interested persons are invited.

Docket No.: 060001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Docket No.: 060362-EI – Petition to recover natural gas storage project costs through the fuel cost recovery clause, by Florida Power and Light.

Docket No.: 041291-EI – Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

DATE AND TIME: December 8, 2006, 9:30 a.m. (EDT)

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be for the Commission to make a: (1) Determination of recovery of natural gas storage project costs, including base gas charges and carrying costs on natural gas stored in inventory.

(2) Determination of the proposed amendment to the existing GPIF mechanism to incorporate a "dead band" around the scale of Generating Performance Incentive Points, and the effective date of the amendment, if the mechanism is changed.

The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

If settlement of the case or a named storm or other disaster requires cancellation of the hearing, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the hearing will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

## EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council Independent Production Task Force Committee will convene in meeting via conference call. This is a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 28, 2006, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code 4104765. Governor's Office of Film and Entertainment, The Capitol, Suite 2001, Tallahassee, FL 32399-0001

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To continue refining ways to help film students, graduates, and Florida's indigenous filmmakers. Topics will include incentives, Indie website, Investment or P&A Fund, and other state programs.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council Digital Media Task Force Committee will convene in meeting via conference call. This is a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, November 28, 2006, 3:00 p.m.

**PLACE:** Conference Call: 1(888)808-6959, Conference Code 4104765. Governor's Office of Film and Entertainment, The Capitol, Suite 2001, Tallahassee, FL 32399-0001

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To continue refining the definitions, goals and objectives of this new committee, and how the State can help foster the growth of the digital media industry in Florida. Consider if or how the incentive might be used to help grow digital and new media in the short term and long term.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council will convene in a quarterly meeting. This is a public meeting to which all persons are invited.

**DATE AND TIME:** Friday, December 1, 2006, 9:00 a.m. – 1:00 p.m.

**PLACE:** Probst Library at the PGA Village, 8559 Commerce Centre Dr., Port St. Lucie, FL 34986

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss general administrative matters of the Advisory Council.

A copy of the agenda may be obtained by writing to: Sharon Jacobs, Executive Assistant, The Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2001, The Capitol, Tallahassee, Florida 32399-0001 or calling (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council Independent Production Task Force will be hosting a panel discussion in conjunction with the Miami Short Film Festival. This is a public event to which all persons are invited.

**DATE AND TIME:** Saturday, December 2, 2006, 4:00 p.m.

**PLACE:** Cocowalk AMC Theaters, Coconut Grove, off of Grand Ave., Coconut Grove, FL 33133

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To have a panel discussion and a Q&A session to gain feedback from the community on independent filmmaking needs and how the state can better serve Florida's indie filmmaking community.

If you have any questions, please feel free to contact Sharon Jacobs, Executive Assistant, at the Office of Film & Entertainment, (850)410-4765.

## REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

**MEETING:** Executive Committee

**DATE AND TIME:** December 7, 2006, 6:00 p.m.

**PLACE:** Suwannee County Office Annex, 27055 83 Place, Branford, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Executive Committee.

**MEETING:** Clearinghouse Committee

**DATE AND TIME:** December 7, 2006, 6:00 p.m.

**PLACE:** The Gathering Café, 26804 State Road 247, Branford, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the regular business of the Clearinghouse Committee.

**MEETING:** North Central Florida Regional Planning Council

**DATE AND TIME:** December 7, 2006, 7:30 p.m.

PLACE: The Gathering Café, 26804 State Road 247, Branford, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of any of these agendas may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

If any person decides to appeal any decision made by the Council or its committees with respect to any matter considered at the meetings, 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 2 business days before the meetings by contacting (352)955-2200. 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 **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited.

DATE AND TIME: Wednesday, December 13, 2006, 9:30 a.m.

PLACE: Bob Crawford Agriculture Center, 605 East Main Street, Suite 106, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and its Executive Committee.

A copy of the agenda may be obtained by writing to: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

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#### REGIONAL TRANSPORTATION AUTHORITIES

Notice is hereby given that the **South Florida Regional Transportation Authority**, Legislative Committee will hold a Regular Committee meeting to which all interested persons are invited.

DATE AND TIME: Friday, December 8, 2006, 8:30 a.m.

PLACE: Board Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064. Should you have any questions, please contact SFRTA Planning Office at (954)788-7932.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee meeting.

Attendance by South Florida Regional Transportation Authority Committee Members may be in person or via conference telephone.

Any person who decides to appeal any decision made by the Legislative Committee with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064 or telephone (954)942-7245 for assistance; if hearing impaired, telephone 1(800)273-7545 (TTY) for assistance.

If you have any questions, please do not hesitate to contact the Executive Office at (954)788-7915.

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Notice is hereby given that the **South Florida Regional Transportation Authority**, ADA Advisory Committee will hold a regular committee meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, November 28, 2006, 2:00 p.m.

PLACE: Main Conference Room of SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064. Should you have any questions, please contact SFRTA Executive Office at (954)788-7958.

GENERAL SUBJECT MATTER TO BE CONSIDERED: ADA Advisory Committee meeting.

Attendance by South Florida Regional Transportation Authority Committee Members may be in person or via conference telephone.

Any person who decides to appeal any decision made by the Board for the South Florida Regional Transportation Authority with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please do not hesitate to contact the Executive Office at (954)788-7915.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to: Executive Office, 800 N. W. 33rd

Street, Suite 100, Pompano Beach, Florida 33064, (954)942-7245 for assistance; if hearing impaired, 1(800)273-7545 (TTY) for assistance.

Notice is hereby given that the **South Florida Regional Transportation Authority**, Governing Board will hold a meeting to which all interested persons are invited.

DATE AND TIME: Friday, December 8, 2006, 9:30 a.m.

PLACE: The Board Room, South Florida Regional Transportation Authority, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you have any questions, please do not hesitate to contact the Executive Office at (954)788-7915.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board meeting.

Attendance by South Florida Regional Transportation Authority Board Members may be in person or via conference telephone.

Notice is hereby given that the **South Florida Regional Transportation Authority**, Property Committee will hold a regular committee meeting to which all interested persons are invited.

DATE AND TIME: Friday, December 15, 2006, 8:30 a.m.

PLACE: The Board Room, SFRTA Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Property Committee meeting.

Should you have any questions, please contact SFRTA Planning Office at (954)788-7916.

### WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following projects and land committee meeting(s) and tour to which all interested persons are invited.

DATES AND TIMES: Thursday, December 7, 2006, 6:00 p.m., Projects and Land Committee public meeting forum; Friday, December 8, 2006, 8:00 a.m., Projects and Land Committee business meeting followed by a tour of the Indian River Lagoon Project Areas.

PLACE: Both December 7-8, 2006 meetings will be held at the Environmental Learning Center, 255 Live Oak Drive, Vero Beach, FL 32963

GENERAL SUBJECT MATTER TO BE CONSIDERED: December 7, 2006 – Public meeting forum for presentations of the Upper St. Johns River Basin and Indian River Lagoon Projects.

December 8, 2006 – Discussion of Projects and Land Committee agenda items followed by committee recommendations to be approved by the full Governing Board. A tour will immediately follow the business meeting of the Indian River Lagoon Project areas.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, December 12, 2006 at 8:45 a.m. at the St. Johns River Water Management District office located on Highway 100 West, 4049 Reid Street, Palatka, FL. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting Hazel Hinton at the St. Johns River Water Management District or by calling (386)329-4347. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

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 proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 7 days in advance by contacting Hazel Hinton at (386)329-4347 in advance.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

GOVERNING BOARD DINNER

DATE AND TIME: Wednesday, November 29, 2006, 4:00 p.m.

PLACE: The Field Club Yacht Basin, 1400 Field Club Road, and 4600 Camino Real, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the District's Governing Board will gather socially for a boat trip followed by dinner. No District business will be discussed, and no District funds will be expended.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, AND PUBLIC HEARING

DATE AND TIME: Thursday, November 30, 2006, 9:00 a.m.

PLACE: Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Meetings and Governing Board meetings. A closed attorney-client session will be held during the lunch break at 12:00 Noon

GOVERNING BOARD DINNER

DATE AND TIME: Thursday, November 30, 2006, 6:00 p.m.

PLACE: 2742 Highway 31 South, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the District's Governing Board will gather socially for dinner. No District business will be discussed, and no District funds will be expended.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, AND PUBLIC HEARING

DATE AND TIME: Friday, December 1, 2006, 9:00 a.m.  
PLACE: DeSoto County Commission Chambers, 202 East Oak Street, Arcadia, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Meetings and Governing Board meetings. These are public meetings, agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604.

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 **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

MANATEE CHAMBER WATER ALTERNATIVES COMMITTEE

DATE AND TIME: Friday, December 1, 2006, 8:00 a.m.  
PLACE: Manatee Chamber Building, 222 10th Street, West, Bradenton, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business. Some members of the District's Governing Board and Manasota Basin Board may attend and participate in the discussions.

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING

DATE AND TIME: Wednesday, December 6, 2006, 9:00 a.m.  
PLACE: St. Petersburg, City Hall, 175 5th Street, North, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business.

ALAFIA RIVER BASIN BOARD MEETING

DATE AND TIME: Thursday, December 7, 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.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING

DATE AND TIME: Thursday, December 7, 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.

FLORIDA AG EXPO

DATES AND TIME: Thursday, December 8-9, 2006, 9:00 a.m.  
PLACE: UF/IFAS Gulf Coast Research and Education Center in Balm

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing and Basin Board members may attend to discuss research and demonstrate equipment.

These are public meetings; agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604.

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 TIMES: Tuesday, November 28, 2006, Open House, 5:30 p.m. – 6:00 p.m.; Meeting 6:00 p.m. – 7:30 p.m.

PLACE: Okeechobee Civic Center 1750 Highway 98 North, Okeechobee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be to discuss the concepts presented in the Lake Okeechobee Fast Track (LOFT) project (a component of the LOER Plan) Basis of Design Report and encourage and provide an opportunity for public participation. The Basis of Design Report is available for review on the Acceler8 website.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to: South Florida Water Management District, Mail Stop 2130, 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, at (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Renee Desantis at (561)682-5520.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Friday December 1, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Building B-2, Room 3N Upper Chain of Lakes Conference Room, South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the East Central Florida Transient Model Peer Review.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Hope Radin, project manager, at (561)682-2120.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Monday December 4, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Building B-1, Bridge Conference Room 2B, South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the East Central Florida Transient Model Peer Review.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Hope Radin, project manager, at (561)682-2120.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Friday December 8, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Building B-2, 3N Upper Chain of Lakes Conference Room, South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the East Central Florida Transient Model Peer Review.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Hope Radin, project manager, at (561)682-2120.

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The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 4, 2006, 10:30 a.m.

PLACE: City of Pembroke Pines, Commission Chambers, 10100 Pines Boulevard, Pembroke Pines, FL 33026

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Comprehensive Plan Amendment for Monroe County; Any

proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council at (954)967-4152, Ext. 40 (TDD). If you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council at (954)985-4416 at least five calendar days prior to the meeting.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATES AND TIMES: Wednesday, December 6, 2006, WRAC Meeting, 9:00 a.m. – 12:30 p.m.; WRAC/SFER TF Combined, 1:30 p.m. – 5:30 p.m.; Thursday, December 7, 2006, SFER TF Meeting, 8:30 a.m. – 12:00 Noon

PLACE: Casa Marina Resort & Beach Club, 1500 Reynolds Street, Key West, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A combined Meeting of the Water Resources Advisory Commission (WRAC) and the South Florida Ecosystem Restoration Task Force (SFER TF).

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 at (561)682-6517.

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The **Big Cypress Basin Board, South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: December 7, 2006, 9:00 a.m.

