

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
RULE CHAPTER NO.: 1S-2

RULE TITLE: Voting Machine Equipment
RULE NO.: 1S-2.004

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule to include statutory changes.

SUBJECT AREA TO BE ADDRESSED: The rule incorporates changes to state and federal laws.

SPECIFIC AUTHORITY: 101.294 FS.

LAW IMPLEMENTED: 101.292, 101.293, 101.294, 101.295 FS.

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

TIME AND DATE: 10:00 a.m., Friday, June 11, 2004

PLACE: Room 102, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marielba Torres, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to review the documents should contact Marielba Torres, (850)245-6200.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Adjustments to Reflect Consumer Price Index
RULE NO.: 2A-8.005

PURPOSE AND EFFECT: The Division proposes the development of rule amendments to reflect changes to the Consumer Price Index for payment of benefits.

SUBJECT AREA TO BE ADDRESSED: Adjustments to the reflect the Consumer Price Index.

SPECIFIC AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), Florida Statutes, requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(1) The statutory amount for the period July 1, 2002 through June 30, 2003, was:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$50,000.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); \$50,000.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); \$150,000.

(2) The Consumer Price Index amount in March 2004 2003 was 1.7 3.0 percent. Therefore, the statutory amount for the period July 1, 2004 2003 through June 30, 2005 2004, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$52,375.50 \$51,500.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); \$52,375.50 \$51,500.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); \$157,126.50 \$154,500.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History--New 12-10-03, Amended \_\_\_\_\_.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER TITLE: Florida Forever Program
RULE CHAPTER NO.: 9K-7

RULE TITLES: Purpose
RULE NOS.: 9K-7.001

Definitions
9K-7.002

General Requirements and Eligibility Standards
9K-7.003

Submission of Application and Application

Materials
9K-7.004

Communications to the Governing Board
9K-7.005

Application Review
9K-7.006

Project Evaluation Criteria	9K-7.007	General Information	9K-8.003
Ranking and Selection of Applications	9K-7.008	Election by Recipient of Titleholder and	
Project Approval	9K-7.009	Negotiating Entity; Rules Governing	
Modification to the Project Boundary	9K-7.010	Acquisitions; Title	9K-8.004
Preparation and Acceptance of the		Title Report and Evidence of Marketable Title	9K-8.005
Management Plan	9K-7.011	Certified Survey	9K-8.006
Title, Acquisition Procedures, Project Plans, Lease		Appraisal Procedures, Appraisal Report	
Agreements and Transfer of Title	9K-7.012	Requirements and Determination of	
Annual Stewardship Report Requirement	9K-7.013	Maximum Approved Purchase Price	9K-8.007
PURPOSE AND EFFECT: To improve Florida Communities		Confidentiality of Appraisals, Other Reports	
Trust's efficiency in administering Florida Forever Funds and		Relating to Value, Offers and Counteroffers	9K-8.008
ensure the rules are user-friendly for the customers.		Negotiation of Offers and Counteroffers	9K-8.009
SUBJECT AREA TO BE ADDRESSED: Florida		Purchase Agreements	9K-8.010
Communities Trust Grant Application Procedures and Land		Preparation and Acceptance of Project Plans	9K-8.011
Acquisition Procedures.		Examination for Hazardous Materials	
SPECIFIC AUTHORITY: 380.507(11) FS.		Contamination	9K-8.012
LAW IMPLEMENTED: 120.55(1)(a)4., 259.105,		Trust Governing Board Action	9K-8.013
380.501-.515 FS.		Closing	9K-8.014
IF REQUESTED IN WRITING AND NOT DEEMED		PURPOSE AND EFFECT: To improve Florida Communities	
UNNECESSARY BY THE AGENCY HEAD, A RULE		Trust's efficiency in administering Florida Forever Funds and	
DEVELOPMENT WORKSHOP WILL BE HELD AT THE		ensure the rules are user-friendly for the customers.	
TIME, DATE AND PLACE SHOWN BELOW (IF NOT		SUBJECT AREA TO BE ADDRESSED: Florida	
REQUESTED, A WORKSHOP WILL NOT BE HELD):		Communities Trust Grant Application Procedures and Land	
TIME AND DATE: 1:00 p.m., June 16, 2004		Acquisition Procedures.	
PLACE: Randall Kelley Training Center, Sadowski Building,		SPECIFIC AUTHORITY: 380.507(11) FS.	
Department of Community Affairs, 2555 Shumard Oak		LAW IMPLEMENTED: 259.105, 380.501-.515 FS.	
Boulevard, Tallahassee, Florida 32399-2100		IF REQUESTED IN WRITING AND NOT DEEMED	
Any person requiring special accommodation at the hearing		UNNECESSARY BY THE AGENCY	
because of a disability or physical impairment should contact		HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE	
Grant Gelhardt, Environmental Administrator, Florida		HELD AT THE TIME, DATE AND PLACE SHOWN	
Communities Trust, 2555 Shumard Oak Boulevard,		BELOW (IF NOT REQUESTED, A WORKSHOP WILL	
Tallahassee, Florida 32399-2100, (850)922-1704, SunCom		NOT BE HELD):	
292-1704, at least seven days before the date of the workshop.		TIME AND DATE: 1:00 p.m., June 16, 2004	
If you are hearing or speech impaired, please contact the		PLACE: Randall Kelley Training Center, Sadowski Building,	
Department of Community Affairs using the Florida Dual		Department of Community Affairs, 2555 Shumard Oak	
Party System which can be reached at 1(800)955-8770 (Voice)		Boulevard, Tallahassee, Florida 32399-2100	
or 1(800)955-9771 (TDD).		Any person requiring special accommodation at the hearing	
THE PERSON TO BE CONTACTED REGARDING THE		because of a disability or physical impairment should contact	
PROPOSED RULE DEVELOPMENT IS: Grant Gelhardt,		Grant Gelhardt, Environmental Administrator, Florida	
Environmental Administrator, Florida Communities Trust,		Communities Trust, 2555 Shumard Oak Boulevard,	
2555 Shumard Oak Boulevard, Tallahassee, Florida		Tallahassee, Florida 32399-2100, (850)922-1704, SunCom	
32399-2100, (850)922-1704, SunCom 292-1704.		292-1704, at least seven days before the date of the workshop.	
THE PRELIMINARY TEXT OF THE PROPOSED RULE		If you are hearing or speech impaired, please contact the	
DEVELOPMENT IS NOT AVAILABLE.		Department of Community Affairs using the Florida Dual	
		Party System which can be reached at 1(800)955-8770 (Voice)	
		or 1(800)955-9771 (TDD).	
		THE PERSON TO BE CONTACTED REGARDING THE	
		PROPOSED RULE DEVELOPMENT IS: Grant Gelhardt,	
		Environmental Administrator, Florida Communities Trust,	
		2555 Shumard Oak Boulevard, Tallahassee, Florida	
		32399-2100, (850)922-1704, SunCom 292-1704.	
		THE PRELIMINARY TEXT OF THE PROPOSED RULE	
		DEVELOPMENT IS NOT AVAILABLE.	