PLACE: City of Naples, City Hall, City Council Chamber, 735 8th Street, South, Naples, Florida 34102. The address shall be the designated access point for public attendance of the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Basin Board Business. The meeting will also include a Public Workshop to discuss the draft Naples Bay Surface Water Improvement and Management Plan (SWIM).

A copy of the agenda may be obtained by writing to: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or by calling Kathleen Tetrault at (239)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings 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 Kathleen Tetrault, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements.

Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Kathleen Tetrault, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: December 18, 2006, 10:00 a.m. – 12:00 Noon

PLACE: SFWMD Headquarters, Building B-2, Conference Room, 2 S. E. St. Lucie River. Dial in: Suncom: 277-9552, Non-Suncom 1(850)487-9552

GENERAL SUBJECT MATTER TO BE CONSIDERED: Peer Review of the Everglades Landscape Model (ELM): Teleconference #5, for expert Review Panel deliberation on the Review Report of the ELM.

A copy of the agenda may be obtained at the (1) District Website (<http://my.sfwmd.gov/elm>) or (2) by writing to: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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: H. Carl Fitz, Hydrologic and Environmental Systems Modeling Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7512, West Palm Beach, FL 33406, (561)682-2080.

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## AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a FHIN Grantee conference/meeting of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATES AND TIMES: Wednesday, December 6, 2006, 1:00 p.m.; Thursday, December 7, 2006, 9:00 a.m.

PLACE: Health Choice Network, 9064 N. W. 13th Terrace, Miami, Florida 33172

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

A copy of the agenda may be obtained by writing to: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at <http://ahca.myflorida.com/dhit/index.shtml> seven (7) days prior to the meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar 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: December 11, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Baker County Agriculture Center, 1025 West Macclenny Ave., Macclenny, FL 32063, (904)259-3520

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to gather information regarding the expansion of Medicaid Reform into Baker, Clay and Nassau Counties, as it relates to its effects on potential health plans. Technical Assistance for the Medicaid Reform health plan application will be provided. Please be prepared to ask questions in that regard.

A copy of the agenda may be obtained by contacting: Joshua Davis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #48, Tallahassee, FL 32308, e-mail: [davisjd@ahca.myflorida.com](mailto:davisjd@ahca.myflorida.com), (850)488-3560.

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.

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: Joshua Davis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #48, Tallahassee, FL 32308, e-mail: davisjd@ahca.myflorida.com, (850)488-3560. 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 **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: December 11, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Baker County Agriculture Center, 1025 West Macclenny Ave., Macclenny, FL 32063, (904)259-3520

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This workshop is being held to afford interested persons the opportunity to gather information regarding the expansion of Medicaid Reform into Baker, Clay and Nassau Counties, as it relates to its effects on Medicaid Beneficiaries in Baker, Clay and Nassau Counties.

A copy of the agenda may be obtained by contacting: Joshua Davis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #48, Tallahassee, FL 32308, e-mail: davisjd@ahca.myflorida.com, (850)488-3560.

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.

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: Joshua Davis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #48, Tallahassee, FL 32308, e-mail: davisjd@ahca.myflorida.com, (850)488-3560. 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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#### **DEPARTMENT OF MANAGEMENT SERVICES**

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATE AND TIME: December 14, 2006, 9:00 a.m. The meet-me telephone number is (850)410-0968 or Suncom 210-0968

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

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: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032. 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).

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.

For more information, you may contact: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation**, Elevator Safety Technical Advisory Council, announces the following teleconference to which all interested persons are invited.

Meeting: The Elevator Safety Technical Advisory Council – Legislative Sub-committee Teleconference

DATE AND TIME: November 30, 2006, 10:30 a.m.

PLACE: Telephone Number to call to participate: (850)921-6455 or Suncom 291-6455. Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants Hospitality Education Program, One Champions Way, Florida State University, Tallahassee, Florida 32306

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss possible legislation prior to the upcoming 2007 session.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact Marlita Peters at the Department of Business and Professional Regulation, Hospitality Education Program, (850)644-9349, at least five (5) working days prior to the teleconference.

The **Department of Business and Professional Regulation**, Elevator Safety Technical Advisory Council, announces the following teleconference to which all interested persons are invited.

Meeting: The Elevator Safety Technical Advisory Council Teleconference

DATE AND TIME: December 6, 2006, 10:30 a.m.

PLACE: Telephone Number to call to participate: (850)487-8856 or Suncom 277-8856. Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants Hospitality Education Program, One Champions Way, Florida State University, Tallahassee, Florida 32306.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss/vote on possible legislation prior to the upcoming 2007 session.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact Marlita Peters at the Department of Business and Professional Regulation, Hospitality Education Program, (850)644-9349, at least five (5) working days prior to the teleconference.

The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: December 11, 2006, 10:30 a.m.

PLACE: Boca Raton Community Center, 150 Crawford Boulevard, Boca Raton, Florida 33432

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

- Carmen Abreu, Case No.: 2005-033882
- Brien Anderson, Case No.: 2006-047288
- Arkytek-One, Inc., Case No.: 2006-039481
- Steve Bass, Case No.: 2005-046932
- Debra Bowis, Case No.: 2006-043386
- Patricia Canfield, Case No.: 2006-055171
- Casa Conde, Inc., Case No.: 2006-047004
- Catherine Kerr Interiors, Inc., Case No.: 2006-042301
- Robert Case, Case No.: 2006-005342
- Donald Chancey, Case No.: 2006-017046

- Al Chmieski, Case No.: 2006-015508
  - Coastal Florida Interior Design, Inc., Case No.: 2006-042314
  - Bob Coward, Case No.: 2006-012855
  - Draperies of Palm Beach, Inc., Case No.: 2006-041870
  - EDSA, Inc., Case No.: 2006-056210
  - EG Design & Development, Inc., Case No.: 2006-041720
  - Steven Farr, Case No.: 2006-041570
  - Ferry, Hayes & Allen Designers, Inc., Case No.: 2006-039493
  - George Freijo, Case No.: 2006-039670
  - Michael Garrison, Case Nos.: 2006-045438 & 2005-049302
  - Glenn Gray, Case No.: 2006-002606
  - Gary Haag, Case No.: 2006-047789
  - Howard Haire, Case No.: 2006-008341
  - Halifax Services, Inc., Case No.: 2006-045529
  - Interior Visions, LLC, Case Nos.: 2006-016309 & 2006-050408
  - John W. Burt Architecture, Inc., Case No.: 2006-052713
  - John Lozito Interiors, Inc., Case No.: 2006-050396
  - JRG Incorporated, Case No.: 2005-0136885
  - LBC Design, Inc., Case Nos.: 2006-036438 & 2006-036450
  - Levine, Calderine & Associates, Case No.: 2006-046947
  - Paul Li, Case No.: 2006-046085
  - Thomas Luce, Case Nos.: 2006-018651 & 2006-018655
  - Ceaser Magnorsky, Case No.: 2006-032292
  - Octavio Mejia, Case No.: 2005-033881
  - Mercy's Interior Design, Inc., Case No.: 2005-046317
  - Joseph Miraglia, Case No.: 2006-027383
  - Regan Reed, Case No.: 2005-033884
  - Lina Restrepo, Case No.: 2006-040857
  - Richard E. Siegfried Architect, Inc., Case No.: 2006-052700
  - Doug Spencer, Case No.: 2006-041790
  - Tasnim Uddin & Associates International, Case No.: 2005-033885
  - Tempo Designs, Inc., Case No.: 2006-040827
  - Craig Thompson, Case No.: 2006-047263
  - Walter Toet, Case No.: 2005-006537
  - Ronald Trebbi, Case No.: 2006-011001
  - Tuscany, Inc., Case No.: 2005-041803
  - Zamparelli Architectural Group, Case No.: 2006-046944
- To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, Florida 32308-4893.
- If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Architecture and Interior Design** announces the following meeting, to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: December 14, 2006, 2:00 p.m. (Eastern Time)

PLACE: Access Phone: (888)808-6959; Conference Code #9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Architecture and Interior Design** announces the following meeting which all persons are invited to attend.

DATE AND TIME: February 6, 2007, 9:00 a.m. (Eastern Time)

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084, (904)827-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting. Discussion items include – architecture profession, interior design profession, rules, and review of applications.

DATE AND TIME: February 7, 2007, 9:00 a.m. (Eastern Time)

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL 32084, (904)827-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting to which all interested persons are invited.

DATE AND TIMES: December 5, 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 at (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 20, 2006, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To connect, dial 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing to: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

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 the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 17, 2007, 10:00 a.m. or soon thereafter

PLACE: Via Telephone Conference Call. To connect, dial 1(888)808-6959, Conference Code: 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing to: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

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 the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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The **Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers** announces a Probable Cause Panel meeting, Probation Review Committee meeting, Continuing Education Review Committee meeting, Application Review Committee meeting, Privatization Committee meeting, Rules Committee meeting, and a General Business meeting. All interested parties are invited to attend.

DATES AND TIMES: January 9, 2007, 9:00 a.m., Probable Cause Panel meeting; January 10, 2007, 8:30 a.m., Continuing Education Committee meeting followed by a Application Review Committee meeting followed by a Privatization Committee meeting, followed by a Rules Committee meeting, followed by a General Business meeting, if time allows; January 10, 2007, 2:00 p.m., Probation Review Committee meeting; January 11, 2007, 8:00 a.m., General Business meeting

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing to: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756, or by calling (850)487-1395.

Persons deciding to appeal any decision made with respect to any matter considered at these meetings, he/she will need to ensure that a verbatim record of the proceedings are made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD Equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to a disability or physical impairment should contact Richard Morrison by Monday, January 8, 2007.

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The **Board of Accountancy** announces the following public meetings to which all persons are invited.

DATES AND TIMES: Thursday, December 7, 2006, 10:00 a.m. – until all Probable Cause Panel business is concluded; Thursday, December 7, 2006, 1:00 p.m. – until all Budget business is concluded; Friday, December 8, 2006, 9:00 a.m. – until all Board Meeting business is concluded

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to discuss budget issues. This is a public meeting. The Board will meet to consider enforcement proceedings

including consideration of investigation officers' reports and other general business. This is a public meeting. Note: Portions of the Probable Cause Panel meeting may be closed to the public.

A copy of any probable cause materials which are open to the public, any rules materials and/or the Board agenda may be obtained by writing to: Veloria A. Kelly, Acting Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Veloria A. Kelly at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

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The **Florida Real Estate Appraisal Board** (FREAB) announces a meeting to which all persons are invited.

DATES AND TIMES: Monday, December 4, 2006, 9:00 a.m. or the soonest thereafter; Tuesday, December 5, 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, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions, 2008 AQB Criteria Changes and general subject matter.

A copy of the agenda may be obtained by writing to: Beverly Ridenauer, Government Analyst II, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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 at (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).

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, December 6, 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)488-8295

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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## 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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NOTICE OF CANCELLATION – The **Department of Environmental Protection**, Siting Coordination Officer announces a hearing to which all persons are invited.

DATES: November 27-28, 2006

PLACE: OUC Pershing Avenue Complex, Safety Training Room, First Floor, Electrical Distribution Building, 6003 Pershing Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The certification hearing scheduled for November 27-28, 2006, and noticed on October 6, 2006, has been cancelled. In accordance with the Florida Electrical Power Plant Siting Act, Section 403.527(6), F.S., on October 19, 2006, all parties to this

proceeding stipulated that there are no disputed issues on material fact or law to be raised at the certification hearing. On October 30, 2006, the Department filed a request to cancel the certification hearing and relinquish jurisdiction to the Department of Environmental Protection pursuant to Section 403.508(6)(a), F.S. On October 31, 2006, Administrative Law Judge Donald R. Alexander issued an order granting the request pursuant to Section 403.508(6)(b), F.S. Pursuant to Section 403.509(1), F.S., the Department of Environmental Protection shall prepare and issue a Final Order within 40 days of the Judge's Order.

For more information you may contact: Mr. Hamilton Oven, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

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The **Department of Environmental Protection**, Numeric Nutrient Criteria Technical Advisory Committee (TAC) announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: Holiday Inn Capital East, 1355 Apalachee Parkway, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The TAC was formed to aid the Department in establishing numeric nutrient criteria to be incorporated into existing surface water quality standards located in subsection 62-302.530(48), Florida Administrative Code. The meeting will focus on a discussion of numeric nutrient criterion development for rivers, streams and lakes.

A copy of the agenda may be obtained by contacting: Ken Weaver, 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, Kenneth.Weaver@dep.state.fl.us, (850)245-8414.

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 Ken Weaver at (850)245-8414. 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 Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 2006, 1:30 p.m.

PLACE: Florida Department of Environmental Protection, Northeast District Office, Conference Room A, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: The working group will continue working on development of a draft Basin Management Action Plan (BMAP) for presentation

to the LSJR TMDL Executive Committee. Topics to be discussed include the allocations and allocation process for MS4s, the status of the Statewide Pollutant Trading Policy Advisory Committee (PTPAC) report, and the status of the BMAP project collection process.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS 3555, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8449.

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 Ms. Pat Waters at (850)245-8449. 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 Florida **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: December 7, 2006, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Northeast District Office, Conference Room A & B, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: The LSJR TMDL Executive Committee and Stakeholders Group were formed to provide a forum for stakeholders to discuss issues related to the LSJR Total Maximum Daily Load (TMDL) for nutrients, including development, allocation, and implementation of the TMDL. Topics for this meeting include updates on a variety of TMDL and Basin Management Action Plan (BMAP) activities, including the development of the draft BMAP, continued efforts to further refine the MS4 wasteload allocations, TMDL modeling, and development of the BMAP Monitoring Plan.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS 3555, Tallahassee, Florida 32399-2400, (850)245-8449.

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 Ms. Pat Waters at (850)245-8449. 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**, Designated Uses and Classification Refinement Policy Advisory Committee (PAC) announces a public meeting to which all persons are invited.

DATE AND TIME: December 7, 2006 10:00 a.m.

PLACE: Leon County Public Library, Program Room B, 200 West Park Avenue, Tallahassee, FL 32301

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, Florida Administrative Code, are needed. This will be the eighth 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, Stacey.feken@dep.state.fl.us, (850)245-8421, or by going to the Department'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 at (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 **Division of Air Resource Management** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 13, 2006, 9:00 a.m.

PLACE: Florida Department of Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is conducting a public meeting pursuant to the requirements of 40 CFR 51.102 to hear comments on its proposal to submit to the U.S. Environmental Protection Agency, as a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act, a set of amendments to rule Chapters 62-204, and 62-296, F.A.C. The rule amendments, as published November 22, 2006, in the F.A.W., if approved by the Secretary and adopted by the Department, are intended to ensure that certain sources of visibility-impairing pollutants in Florida use Best Available Retrofit Technology (BART) to reduce the impact of their emissions on regional haze.

A copy of the agenda may be obtained by contacting: Ms. Lynn Scarce, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400 or by calling (850)921-9551.

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 Ms. Lynn Scarce at (850)921-9551. 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). 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 **Suwannee River Wilderness Trail** announces a public meeting to which all persons are invited.

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

PLACE: Yellow Jacket Campground, 55 S. E. 503rd Ave, Old Town, FL 32680

GENERAL SUBJECT MATTER TO BE CONSIDERED: Creative opportunities for our partners.

A copy of the agenda may be obtained by contacting Amy Thompson, 1(800)868-9914 or amy.thompson@dep.state.fl.us

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 Amy Thompson, 1(800)868-9914 or amy.thompson@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).

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.

For more information, you may contact Amy Thompson, 1(800)868-9914 or amy.thompson@dep.state.fl.us

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The **Department of Environmental Protection**, Bureau of Petroleum Storage Systems announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 14, 2006, 9:00 a.m. – until not later than 5:00 p.m.

PLACE: Ramada Inn and Conference Center, 2900 N. Monroe St., Tallahassee, FL 32303, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Bureau Chief and staff will discuss information about source removal, Section 376.30716, Florida Statutes, ("subsequently discovered discharge" legislation), data collection for source removal, tanks upgrade information and delays in remedial action as well as possible other items.

A copy of the agenda may be obtained by contacting: Roger W. Rook, Department of Environmental Protection, Bureau of Petroleum Storage Systems, 2600 Blair Stone Road, MS# 4575, Tallahassee, FL 32399-2400, by calling (850)245-8822, e-mailing: roger.rook@dep.state.fl.us, or visiting the Bureau's website.

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: Roger Rook at (850)245-8822. 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 **Departmental of Environmental Protection**, Siting Coordination Office announces a hearing to which all persons are invited.

DATES AND TIMES: January 9, 2007, 9:00 a.m.; continuing as necessary on January 10, 2007, through January 12, 2007, 9:00 a.m.

PLACE: Roy C. Campbell Civic Center, Auditorium, Ravine Gardens State Park, 1600 Twigg Street, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: This notice is provided as an update to the notice of the certification hearing that was published on November 9, 2006, to make technical corrections. Administrative Law Judge J. Lawrence Johnston will conduct a hearing consider the environmental effects and any other appropriate matters regarding whether to approve the site certification of the proposed Seminole Generating Station Unit 3 application for site certification number PA 78-10A2, DOAH Case number 06-0929EPP, DEP Office of General Counsel Case Number 06-0780, pursuant to the Florida Electrical Power Plant Siting Act, Sections 403.501-.518, Florida Statutes. Judge Johnston will prepare a Recommended Order for submission to and final action by the Governor and Cabinet acting as the Siting Board, based on the hearings. Pursuant to Section 403.508(4), F.S., any person wishing to become a party to the proceedings should file a Motion to Intervene with Administrative Law Judge J. Lawrence Johnston, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, at least 30 days prior to the hearing. Pursuant to paragraph 62-17.280(1)(c), Florida Administrative Code, failure to act within the time frames constitutes a waiver of the right to be a party.

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: Department of Environmental Protection, Landa Korokous, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. 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: Hamilton Oven, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

The **Department of Environmental Protection**, Bureau of Water Facilities Funding announces a hearing to which all persons are invited.

DATE AND TIME: January 10, 2007, 2:00 p.m.

PLACE: Room 535, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and to take final action on management of the FY 2007 State Revolving Fund (SRF) priority list for water pollution control loan projects under Chapter 62-503, F.A.C., and management of the Financially Disadvantaged Small Community Grant priority list for wastewater projects under Chapter 62-505, F.A.C. No funds are expected to be available for assignment to new projects on the Financially Disadvantaged Small Community Grant priority list; additional funds will be authorized for ongoing projects that are under binding agreement and remain incompletely funded. Pending approval of the revision to Chapter 62-505, F.A.C., special legislative appropriations will be allocated among those Financially Disadvantaged Small Community Grant projects which have binding agreements and which have incurred costs exceeding available grant funding. Projects qualifying under Chapter 62-503, F.A.C., for wastewater, stormwater, or non-point source loans will be ranked on the priority list if requests and required documentation are received by December 12, 2006, and approved by the Department by December 27, 2006. The Department may adopt, modify, or deny the proposed actions at the hearing. Pursuant to subsection 62-503.600(4), F.A.C., the Department's funding commitment to projects currently assigned to the water pollution control loan priority list may be withdrawn at the hearing if a local government is delinquent in submitting documents as scheduled. Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the list and any proposed actions. After the hearing, the Department will file the written Record of Final Agency Action.

A copy of the Record of Final Agency Action will be made available to persons sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or must be filed with the Department's Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m. on the first working day after the public hearing. A copy of the draft priority lists may be obtained by contacting Gary Powell at the same address, phone (850)245-8358 or Suncom 205-8358 or e-mail gary.powell@dep.state.fl.us. A copy of the agenda may be



obtained by contacting Gary Powell at the above-address, phone (850)245-8358, or Suncom 205-8358, or e mail gary.powell@dep.state.fl.us.

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 Gary Powell, (850)245-8358. 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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#### DEPARTMENT OF HEALTH

The probable cause panel of the **Board of Acupuncture** announces a meeting to which all interested persons are invited.

DATE AND TIME: Thursday, November 30, 2006, 7:00 p.m. or soon thereafter

PLACE: Renaissance Ft. Lauderdale Hotel, 1617 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)626-1700. Meet Me Number: 1(888)808-6959, Conference Code: 2454587

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 to: April Skilling, 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.

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The **Department of Health, Board of Dentistry**, will hold a Probable Cause Panel meeting where reconsiderations will be heard.

DATE AND TIME: December 8, 2006, 9:00 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Health, Board of Occupational Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 4, 2006, 9:00 a.m. or soon thereafter

PLACE: Capital City Office Complex, 4042 Bald Cypress Way, Room 301, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting. The meet me number is (888) 808-6959. After dialing the meet me number, enter conference code 4246812343# in order to join the meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Occupational Therapy, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255 or by calling the board office at (850)245-4373, ext 3467.

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.

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: the board office at (850)488-0595. 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 Florida **Department of Health** announces a meeting of the Florida KidCare Coordinating Council to which all persons are invited.

DATE AND TIME: Friday, December 1, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, Room 166, Capital Circle Office Complex, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida KidCare Coordinating Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet on Friday, December 1, 2006, 1:00 p.m. – 4:00 p.m. in Tallahassee to discuss Florida KidCare, the state children's health insurance program. The Council is charged with making recommendations to the Department, the Governor and the Legislature, as well as other state government groups about possible changes and adjustments to

the Florida KidCare Program which may result in recommendations for legislative action, state agency rule change, federal agency rule or policy change, or Congressional action.

A copy of the agenda may be obtained from Gail Vail, Department of Health, (850)245-4200, ext. 2238, Gail\_Vail@doh.state.fl.us.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Council on Homelessness** announces a meeting of the statewide Council on Homelessness to which all interested persons are invited.

DATE AND TIME: December 8, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Kelly Training Room, Tallahassee, Florida. For those who are unable to attend in person, access via a conference call is available by calling 1(888)808-6353, Conference Code 9229760.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council will review and approve its 2006 report to the Governor and Legislature, as well as discuss recommendations related to federal homeless programs.

A copy of the agenda for the meeting can be obtained from the Office on Homelessness, by calling (850)922-4691.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting, who may be in need of special assistance, should contact the Office on Homelessness at (850)922-4691, at least 48 hours in advance of the meeting.

The **Agency for Persons with Disabilities** announces a meeting to which all persons are invited.

DATE AND TIME: December 4, 2006, 10:00 a.m. – 12:00 Noon

PLACE: 4030 Esplanade Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The First meeting of the Interagency Services Committee for Youth and Young Adults with Disabilities established in law under SB 1278. This first meeting of the committee will focus on: the election of a chairperson for the committee, general laws and rules of order for the committee to function in the future and identification of other agencies and entities that shall be invited to participate in future meetings of this committee, and the purpose and goals of the committee.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: December 7, 2006, 7:00 p.m.

PLACE: Sheriff’s Hangar, Marathon Airport, 10100 Overseas Highway, 2nd Floor, Marathon, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the FWC/USDA plans to eradicate Gambian pouch rats on Grassy Key and to answer any questions residents may have about methods, scheduling, or concerns about safety.

A copy of the agenda may be obtained by contacting Mr. Scott Hardin, Exotic Species Coordinator at (850)488-4068.