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Communities Trust**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Land Acquisition Procedures With	
Florida Forever Program	9K-8
RULE TITLES:	RULE NOS.:
Purpose	9K-8.001
Definitions	9K-8.002



Specific Authority 958.11(1) FS. Law Implemented 958.11, 958.12 FS. History--New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

RULE TITLES: Spontaneous Fetal Demise  
RULE NO.: 59A-3.281

PURPOSE AND EFFECT: The Agency proposes to adopt Rule 59A-3.281, Florida Administrative Code, consistent with provisions of Section 383.33625, F.S. The statute provides for adoption of rules to develop forms to be used for notifications and elections by health care facilities.

SUBJECT AREA TO BE ADDRESSED: The proposed rule establishes procedures and a form to be used by health care facilities to provide notification to a mother of the options available for the disposition of fetal remains in the event of a spontaneous fetal demise occurring after a gestation period of less than 20 completed weeks.

SPECIFIC AUTHORITY: 383.33625(6) FS.

LAW IMPLEMENTED: 383.33625 FS.

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

TIME AND DATE: 10:00 a.m., June 11, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)487-0641

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-3.281 Spontaneous Fetal Demise.

When a spontaneous fetal demise occurs after a gestation of less than 20 completed weeks, the health care facility identified in Chapter 383.33625, F.S., shall follow the provisions of that section and shall provide AHCA Form XXXX-xxxx, which is incorporated by reference, to the mother for her completion. A copy of the signed and completed form shall be retained in the mother's hospital file and shall be available for review by the Agency or Department of Health.

Specific Authority 383.33625 FS. Law Implemented 383.33625 FS. History--New\_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE CHAPTER TITLE: Unavailable at this time  
RULE CHAPTER NO.: 60DD

PURPOSE AND EFFECT: To consider development of rule chapters on information system development methodology, disposal of information technology equipment, and similar related subjects regarding best practices for acquiring, using, upgrading, modifying, replacing or disposing of information technology.

SUBJECT AREA TO BE ADDRESSED: The development of rule chapters on information system development methodology, disposal of information technology equipment, and related similar subjects regarding best practices for acquiring, using, upgrading, modifying, replacing or disposing of information technology.

SPECIFIC AUTHORITY: 282.102(2),(16) FS.

LAW IMPLEMENTED: 282.102(2),(5),(6),(14),(15),(16) FS.

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

TIME AND DATE: 2:00 p.m., July 19, 2004

PLACE: Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, Florida

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the State Technology Office at least 2 calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT WORKSHOP AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vince McKenzie, Operations & Management Consultant, State Technology Office, 4030 Esplanade Way, Suite 235, Tallahassee, Florida 32399-0950, VinceMcKenzie@MyFlorida.com

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE TITLE: Method Used to Determine Whether an  
RULE NO.: 61A-7.009

Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages

PURPOSE AND EFFECT: To implement statutory provisions relating to the Florida Clean Indoor Air Act and smoking in stand-alone bars.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the method used to determine whether an establishment is predominantly dedicated to the serving of alcoholic beverages.

SPECIFIC AUTHORITY: 386.2125, 386.207 FS.