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: The ADA Coordinator by calling (850)488-6411 (TDD) or (850)488-9542. 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 Mr. Scott Hardin, Exotic Species Coordinator at (850)488-4068.

The Florida **Fish and Wildlife Conservation Commission**, Waterfowl Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 15, 2006, 9:00 a.m.

PLACE: Department of Transportation Building, Training Room, 657 Plantation Road, Perry, FL 32347

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss waterfowl management activities by the Florida Fish and Wildlife Conservation Commission (Section 372.5714, F.S.).

A copy of the agenda may be obtained by contacting: Florida Fish and Wildlife Conservation Commission, Waterfowl Management Program, Ms. Diane Eggeman, 8932 Apalachee Parkway, Tallahassee, FL 32311, (850)488-5878.

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.

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 The ADA Coordinator at (850)488-6411. 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: Florida Fish and Wildlife Conservation Commission, Waterfowl Management Program, Ms. Diane Eggeman, 8932 Apalachee Parkway, Tallahassee, FL 32311, (850)488-5878.

The Florida **Fish and Wildlife Conservation Commission** announces the final public hearing regarding proposed amendments to the manatee protection zones in the downtown Jacksonville area of Duval County.

**DATES AND TIME:** Wednesday and Thursday, December 6-7, 2006, 8:30 a.m.

**PLACE:** Marriott Key Largo, 103800 Overseas Highway, Key Largo, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Final public hearing on proposed amendments to the manatee protection zones in the downtown Jacksonville area of Duval County. This hearing will be a part of the regular 2-day meeting held by the Commission. The Commission is expected to make a final decision on the rule at the meeting. The agenda for the full 2-day meeting can be viewed on-line at: <http://myfwc.com/commission/2006/Dec/index.html>.

For further information, contact: Scott Calleson, 620 South Meridian Street, Tallahassee, Florida 32399 or by calling (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 calendar days before the meeting by contacting the Commission's ADA Coordinator, (850)488-6411. Hearing or speech-impaired persons can arrange assistance by calling (850)488-9542.

#### **DEPARTMENT OF FINANCIAL SERVICES**

The **Division of State Fire Marshal** announces a public meeting to which all persons are invited.

**DATE AND TIME:** December 4, 2006, 9:00 a.m.

**PLACE:** By Telephone Conference Call: Meet Me number (850)413-1591, Caller ID 825520. A conference telephone will be set up in the Third Floor, Conference Room, Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Pursuant to Section 509.215, Florida Statutes, a continuation of the meetings of the Historic Building Task Force held on September 30, 2006 and November 7, 2006, will be continued to consider a system of fire protection and lifesafety support necessary for a public lodging establishment structure, Casa Casaurina, located in Miami, Florida.

A copy of the agenda may be obtained by contacting: Millicent King, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3171.

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 Millicent King with your request for assistance. 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 Financial Services** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, December 14, 2006, 1:00 p.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Three-Member Panel will be considering for adoption schedules of maximum reimbursement allowances for physicians, hospital inpatient, hospital outpatient, ambulatory surgical centers, work hardening and pain programs. The Panel will also discuss the Biennial Report to the Florida Legislature from the Three-Member Panel on improvements to the Workers' Compensation Health Care Delivery System.

A copy of the agenda may be obtained by contacting: James Watford, Actuary, Property and Casualty Product Review, Florida Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-3146.

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 Denielle Petty, (850)413-5312. 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).

#### **FINANCIAL SERVICES COMMISSION**

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

**DATE AND TIME:** December 5, 2006, 10:00 a.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is an additional public hearing on the proposed amendments to Rule 690-186.013, Title Insurance Statistical Gathering, published on October 6, 2006, in Vol. 32, No. 40, of the F.A.W. No notice of change was published.

A copy of the agenda may be obtained by contacting Peggy Cheng, email: [Peggy.Cheng@fldfs.com](mailto:Peggy.Cheng@fldfs.com)

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 Peggy Cheng, email: [Peggy.Cheng@fldfs.com](mailto:Peggy.Cheng@fldfs.com). 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 Peggy Cheng, email: [Peggy.Cheng@fldfs.com](mailto:Peggy.Cheng@fldfs.com)

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#### FLORIDA HEALTHY KIDS CORPORATION

The **Florida Healthy Kids Corporation** announces a Board of Directors Meeting to which all persons are invited to attend.

DATE AND TIME: November 27, 2006, 10:00 a.m.

PLACE: Tallahassee Leon County Civic Center, 605 West Pensacola Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Please contact Amber Floyd at [floyda@healthykids.org](mailto:floyda@healthykids.org) or (850)224-5437 to confirm your attendance and for additional meeting information.

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The **Florida Healthy Kids Corporation** announces a ITN Meeting 1 to which all persons are invited to attend.

DATE AND TIME: November 27, 2006, 3:00 p.m.

PLACE: Tallahassee Leon County Civic Center, 605 West Pensacola Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the ITN Negotiation Team.

Please contact Amber Floyd at [floyda@healthykids.org](mailto:floyda@healthykids.org) or (850)224-5437 to confirm your attendance and for additional meeting information.

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The **Florida Healthy Kids Corporation** announces a ITN Meeting 2 to which all persons are invited to attend.

DATE AND TIME: November 27, 2006, 4:00 p.m.

PLACE: Tallahassee Leon County Civic Center, 605 West Pensacola Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the ITN Negotiation Team.

Please contact Amber Floyd at [floyda@healthykids.org](mailto:floyda@healthykids.org) or (850)224-5437 to confirm your attendance and for additional meeting information.

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The **Florida Healthy Kids Corporation** announces a ITN Meeting 3 (if needed) to which all persons are invited to attend.

DATE AND TIME: November 28, 2006, 10:00 a.m.

PLACE: Tallahassee Leon County Civic Center, 605 West Pensacola Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the ITN Negotiation Team.

Please contact Amber Floyd at [floyda@healthykids.org](mailto:floyda@healthykids.org) or (850)224-5437 to confirm your attendance and for additional meeting information.

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The **Florida Healthy Kids Corporation** announces a ITN Meeting 4 (if needed) to which all persons are invited to attend. DATE AND TIME: November 28, 2006, 11:00 a.m.

PLACE: Tallahassee Leon County Civic Center, 605 West Pensacola Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the ITN Negotiation Team.

Please contact Amber Floyd at [floyda@healthykids.org](mailto:floyda@healthykids.org) or (850)224-5437 to confirm your attendance and for additional meeting information.

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#### H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, November 28, 2006, 1:30 p.m.

PLACE: Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by writing to: Lori Payne, Administration, H. Lee Moffitt Cancer Center & Research Institute, Inc., 12902 Magnolia Drive, SRB-COO, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Payne by November 27, 2006.

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#### WORKFORCE FLORIDA, INC.

The **Workforce Florida, Inc.** announces their quarterly Board of Directors' and related meetings to which all persons are invited.

DATES AND TIMES: Partners' Meeting, November 29, 2006, 1:00 p.m. – 4:00 p.m.; Board of Directors' meeting, November 30, 2006, 10:00 a.m. – 12:00 Noon; Council/Committee meetings, November 30, 2006, 1:00 – 4:00 p.m.

PLACE: Royal Plaza in the Walt Disney World Resort, 1905 Hotel Plaza Blvd., Lake Buena Vista, Florida 32830, (407)828-2828.

For more information contact Peggy Dransfield, (850)921-1119.

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**FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.**

The **Florida Workers' Compensation Joint Underwriting Association, Inc.** (FWCJUA) announces a Rates and Forms Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: November 29, 2006, 1:00 p.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include approval of minutes, the 2007 Rate Indication – Minimum Premium; third quarter Loss Ratio Emergence; Interchange of Labor Rules; and the Operations Manual revision.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Kathy Coyne at (941)378-7408.

The **Florida Workers' Compensation Joint Underwriting Association** (FWCJUA) announces a Reinsurance Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: November 30, 2006, 1:00 p.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne, (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include approval of minutes and 2007 Reinsurance Program options.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Kathy Coyne, at (941)378-7408.

NOTICE OF SCHEDULING – The **Florida Workers' Compensation Joint Underwriting Association, Inc.** (FWCJUA) announces a Audit Committee teleconference meeting previously scheduled for Thursday, November 30, 2006, 10:00 a.m. (Eastern Time) has been rescheduled to which all interested persons are invited.

DATE AND TIME: November 30, 2006, 3:00 p.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne at (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include approval of the minutes and the Audit Committee Charter Procedures Checklist.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Kathy Coyne at (941)378-7408.

The **Florida Workers' Compensation Joint Underwriting Association** (FWCJUA) announces an Executive Compensation Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: December 4, 2006, 11:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne, (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include approval of minutes, and the 2007 Executive Compensation.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Kathy Coyne at (941)378-7408.

**FLORIDA HIGHER EDUCATION FACILITIES FINANCING AUTHORITY**

The **Florida Higher Educational Facilities Financing Authority** will hold a teleconference meeting to which all interested persons are invited.

DATE AND TIME: Friday, December 1, 2006, 10:00 a.m.

PLACE: Conference Call: 1(866)277-5119, Conference Code 113756. If you are unable to call in you may participate at 74 King Street, St. Augustine, Florida 32084, campus of Flagler College.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss consideration of Flagler College Series 2006 bond issue and to conduct regular board business.

For more information or to obtain a copy of the agenda, please contact: Jennifer Mock, Independent Colleges & Universities of Florida, 542 East Park Avenue, Tallahassee, Florida 32301, (850)681-3188.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling Jennifer Mock, (850)681-3188.

**COMMISSION ON MARRIAGE AND FAMILY SUPPORT INITIATIVES**

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the Commission to which all persons are invited to attend.

PLACE: All the meetings will be held via Conference Call at 111 North Gadsden Street, Suite 100, Tallahassee, Florida 32301-1507, (850)488-4952, ext. 135

**EXECUTIVE COMMITTEE**

DATE AND TIME: Wednesday, December 6, 2006, 8:30 a.m. – 9:30 a.m.

**PROGRAM COMMITTEE**

DATE AND TIME: Wednesday, December 6, 2006, 10:00 a.m. – 11:30 a.m.

**POLICY COMMITTEE**

DATE AND TIME: Thursday, December 7, 2006, 9:00 a.m. – 11:00 a.m.

**PUBLIC AWARENESS COMMITTEE**

DATE AND TIME: Friday, December 15, 2006, 10:00 a.m. – 12:00 Noon

For a copy of the agendas and more information about how to attend the meetings contact: Heidi Rodriguez, hrodriguez@ounce.org or (850)488-4952, ext. 135.

Person with disabilities who require assistance to participate in the meeting are requested to notify the Commission Office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

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**CITIZENS PROPERTY INSURANCE CORPORATION**

The **Citizens Property Insurance Corporation** announces an Audit Committee Meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, December 6, 2006, 1:00 p.m. – 2:30 p.m. (EDT)

PLACE: The Hilton University of Florida Conference Center (Gainesville)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, the Internal Audit Status Reports.

For additional information, please call Barbara Walker at 1(800)807-7647, extension 3744.

Special Accommodations: In accordance with the Americans with Disabilities Act, people with disabilities or physical impairments who require assistance to participate in this meeting are requested to contact Barbara Walker at least five days prior to the meeting.

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**DUVAL COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Duval County Research and Development Authority** announces a business meeting to which all interested persons are invited.

DATE AND TIME: December 6, 2006, 2:00 p.m. – 3:00 p.m.

PLACE: University of North Florida, University Center, 12000 Alumni Drive, Jacksonville, Florida 32224

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the meeting agenda may be obtained by contacting Earle C. Traynham, Executive Director, Duval County Research and Development Authority, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224-2645.

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**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.**

The **Florida Developmental Disabilities Council, Inc.** announces it's regularly scheduled business meeting to which all interested persons are invited.

DATE AND TIME: December 7, 2006, 8:30 a.m. – 5:30 p.m.

PLACE: Hyatt Regency Grand Cypress Resort, One Grand Cypress Boulevard, Orlando, Florida 32836

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings.

DATE AND TIME: December 8, 2006, 8:30 a.m. – 2:30 p.m.

PLACE: Hyatt Regency Grand Cypress Resort, One Grand Cypress Boulevard, Orlando, Florida 32836

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Council Meeting.

Meeting times are subject to change.

To receive a copy of the agenda, or request special accommodations for participation in the meeting, please contact: Debra Dowds, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981, or call toll free 1(800)580-7801; local (850)488-4180, or TDD toll free 1(888)488-8633.

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**FLORIDA PORTS COUNCIL**

The **Florida Ports Council** announces a meeting to which all interested persons are invited.

DATE AND TIME: December 8, 2006, 11:00 a.m. – 3:30 p.m.

PLACE: Governor's Club, 202 South Adams, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

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**THE ABLE TRUST**

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: Thursday December 14, 2006, 10:00 a.m.

PLACE: The Able Trust office, 106 East College Avenue, Suite 820, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include approval of recommended grants to assist citizens with disabilities in achieving employment.

For more information, special accommodations or alternative format request, please call The Able Trust at (850)224-4493 or 1(888)838-2253 before December 11, 2006.

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## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

#### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Interplan, LLC. on April 7, 2005. It was assigned the number DCA05-DEC-072. The Commission determined that the exception for vertical accessibility contained in §11-4.1.3(5), Florida Building Code, Building Volume, applied to the project barn.

A copy of the Declaratory Statement can be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from John L. Clinton of Class 1, Inc. on May 18, 2005. It was assigned the number DCA05-DEC-088. The Commission concluded that the Petitioner, a manufacturer of roof underlayment, should apply the 2003 edition of the ASTM D 6380 when seeking approval of its products pursuant to Rule 9B-72, F.A.C.

A copy of the Declaratory Statement can be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Anirudh A. Chopde of Walker Parking Consultants, which was received on May 20, 2005 and amended on June 16, 2005. It was assigned the number DCA05-DEC-089. The Commission concluded that in relation to the parking garage described in the petition, for purposes of applying §406.3.6, Florida Building Code, Building Volume (2004), the definition of "interior area" means the area within the limiting surface of the boundary and, therefore, the clear height is the distance between the top of the floor slab and underside of the beam.

A copy of the Declaratory Statement can be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on August 9, 2006, from Bob Alligood, Ice House America, LLC, regarding whether the building described in the petition is a manufactured building subject to Rule Chapter 9B-1, F.A.C., or whether it fits in the exemption for one-of-a-kind buildings contained in Vol. I, Chapter 553, F.S. It has been assigned the number DCA06-DEC-189.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on August 18, 2006, from Warren Schaefer, P.E., regarding whether methods of anchoring doors, other than those included in the scope of the doors' approval pursuant to Rule Chapter 9B-72, F.A.C., can be utilized providing they are reviewed and certified by a Florida licensed inspector. It has been assigned the number DCA06-DEC-200.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on August 18, 2006, from Warren Schaefer, P.E., regarding wind load analysis for windows and shutters and the definition of the area to be considered pursuant to Chapter 16, Florida Building Code (2004). It has been assigned the number DCA06-DEC-201.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on August 28, 2006, from Florida Roofing Sheet Metal & Air Conditioning Association, Inc. regarding the use of step flashing and "L" flashing in residential construction pursuant to § 905.2.8.4, Florida Building Code, Residential Volume (2004). It has been assigned the number DCA06-DEC-212.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on September 1, 2006, from WindTripper Corporation regarding

whether approval pursuant to Rule Chapter 9B-72, F.A.C., is available to the petitioner's roof wind spoiler system. It has been assigned the number DCA06-DEC-215.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on September 1, 2006, from Eddie Fischer regarding whether approval pursuant to Rule Chapter 9B-72, F.A.C., is available to the petitioner's polypropylene accessories for reinforcement of concrete. It has been assigned the number DCA06-DEC-216.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on September 6, 2006, from the City of Cape Coral regarding application of Table 503, Florida Building Code, Building Volume (2004), to the circumstance where property underneath a building is owned by a separate party. It has been assigned the number DCA06-DEC-218.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on September 8, 2006, from the Emil Veksenfeld, P.E., regarding renovations to high rise residential buildings in the high velocity hurricane zone and whether that work requires inspection by a special inspector of threshold buildings pursuant to Chapter 553, F.S., and Chapters 1, 2 and 34, Florida Building Code, Building Volume (2001) and the Florida Building Code (2004). It has been assigned the number DCA06-DEC-220.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on October 2, 2006, from Michael Griffin of Fugleberg Koch regarding the definitions of "townhouse" and "property line" pursuant to §202, Florida Building Code, Residential Volume (2004). It has been assigned the number DCA06-DEC-250.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on October 2, 2006, from Christopher M. Spence regarding the requirements for egress width pursuant to §1005.1, Florida Building Code, Building Volume (2004). It has been assigned the number DCA06-DEC-252.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on October 18, 2006, from CSP Roof Consultants regarding whether §507.2.2, Florida Building Code, Existing Building Volume (2004), requires checking the type, size and placement of the fasteners which attach roof sheathing to structural supports and the installation of additional fasteners if found to be deficient. It has been assigned the number DCA06-DEC-270.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on October 26, 2006, from Jack McLaughlin of V.P. Sales and Marketing regarding whether a product to secure plywood to a window opening is subject to approval pursuant to Rule Chapter 9B-72, F.A.C., and if so the standards and requirements applicable to the product. It has been assigned the number DCA06-DEC-273.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a request for Declaratory Statement on November 3, 2006, from St. Pete Partners, LLC. The petition seeks the agency's opinion on four questions. First, whether the effectiveness of a comprehensive plan amendment may be suspended by operation of a City charter. Second, whether a comprehensive plan amendment may be repealed by referendum. Third, whether a comprehensive plan amendment supersedes existing, inconsistent land development regulations. Fourth, whether the failure of a local jurisdiction



to adopt plan amendments by popular referendum subjects that local government to sanctions, allows the regional planning council to submit amendments to the plan, or otherwise subjects the local judicial or administrative requests for relief by affected entities. It has been assigned the number DCA06-DEC-281.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on November 3, 2006, from ITW Buildex regarding whether a product used to attach exterior sheathing to light gauge steel framing is subject to Rule Chapter 9B-72, F.A.C. It has been assigned the number DCA06-DEC-282.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on November 6, 2006, from Hurricane Harness Corporation regarding whether tie down straps intended to secure the roof structure to its vertical wall structure for wind resistance purposes is subject to Rule Chapter 9B-72, F.A.C. It has been assigned the number DCA06-DEC-283.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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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 BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from In Re: Petition for Declaratory Statement, Inverness Village Condominium Association, Inc.; Docket No. 2006056782. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(a)1. and 718.111(1)(b), Florida Statutes, as it applies to the petitioner.

Whether directors and officers who directly participated in the clean up and code compliance efforts following Hurricane Wilma may be compensated for their work under Section 718.112(2)(a)1., Florida Statutes, and if so, may the directors to be compensated vote or abstain from voting on the question under Section 718.111(1)(b), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from In Re: Petition for Declaratory Statement, Joseph Carpenito, Unit Owner, Seaquay Condominium Association, Inc.; Docket No. 2006056806. The petition seeks the agency's opinion as to the applicability of Sections 718.111(11)(a) and 718.113, Florida Statutes, as it applies to the petitioner.

Whether Seaquay Condominium Association, Inc. may special assess unit owners to rebuild a portion of the condominium property, a storm-damaged ocean pier, which is not covered by property casualty insurance in its present condition, without a unit owner vote under Sections 718.111(11)(a) and 718.113, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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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."

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Board of Medicine has declined to rule on the petition for declaratory statement filed by My Medical CD, Ltd. on July 21, 2006. The following is a summary of the agency's declination of the petition:

The Petition was published in Vol. 32, No. 35, of the September 1, 2006, F.A.W. The Board reviewed the petition at its meeting held on October 7, 2006, in Tampa, Florida. The Board's Final Order, filed in this matter on October 31, 2006, declines to answer the Petition because the Petitioner failed to demonstrate that it is substantially affected by the application of Section 456.054(1), Florida Statutes, to the circumstances it has presented, and therefore, lacks the requisite standing to obtain a Declaratory Statement from the Board of Medicine.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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**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**

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**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

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**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

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**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**INVITATION TO BID**

As a Contractor, you are invited to submit a bid to the Florida Department of Agriculture and Consumer Services, Division of Forestry, hereinafter referred to as Owner, for the site work preparation for the construction of building facilities at Indian River County Forestry Station and School District of Indian River County Agricultural Facility, located at 5235 and 5245 41st Street, Vero Beach, Florida. The Project Budget is estimated to be: \$300,000.00.

The Department is seeking a Contractor for site work preparation at the Indian River County Forestry Station and School District of Indian River County Agricultural Facility. The contractor shall provide all materials, labor, equipment and inspection fees necessary for the site work preparation for the construction of facilities in accordance with the terms and conditions of the Invitation to Bid.

**PROJECT NAME AND LOCATION:** Indian River County Forestry Station, site-work preparation located at 5235 and 5245 41st Street, Vero Beach, Florida.

**SOLICITATION DOCUMENT:** The entire solicitation document, which includes specifications, may be viewed and downloaded from the Vendor Bid System at <http://myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/DF-06/07-49, or by calling the Purchasing Office at (850)487-3727.

**MANDATORY PRE-BID CONFERENCE/SITE VISIT:** Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on December 6, 2006, at 10:30 a.m., at the offices of Carter Associates, 1708 21st Street, Vero Beach, Florida 32960. During the pre-bid conference a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project. Specifications will be available at the mandatory pre-bid conference/site visit.

**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 on leases of 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., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES:** An entity or affiliate who had been placed on the discriminatory vendor list 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 on leases of 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.

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND:** If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** December 21, 2006, 2:00 p.m.

**PLACE:** Department of Agriculture and Consumer Services, 407 S. Calhoun Street, Room SB8, Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

**CONTRACT AWARD:** The official Notice of Award Recommendation will be by electronic posting at [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

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. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

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## DEPARTMENT OF EDUCATION

### NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of Architecture will be required for development of a facilities program for the project listed below:

**Project:** UF-193 / UF-307, Veterinary Education and Clinical Research Center at the University of Florida College of Veterinary Medicine – Gainesville, Florida

This project is an expansion of the College of Veterinary Medicine Small Animal Hospital. The proposed project is envisioned as a 3 story 98,000 gross square foot addition and renovation to the Small Animal Hospital (SAH) and a potentially separate 4,500 gross square foot linear accelerator facility to serve both large and small animals. This will allow the SAH to relieve space deficiencies, which are currently

causing a less efficient hospital function. In addition, the proposed growth will allow the SAH to increase its caseload, provide a new linear accelerator facility, and to create a healthier environment for patients and clinicians.

The project is to be located at the current College of Veterinary Medicine Small Animal Hospital site, on the south side of SW 16th Avenue adjacent to Sheally Drive on the University of Florida campus. The proposed expansion will occupy the current Patient parking lot directly north of the Small Animal Hospital patient receiving area.

The estimated construction budget is approximately \$45,220,000.00. A minimum Silver LEED (Leadership in Energy and Environmental Design) accreditation by the U.S. Green Building Council is mandatory.

The selected firm will provide facilities programming, conceptual site design, utilities infrastructure evaluation and needs assessment, and construction cost estimating services. Applicants will be evaluated on the basis of their past performance, experience and ability, personnel, references, 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 professional services for the project shall submit a proposal only after thoroughly reviewing the draft 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, design intent, 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 "Professional Qualifications Supplement" (PQS) proposal. Applications on any other form will not be considered.
4. Resumes and copies of the applicant's current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, LEED certification, and other pertinent credentials.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board. 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 professional 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 PQS form, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Construction Standards, standard University of Florida Owner-Professional 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.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (local time), on Friday, 22 December, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
 232 Stadium / P. O. Box 115050  
 Gainesville, FL 32611-5050  
 Telephone: (352)392-1256  
 Fax: (352)392-6378  
 Internet: www.facilities.ufl.edu

**NOTICE TO DESIGN-BUILDERS  
 REQUEST FOR QUALIFICATIONS  
 University of North Florida  
 RFQ #07-10**

The University of North Florida Board of Trustees, a public body corporate, is soliciting qualifications from design-build firms to provide complete design-build services for the development of UNF's Eastern Ridge of approximately 27 acres, inclusive of all necessary site infrastructures to support a 1,000 bed residential facility and associated amenities and a future expansion of 1,000 beds.

Project Description: The scope of this project will include, but is not limited to, the following design and construction activities:

A new roadway of approximately 3,500 linear feet with lighting, bike lanes, sidewalks, storm drainage and retention ponds, a new driveway entrance to Kernan Boulevard, and utility infrastructure (including natural gas, water, sewer, re-use services and power). The utility infrastructure is to also include piping for chilled and hot water to the buildings from a new modular central plant that will be designed to accommodate the first phase of housing, but that can be expanded for future development on the East Ridge.

Site development associated with this project would include parking lots for 1,000 cars, parking lot lighting, landscaping and sidewalks. A 20 foot wide pedestrian walkway bridge extending approximately 1,000 linear feet across wetlands leading to the campus is also included in this project.

The Residential facility component consists of 1,000 student housing beds arranged in both four (4) and six (6) bedroom, two-bath suites, Resident Assistant rooms, guest apartments, Area Coordinator apartments, student support spaces (including laundry facilities, common lounges, common kitchens, study areas, and related program spaces) and site development. It is the University's intent to have these beds be in a single building, to include the 1,000 student beds, 20 Resident Assistant beds, 4 guest apartments, and two Area Coordinator apartments. The new building can be up to six (6) stories in height and shall have one point of entry control.

Additional amenities in the complex include: multi-purpose rooms, an exercise room, game room, and a convenience store with a snack bar and grill. Site amenities shall include: a recreational swimming pool and deck, lighted tennis and basketball court(s), sand volley ball courts, a running track, picnic areas, and large playing/recreation fields.

Firms desiring to provide design-build services for the project shall submit a letter of application and a completed Design-Build Qualifications Supplement (DBQS) form. Submittals shall not exceed 80 pages, including the DBQS form and letter of application. Submittals which do not include the requested data specified in the DBQS form will not be considered. No submittal material will be returned.

The University of North Florida will accept sealed qualification submittals labeled RFQ #07-10 delivered to: University of North Florida, 4567 St. Johns Bluff Road, South, Purchasing Services, Bldg. 6, Room 1301, Jacksonville FL 32224, by 2:00 p.m. (EST), December 18, 2006. To obtain an electronic copy of the RFQ documents please contact Rachel Tittle, Program Assistant, at (904)620-1733 or email rachel.tittle@unf.edu.

**DEPARTMENT OF EDUCATION**

**PUBLIC ANNOUNCEMENT OF CONSTRUCTION  
 MANAGEMENT SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and an intent was issued to negotiate and enter into a contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: October 31, 2006

NAME OF AGENCY: Florida School for the Deaf and the Blind

PROJECT NUMBER: FSDB 20070002

PROJECT NAME: Campus Water Distribution System

1. WG Mills, Inc.
2. E. Vaughan Rivers, Inc.

**PUBLIC ANNOUNCEMENT OF ENGINEERING  
SERVICES SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NUMBER: FSDB 20070002

PROJECT NAME: Campus Water Distribution System

1. Berryman and Henigar
2. Applied Technology and Management, Inc.
3. P and A Consulting Engineers, Inc.
4. Arcadis G and M, Inc.

**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**

**REQUEST FOR BIDS # 05/06-021RM**

The Suwannee River Water Management District (referred to as "District") is inviting sealed bids to construct the Fort Fanning Historical Park Trailhead, Gilchrist County, Florida. Competitive sealed bids will be received by the District at 9225 County Road 49, Live Oak, Florida 32060.

All sealed bids must be received prior to 4:00 p.m. on December 20, 2006. Any individual or firm desiring to obtain a copy of this Request for Bids may do so by visiting the District's website at [www.srwm.d.state.fl.us](http://www.srwm.d.state.fl.us) or by contacting:

Kristel Callahan, OPS Administrative Assistant  
Suwannee River Water Management District  
9225 CR 49  
Live Oak, Florida 32060  
Phone: (386)362-1001  
1(800)226-1066 (Florida only)  
Fax: (386)362-1056

Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District at the above address and phone numbers.

**EXPRESSWAY AUTHORITIES**

**INVITATION TO BID**

MDX PROCUREMENT/CONTRACT NO.: ITB-07-05  
MDX WORK PROGRAM NO.: 50026.060  
CONSTRUCTION SERVICES FOR SYSTEM-WIDE  
LANDSCAPING IMPROVEMENTS

The Miami-Dade Expressway Authority (MDX) is requesting individual sealed bids to be submitted for construction services for system-wide landscaping improvements, including new

trees, shrubs, and plant material to be installed. The bidder shall be pre-qualified by the Florida Department of Transportation ("FDOT") under the Florida Administrative Code in the Landscaping Class; or have completed at least three (3) landscaping project equal or greater than \$250,000 for FDOT or a Florida local government within the last five (5) years. MDX notifies all Bidders and individuals that have full opportunity to submit a response to any solicitation document issued by MDX. 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 MDX's website. However Bidders may also obtain copies of the ITB by contacting MDX. Deadline for submitting a Bid Package is December 20, 2006, by 2:00 p.m. (Eastern Time). A MANDATORY Pre-bid conference is scheduled for November 29, 2006. Attendance to the Pre-bid conference IS mandatory.

**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."

**EARLY LEARNING COALITION OF PINELLAS  
COUNTY, INC.**

The purpose of the Early Learning Coalition of Pinellas County, Inc. is to provide quality school readiness and VPK programs and services for children ages 0-13. The focus of this Request for Proposals is to offer a quality, seamless service delivery system for school readiness and VPK services in Pinellas County. The Early Learning Coalition desires to contract for these School Readiness and VPK services.

The Coalition proposes entering into a contract for a period of one (1) year with possible subsequent renewal of the contract for two (2) years subject to: (i) satisfactory performance evaluations by the Coalition, (ii) availability of funds as determined by the Coalition, and (iii) changes in programmatic or service related needs as determined at the sole discretion of the Coalition. The contract may also be affected by any changes in statute or rule that may arise during the contract period.

For a copy of RFP #2006-001 please contact: Janet Chapman, Executive Director, Early Learning Coalition of Pinellas County, Inc., 11350 66th Street, N., Suite 120, Largo, FL 33773, (727)548-1439.

**FLORIDA SHERIFFS ASSOCIATION**

Invitation to Bid

The Florida Sheriffs Association (FSA) and the Florida Association of Counties (FAC) invites interested bidders to submit bids in accordance with these solicitation documents. The purpose of this solicitation is to establish a contract for the purchase of tires. The technical specifications describe the product in more detail. The contract term is to begin on March 1, 2007, and to end February 28, 2009.

As more specifically stated in the Instructions to Bidders, the following anticipated time line applies to this solicitation:

BID NUMBER: 07/8-03-0110  
 BID TITLE: TIRES AND RELATED SERVICES  
 ADVERTISEMENT DATES: November 22, 2006 and December 1, 2006  
 PRE-BID CONFERENCE: November 28, 2006, 9:30 a.m.  
 PRE-BID CONFERENCE TO BE HELD AT: Marion County Sheriff's Office Conference Room  
 692 N. W. 30 Avenue  
 Ocala, FL 34475-5608  
 (352)368-3566  
 BID OPENING DATE: January 10, 2007, at 11:30 a.m.  
 BID OPENING TO BE HELD AT: Florida Sheriff's Association Cooperative Bid Coordinator's Office  
 2617 Mahan Drive (32308)  
 P. O. BOX 12519  
 Tallahassee, FL 32317-2519

BIDS MUST BE CONTAINED IN A SEALED ENVELOPE ADDRESSED TO THE FLORIDA SHERIFF'S ASSOCIATION. INDICATE ON THE OUTSIDE OF THE ENVELOPE THE BID NUMBER, TITLE, OPENING DATE AND TIME. ALL BIDS MUST BE RECEIVED ON OR BEFORE THE DATE AND TIME NOTED ABOVE. ALL QUESTIONS PERTAINING TO THIS BID, SHOULD BE DIRECTED TO LYNN MEEK, FLORIDA SHERIFF'S ASSOCIATION, (850)877-2165.

**Section XII  
 Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIVR-11-2007-002

DATE RECEIVED: November 13, 2006  
 DEVELOPMENT NAME: Miami International Merchandise Mart  
 DEVELOPER/AGENT: South Florida Hotel, Inc.  
 DEVELOPMENT TYPE: 28-24.031, F.A.C.  
 LOCAL GOVERNMENT: Miami-Dade County

**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), Goldenvale-Roketa intends to allow the establishment of ADS-Auto Discount Sales, Inc., as a dealership for the sale of Roketa motorcycles, at 3265 West New Haven Avenue, West Melbourne (Brevard County), Florida 32904, on or after November 3, 2006.

The name and address of the dealer operator(s) and principal investor(s) of ADS-Auto Discount Sales, Inc., are dealer operator(s): Art Stockdale, 3265 West New Haven Avenue, West Melbourne, Florida 32904; principal investor(s): Art Stockdale, 3265 West New Haven Avenue, West Melbourne, Florida 32904.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Julia Law, Account Executive, Goldenvale-Roketa, 2041 South Turner Avenue, Ontario, California 91761.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Honda Motor Co., Inc., intends to allow the relocation of Champions Leesburg, LLC, as a dealership for the sale of Honda motorcycles, from its present location at 2408 West Main Street, Leesburg, Florida 34748, to a proposed location at 10005 Highway 441, Leesburg (Lake County), Florida 34788, on or after October 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Champions Leesburg, LLC, are: dealer operator(s): Donald C. Mealey, 2408 West Main Street, Leesburg, Florida 34748, and Kevin C. Mealey, 2408 West Main Street, Leesburg, Florida 34748; principal investor(s): Donald C. Mealey, 2408 West Main Street, Leesburg, Florida 34748, and Kevin C. Mealey, 2408 West Main Street, Leesburg, Florida 34748.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer Licensing Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900, Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Ray Blank, Senior Vice President, Motorcycle Division, American Honda Motor Co., Inc., 1919 Torrance Boulevard, Torrance, California 90501-2748.

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 Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that American Honda Motor Co., Inc., intends to allow the establishment of Dignity LLC, d/b/a Johnson Honda of Stuart, as a dealership for the sale of Honda

automobiles and light trucks at the southwest corner of U. S. Highway 1 and Market Place in Stuart, Martin County, Florida, on or after March 1, 2007.

The property on which the dealership will be located is described as follows: A portion of Tracts 217 and 218 according to the Plat of Port Sewall (Sewall's Point Land Company Subdivision) as recorded in Plat Book 3, Page 7, Public Records of Palm Beach (now Martin) County, Florida and being more particularly described as follows: Commence at the Point of Intersection of the South line of said Plat of Port Sewall and the Westerly right-of-way line of U.S. Highway No. 1; thence North 29 degrees 01 minutes 32 seconds West, along said Westerly right-of-way line a distance of 50.25 feet to a point in the said Westerly right-of-way that is 50.00 feet Northerly of, as measured at right angles to the said South line of the Plat of Port Sewall and being the Point of Beginning. Thence continue North 29 degrees 01 minutes 32 seconds West along the aforesaid Westerly right-of-way line of U.S. Highway No. 1, a distance of 702.18 feet to the intersection with a line of 5.00 feet Southerly of, as measured at right angles, to the North line of said Tracts 217 and 218; thence South 66 degrees 47 minutes 01 seconds West, along lastly said line, a distance of 331.11 feet; thence South 23 degrees 12 minutes 59 seconds East a distance of 699.57 feet to the intersection with a line 50.00 feet Northerly of, as measured at right angles, to the said South line of the Plat of Port Sewall; thence North 66 degrees 38 minutes 28 seconds East, parallel with said South line a distance of 402.18 feet to the Point of Beginning.

The name and address of the dealer operator(s) and principal investor(s) of Dignity LLC, d/b/a Johnson Honda of Stuart, are dealer operator(s): C. David Johnson, Jr., 917 Williamson Drive, Raleigh, North Carolina 27608; principal investor(s): C. David Johnson, Jr., 917 Williamson Drive, Raleigh, North Carolina 27608.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Bill Green, Market Planning Manager, American Honda Motor Co., Inc., 1919 Torrance Boulevard, Torrance, California 90501-2746.

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), Polaris Sales, Inc., intends to allow the establishment of Douglas Jeep, Inc., d/b/a Douglas Powersports of Sarasota, as a dealership for the sale of Victory motorcycles at 6051 North Washington Boulevard, Sarasota (Sarasota County), Florida 34243, on or after November 30, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Douglas Jeep, Inc., d/b/a Douglas Powersports of Sarasota, are dealer operator(s): Gregory Douglas, 8101 Deerbrook Circle, Sarasota, Florida 34238; principal investor(s): Gregory Douglas, 8101 Deerbrook Circle, Sarasota, Florida 34238, and William Douglas, 3001 Woodson Lane, Clearwater, Florida 33761.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Michael W. Malone, VP Finance, CFO, Polaris Sales, Inc., 2100 Highway 55, Medina, Minnesota 55340-9770.

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), A & A Scooter, Inc., intends to allow the establishment of FlaCycle, Inc., as a dealership for the sale of Astronautical Bashan Motorcycle Manufacturing Group (BASH) motorcycles at 6022 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after June 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of FlaCycle, Inc., are dealer operator(s): Bruce Freidlander, 6022 South Tamiami Trail, Sarasota, Florida 34321; principal investor(s): Bruce Freidlander, 6022 South Tamiami Trail, Sarasota, Florida 34321.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Leah Jordan, Licensing Specialist, A & A Scooter, Inc., 11639 Emerald Street, Suite 100, Dallas, Texas 75229.

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), Snyder Computer Systems, Inc., d/b/a Wildfire Motors, intends to allow the establishment of Finish Line Scooters, LLC, as a dealership for the sale of Zhejiang Leike Machinery Co. motorcycles at 13220 Madeira Beach Street, St. Petersburg (Pinellas County), Florida 33708, on or after October 1, 2006.



The name and address of the dealer operator(s) and principal investor(s) of Finish Line Scooters, LLC, are dealer operator(s): John V. Leanard, 3269 Shore Drive, Largo, Florida 33771; principal investor(s): John V. Leanard, 3269 Shore Drive, Largo, Florida 33771.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Kim Conrad, Snyder Computer Systems, Inc., d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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), Avanti Motorcycles, Inc., intends to allow the establishment of Hang Loose Int'l Corp., Inc., as a dealership for the sale of Astronautical Bashan Motorcycle Co. (BASH) motorcycles at 540 South Dixie Highway, Hollywood (Broward County), Florida 33020, on or after October 24, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Hang Loose Int'l Corp., Inc., are dealer operator(s): Daniel Haspel, 540 South Dixie Highway, Hollywood, Florida 33020; principal investor(s): Daniel Haspel, 540 South Dixie Highway, Hollywood, Florida 33020.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Tai Luu, President, Avanti Motorcycles, Inc., 15A Parkway Circle, New Castle, Delaware 19720.

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), A & A Scooter, Inc., intends to allow the establishment of Ilesanmi African Art Gallery Corporation, d/b/a JIBAC, as a dealership for the sale of Astronautical Bashan Motorcycle Manufacturing Group (BASH) motorcycles at 8612 North 40th Street, Tampa (Hillsborough County), Florida 33604, on or after November 8, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Ilesanmi African Art Gallery Corporation, d/b/a JIBAC are dealer operator(s): Joel A. Ilesanmi, 1419 Overlea Street, Clearwater, Florida 33755; principal investor(s): Joel A. Ilesanmi, 1419 Overlea Street, Clearwater, Florida 33755.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Leah Jordan, Licensing Specialist, A & A Scooter, Inc., 11639 Emerald Street, Suite 100, Dallas, Texas 75229.

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), Snyder Computer System, Inc., d/b/a Wildfire Motors, intends to allow the establishment of JJ's Motortoys & More, LLC, as a dealership for the sale of Zhejiang Leike Machinery Co. motorcycles at 19630 South Tamiami Trail, Unit B, Fort Myers (Lee County), Florida 33908, on or after November 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of JJ's Motortoys & More, LLC, are dealer operator(s): Jay Granite, 23435 Coral Bean Court, Bonita Springs, Florida 34134; principal investor(s): Jay Granite, 23435 Coral Bean Court, Bonita Springs, Florida 34134.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Kim Conrad, Snyder Computer Systems, Inc., d/b/a Wildfire Motors, 11 Technology Way, Steubenville, Ohio 43952.

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

*[The previous publication in Vol. 32, No. 42, October 20, 2006, page 4994, has been corrected showing the proposed dealership address at, "25191 U.S. Highway 19, North, Clearwater, Florida 33763," and the dealer operator and principal investor as: "Richard R. Dimmitt, 25191 U.S. Highway 19, North, Clearwater, Florida 33763."]*

Pursuant to Section 320.642, Florida Statutes (2005), General Motors Corporation, intends to allow the establishment of Larry Dimmitt Cadillac, Inc., d/b/a Dimmitt Cadillac Saab, as a dealership for the sale of Saab vehicles, at 25191 U.S. Highway 19 North, Clearwater (Pinellas County), Florida 33763, on or after November 5, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Larry Dimmitt Cadillac, Inc., d/b/a Dimmitt Cadillac Saab, are dealer operator(s): Richard R. Dimmitt, 25191 U.S. Highway 19, North, Clearwater, Florida 33763; principal investor(s): Richard R. Dimmitt, 25191 U.S. Highway 19, North, Clearwater, Florida 33763.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Alex Walsh, General Motors Corporation, Dealer Contractual Group, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, Michigan 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that M & M Power, Inc., intends to allow the establishment of Motomania Powersports, LLC, as a

dealership for the sale of Kaitong motorcycles at 3264 Southeast Dixie Highway, Stuart (Martin County), Florida 34997, on or after November 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Motomania Powersports, LLC., are dealer operator(s): William Talero, 5910 Loxahatchee Pines Drive, Jupiter, Florida 33458; principal investor(s): William Talero, 5910 Loxahatchee Pines Drive, Jupiter, Florida 33458.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Anthony Milano, President, M & M Power, Inc., 841 South River Drive, #104, Stuart, Florida 34997.

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

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that STAR Electric Cars, Inc., intends to allow the establishment of Taylor Enterprise, LLC, d/b/a American Ecar, as a dealership for the sale of STAR electric cars at 369 Blanding Boulevard, Orange Park (Clay County), Florida 32073, on or after November 3, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Taylor Enterprise, LLC, d/b/a American Ecar, are dealer operator(s): Joseph R. Taylor, 1896 Chatham Village Drive, Orange Park, Florida 32003; principal investor(s): Joseph R. Taylor, 1896 Chatham Village Drive, Orange Park, Florida 32003.

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: Nalini Vinayak, Administrator, Dealer Licensing 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: Susan P. Sistare, President, STAR Electric Cars, Inc., 2308 North Dixie Highway, Fort Lauderdale, Florida 33305-2238.

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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#### **LAND AND WATER ADJUDICATORY COMMISSION**

##### NOTICE OF RECEIPT OF PETITION JULINGTON CREEK PLANTATION COMMUNITY DEVELOPMENT DISTRICT

On October 16, 2006, the Florida Land and Water Adjudicatory Commission (the "Commission") received a Petition to adopt an amendment to Rule Chapter 42T-1, F.A.C., to amend the boundary of the Julington Creek Plantation Community Development District (the "District") pursuant to chapter 190, F.S. Petitioner asserts a copy of the Petition was filed with St. Johns County. The Commission will follow the requirements of Chapter 190, F.S., and Chapter 42-1, F.A.C., in ruling on this Petition.

**SUMMARY OF CONTENTS OF PETITION:** The Petition was filed by the Julington Creek Plantation Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to add 26.86 acres to the District located solely within St. Johns County, Florida. The District currently covers approximately 4,119 acres of land and after amendment the District will encompass approximately 4,145.86 acres. Petitioner has obtained written consent to

amend the boundaries of the District from the owners of 100% of the real property comprising the expansion parcel. The District intends to construct, acquire or install recreation improvements (recreation complex) for the expansion parcel as outlined in the District's Improvement Plan.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with section 120.541, F.S. The complete text of the SERC is contained at Exhibit "8" to the Petition. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the District, the state, and St. Johns County, Florida. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no negative impact on state and local revenues from the proposed amendment of the rule. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC indicates that to fund the cost of maintaining infrastructure, assessments and fees will be imposed on the District property owners. The proposed lands to be added to the boundaries of the District are owned by the District and as such these lands will be exempt from non-ad valorem assessments. The District acquired these lands in 2006 in anticipation of constructing a new recreation center for the District. Finally, the SERC concludes that the amendment of the District's boundary will have no impact on small businesses and should not have negative impact on small counties and cities as defined in Section 120.52, F.S. St. Johns County is not a small county as defined by Section 120.52, F.S. According to the SERC, the SERC analysis is based on a straightforward application of economic theory and input was received from the District's Engineer and other professionals associated with the District.

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

**DATE AND TIME:** Tuesday, December 12, 2006, 6:00 p.m.

**PLACE:** Julington Creek Plantation Community Development, District Offices, 950 Davis Pond Boulevard, St. Johns, Florida 32259

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Jonathan T. Johnson or Wesley S. Haber, (850)222-7500, at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

**COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING:** Jonathan T. Johnson or Wesley S. Haber, Hopping Green & Sams, 123 South Calhoun Street, Tallahassee, Florida 32301; or Barbara Leighty, Florida Land

and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED**

**GRACE PERIOD LETTERS OF INTENT**

The Agency for Health Care Administration received and accepted the following letters of intent for the November 22, 2006 application filing date for Other Beds and Programs batching cycle:

- |  |                 |
|--|-----------------|
| County: Escambia   | District: 1     |
| Date Filed: 11/7/2006  | LOI #: N0610024 |
| Facility/Project: Regency Hospice of Northwest Florida, LLC              |                 |
| Applicant: Regency Hospice of Northwest Florida, LLC                     |                 |
| Project Description: Establish a hospice program                         |                 |
| County: Manatee  | District: 6     |
| Date Filed: 11/8/2006  | LOI #: N0610025 |
| Facility/Project: American Hospice Management, LLC                       |                 |
| Applicant: American Hospice Management, LLC                              |                 |
| Project Description: Establish a hospice program                         |                 |
| County: Manatee  | District: 6     |
| Date Filed: 11/7/2006  | LOI #: N0610026 |
| Facility/Project: Regency Hospice of Manatee County, LLC                 |                 |
| Applicant: Regency Hospice of Manatee County, LLC                        |                 |
| Project Description: Establish a hospice program                         |                 |
| County: Manatee  | District: 6     |
| Date Filed: 11/8/2006  | LOI #: N0610027 |
| Facility/Project: The Hospice of the Florida Suncoast, Inc.              |                 |
| Applicant: The Hospice of the Florida Suncoast, Inc.                     |                 |
| Project Description: Establish a hospice program                         |                 |
| County: Orange   | District: 7     |
| Date Filed: 11/2/2006  | LOI #: N0610028 |
| Facility/Project: Florida Hospital                                       |                 |
| Applicant: Adventist Health System/Sunbelt, Inc.                         |                 |
| Project Description: Establish an adult pancreas transplantation program |                 |
| County: Collier  | District: 8     |
| Date Filed: 11/7/2006  | LOI #: N0610029 |
| Facility/Project: Regency Hospice of Collier County, LLC                 |                 |
| Applicant: Regency Hospice of Collier County, LLC                        |                 |
| Project Description: Establish a hospice program                         |                 |
| County: Collier  | District: 8     |
| Date Filed: 11/8/2006  | LOI #: N0610030 |
| Facility/Project: American Hospice Management, LLC                       |                 |
| Applicant: American Hospice Management, LLC                              |                 |
| Project Description: Establish a hospice program                         |                 |

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after December 27, 2006, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on December 8, 2006.

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Collier Service District: 8  
 ID #060002 Issue Date: 11/3/2006 Decision: A  
 Facility/Project: Physicians Regional Medical Center  
 Applicant: Naples HMA, Inc.  
 Project Description: Provision of percutaneous coronary interventions for patients presenting with emergency myocardial infarctions in a hospital without an approved adult open-heart surgery program.  
 Approved Cost: \$95,000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**NOTICE OF QUOTA LIQUOR LICENSE DRAWING**

The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation announces the Santa Rosa County Quota Liquor License Drawing to which all persons are invited.

DATE AND TIME: December 5, 2006, 9:00 a.m.  
 PLACE: Department of Business and Professional Regulation, Northwood Centre, Alcoholic Beverages and Tobacco Conference Room, 1940 North Monroe Street, Tallahassee, FL  
 PURPOSE: To conduct double random computer drawing from the pool of qualified applicants for new quota liquor licenses in the above referenced county and establish each qualified applicant's standing to receive one of the new licenses. Those applicants chosen in the drawing will be notified by certified mail of their eligibility to apply for a license.

**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**

On November 15, 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 Teresa Renee Carmichael, R.N., license number RN 9164554. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 9, 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 Deanna Renee Davenport, L.P.N., license number PN 5154086. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 2, 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 Danielle Jones, C.N.A., license number CNA 123329. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 2, 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 Lyle Dean McColley, license number PN 568171. 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 November 9, 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 Melissa Jean Meade, R.N., license number RN 9240266. 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 November 2, 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 Lisa Morris Palmer Peters, L.P.N., license number PN 561521. 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 November 2, 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 registration of Nicole Renee Coshun, PSI, registration number PSI 17932. 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 November 9, 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 Nicholas T. Loiacono, R.Ph., license number PS 22677. 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 November 9, 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 Martin Reisky, R.Ph., license number PS 30034. 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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**FISH AND WILDLIFE CONSERVATION  
COMMISSION**

**NOTICE OF ADDENDUM TO DRAFT MANATEE  
MANAGEMENT PLAN**

The Florida Fish and Wildlife Conservation Commission announces the availability of two additional sections that were inadvertently omitted from the draft management plan for the Florida manatee that was noticed and made available on November 9, 2006. The two sections are part of Chapter 10 (Implementation Strategy) and are entitled "Required Resources and Other Costs Associated with Implementation" and "Management Plan Review and Revision." Both sections are available on-line at: <http://myfwc.com/manatee>. The Commission is accepting written comments regarding conservation recommendations and expected economic, social, environmental and ecological impacts of implementing the management plan. Copies of the entire draft management plan are available on-line at the site referenced above or can be requested from Manatee Management Plan, 620 South Meridian Street, Mail Station 6A, Tallahassee, Florida 32399-1600. Written comments should be addressed to the above address, or submitted to the following email address: [manatee\\_plan@myFWC.com](mailto:manatee_plan@myFWC.com). Comments will be accepted until 5:00 p.m., January 11, 2007.

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**FINANCIAL SERVICES COMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 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., December 13, 2006):

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: Florida Business Bank (Business Bank of Florida, Corp.), Melbourne, Florida  
Proposed Purchasers: Reserve Financial Associates, LLC, Columbus, Ohio, Sofia Financial Associates, LLC, Columbus, Ohio, RFA Investments LP, New York, New York, and Skilken Financial LLC, Columbus, Ohio

Received: November 1, 2006

**APPLICATION AND PLAN FOR THE PURCHASE OF  
CERTAIN ASSETS AND ASSUMPTION OF CERTAIN  
LIABILITIES**

Acquiring Entity: CNLBank, Southwest Florida (In Organization), 9124 Bonita Beach Road, Bonita Springs, Florida

Selling Entity: CNLBank, 450 South Orange Avenue, Orlando, Florida

Received: November 13, 2006

APPLICATION FOR CONVERSION OF AN  
INTERNATIONAL AGENCY OFFICE TO AN  
INTERNATIONAL BRANCH OFFICE

Applicant and Location: Caixa de Aforros de Vigo, Ourense e Pontevedra, 1111 Brickell Avenue, Suite 2600, Miami, Florida 33131

With Title: Caixa de Aforros de Vigo, Ourense e Pontevedra, Vigo, Spain

Correspondent: Alcides I. Avila, Holland & Knight LLP, 701 Brickell Avenue, Suite 3000, Miami, Florida 33131-2847

EXPANDED FIELD OF MEMBERSHIP

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by

a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.fldfs.com/ofr/banking/cufm.asp>.

Name and Address of Applicant: Campus USA Credit Union, Post Office Box 147029, Gainesville, Florida 32614-7029

Expansion Includes: Geographic

Received: November 8, 2006

Name and Address of Applicant: Florida Credit Union, Post Office Box 5549, Gainesville, Florida 32627-5549

Expansion Includes: Geographic

Received: November 8, 2006

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**RULES FILED BETWEEN November 6, 2006 and November 9, 2006**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Office of the Secretary**

62S-3.001	11/9/06	11/29/06	31/30	32/39
62S-3.002	11/9/06	11/29/06	31/30	32/39
62S-3.003	11/9/06	11/29/06	31/30	32/39

**DEPARTMENT OF EDUCATION**  
**State Board of Education**

6A-3.006	11/6/06	11/26/06	32/37	
6A-3.0121	11/6/06	11/26/06	32/37	
6A-3.0141	11/6/06	11/26/06	32/37	
6A-3.016	11/6/06	11/26/06	32/37	
6A-3.0171	11/6/06	11/26/06	32/37	
6A-3.0291	11/6/06	11/26/06	32/37	
6A-3.037	11/6/06	11/26/06	32/37	

**DEPARTMENT OF HEALTH**  
**Board of Osteopathic Medicine**

64B15-19.002	11/7/06	11/27/06	32/38	
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**Board of Pharmacy**

64B16-26.1005	11/9/06	11/29/06	32/39	
64B16-26.300	11/9/06	11/29/06	32/39	
64B16-30.001	11/9/06	11/29/06	32/39	

**DEPARTMENT OF CORRECTIONS**

33-203.101	11/9/06	11/29/06	32/33	32/40
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**Board of Podiatric Medicine**

64B18-17.005	11/9/06	11/29/06	32/30	32/32
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**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Office of Licensure and Certification**

59A-31.002	11/8/06	11/28/06	32/29	
59A-31.003	11/8/06	11/28/06	32/29	
59A-31.004	11/8/06	11/28/06	32/29	
59A-31.005	11/8/06	11/28/06	32/29	
59A-31.006	11/8/06	11/28/06	32/29	
59A-31.007	11/8/06	11/28/06	32/29	32/36
59A-31.008	11/8/06	11/28/06	32/29	
59A-31.009	11/8/06	11/28/06	32/29	32/36
59A-31.010	11/8/06	11/28/06	32/29	32/36
59A-31.011	11/8/06	11/28/06	32/29	
59A-31.012	11/8/06	11/28/06	32/29	
59A-31.013	11/8/06	11/28/06	32/29	
59A-31.014	11/8/06	11/28/06	32/29	
59A-31.015	11/8/06	11/28/06	32/29	

**Division of Environmental Health and Statewide Program**

64E-6.001	11/6/06	11/26/06	32/35	32/40
64E-6.002	11/6/06	11/26/06	32/35	
64E-6.003	11/6/06	11/26/06	32/35	
64E-6.004	11/6/06	11/26/06	32/35	
64E-6.006	11/6/06	11/26/06	32/35	
64E-6.008	11/6/06	11/26/06	32/35	
64E-6.009	11/6/06	11/26/06	32/35	
64E-6.010	11/6/06	11/26/06	32/35	
64E-6.0101	11/6/06	11/26/06	32/35	
64E-6.012	11/6/06	11/26/06	32/35	
64E-6.013	11/6/06	11/26/06	32/35	
64E-6.014	11/6/06	11/26/06	32/35	
64E-6.015	11/6/06	11/26/06	32/35	
64E-6.018	11/6/06	11/26/06	32/35	
64E-6.0181	11/6/06	11/26/06	32/35	
64E-6.019	11/6/06	11/26/06	32/35	
64E-6.020	11/6/06	11/26/06	32/35	32/40
64E-6.021	11/6/06	11/26/06	32/35	32/40
64E-6.025	11/6/06	11/26/06	32/35	
64E-6.026	11/6/06	11/26/06	32/35	
64E-6.030	11/6/06	11/26/06	32/35	

**Medicaid Program Office**

59G-4.110	11/9/06	11/29/06	32/33	32/40
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-730.210	11/9/06	11/29/06	32/3	
62-730.225	11/9/06	11/29/06	32/3	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
<b>DEPARTMENT OF FINANCIAL SERVICES</b>									
<b>Division of State Fire Marshal</b>									
69A-58.001	11/6/06	11/26/06	32/4		69A-58.0082	11/6/06	11/26/06	32/4	32/35
69A-58.002	11/6/06	11/26/06	32/4	32/35	69A-58.0083	11/6/06	11/26/06	32/4	32/35
69A-58.003	11/6/06	11/26/06	32/4	32/35	69A-58.0084	11/6/06	11/26/06	32/4	32/35
69A-58.0031	11/6/06	11/26/06	32/4	32/35	69A-58.009	11/6/06	11/26/06	32/4	32/35
69A-58.004	11/6/06	11/26/06	32/4	32/35	<b>Funeral and Cemetery Services</b>				
69A-58.005	11/6/06	11/26/06	32/4	32/35	69K-12.003	11/6/06	11/26/06	32/25	
69A-58.006	11/6/06	11/26/06	32/4	32/35	69K-12.004	11/6/06	11/26/06	32/25	32/41
69A-58.007	11/6/06	11/26/06	32/4	32/35	69K-12.005	11/6/06	11/26/06	32/25	32/41
69A-58.008	11/6/06	11/26/06	32/4		<hr/>				
69A-58.0081	11/6/06	11/26/06	32/4	32/35					