LAW IMPLEMENTED: 386.203, 386.206, 386.207, 561.695 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, 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 IS: Michael A. Martinez, Chief Attorney, Office of General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1020, (850)414-8125

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61A-7.009 Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages.

In order to determine whether an establishment, other than one holding a specialty license designated in Rule 61A-7.003, F.A.C., is predominantly dedicated to the serving of alcoholic beverages for consumption on the licensed premises, the division shall compare the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption on premises with the following categories of revenue: the percentage of gross food sales revenue from the sale of food the licensee sells for consumption on premises, the percentage of gross food sales revenue from the sale of food the licensee sells for consumption off premises, the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption off the premises; and the percentage of gross revenue from any source not included in the food and alcohol categories above. If the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption on premises is greater than that of the gross sales revenue from any other aforementioned category of gross sales, an establishment is deemed predominantly dedicated to the serving of alcoholic beverages.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(1),(9) FS. History--New

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE CHAPTER TITLE: Anesthesia Assistants  
RULE CHAPTER NO.: 64B15-7

PURPOSE AND EFFECT: The Board proposes the development of rules to address the newly created regulation of anesthesia assistants.

SUBJECT AREA TO BE ADDRESSED: Anesthesia assistants.

SPECIFIC AUTHORITY: 456.048, 459.023 FS.

LAW IMPLEMENTED: 459.023 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Continuing Education for Biennial Renewal  
RULE NO.: 64B15-13.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address requirements for continuing education.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for biennial renewal.

SPECIFIC AUTHORITY: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5),(6),(7), 459.008, 459.008(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Mediation  
RULE NO.: 64B15-19.008

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address violations which are appropriate for mediation.

SUBJECT AREA TO BE ADDRESSED: Violations which are appropriate for mediation.

SPECIFIC AUTHORITY: 456.078 FS.

LAW IMPLEMENTED: 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES:	RULE NOS.:
Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal	64B16-26.103
Exemptions for Members of the Armed Forces; Spouses	64B16-26.104
Standards for Approval of Continuing Education Providers and Courses	64B16-26.601
Standards for Approval of HIV/AIDS and Medication Errors Courses	64B16-26.6011
Continuing Education Records Requirements	64B16-26.603

PURPOSE AND EFFECT: The Board proposes rule amendments and a new rule in order to consolidate requirements regarding continuing education into Chapter 64B16-26, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed new rules set forth the requirements for continuing education and the standards for providers of continuing education.

SPECIFIC AUTHORITY: 456.033, 465.005, 465.009 FS.

LAW IMPLEMENTED: 465.009, 456.013(7),(9), 456.024, 456.025(7), 456.027, 456.033, 465.009 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: Danna Droz, 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:

64B16-26.103 Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

(1) A licensee, as a condition of license renewal, shall complete no No biennial renewal certificate shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the applicant has participated in not less than 30 hours of approved courses of continued professional pharmaceutical education within the 24 month period prior to the expiration date of the license. The following conditions shall apply:

(a)(2) The initial renewal of a license will not require completion submittal of courses of continued professional pharmaceutical education hours if the license was issued within 12 months of the expiration date of the license in so long as the initial renewal occurs within one (1) calendar year of the initial licensure. If the initial renewal occurs more than 12 months one (1) calendar year after the initial licensure, then submittal of 15 hours of continued professional pharmaceutical education hours completed within the 24 month period prior to the expiration date of the license is will be required for with the initial license biennial renewal.

(b)(3) A licensee, as a condition of license renewal, must complete within the 24 month period prior to the expiration date of the license. No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in a one-hour CE course approved by the Board on HIV/AIDS that covers the topics contained in Rule 64B16-26.602, F.A.C. In lieu of completing an HIV/AIDS course, the licensee may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium. The course shall be not less than 1 contact hour and must contain these components:

- (a) Education on the modes of transmission.
- (b) Infection control procedures.
- (c) Clinical management.
- (d) Prevention of HIV and AIDS.
- (e) Information on current Florida law on AIDS and its impact on testing, confidentiality of test results and treatment of patients.

~~(f) Protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, F.S. Notwithstanding the provisions of subsection (2), proof of completion must be returned when submitting the biennial renewal fee.~~

Hours obtained pursuant to this section subsection (3) may be applied by the licensee to the requirements of subsections (1) and (2).

~~(c)(4) A licensee, as a condition of license renewal, must complete within the 24 month period prior to the expiration date of the license. No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in a two-hour CE course approved by the Board or the American Council on Pharmaceutical Education (ACPE) on medication errors that covers the topics set forth in Rule 64B16-26.602, F.A.C. The course shall be not less than 2 hours and must contain the following components:~~

- ~~(a) Root-cause analysis.~~
- ~~(b) Error reduction and prevention.~~
- ~~(c) Patient safety.~~

Hours obtained pursuant to this section subsection (4) may be applied by the licensee to the requirements of subsections (1) and (2).

~~(5) In lieu of completing an HIV/AIDS course as required in subsection (3), the applicant may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium.~~

~~(d)(6) Five hours of continuing education in the subject area of risk management may be obtained by attending one full day or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Pharmacy in compliance with the following:~~

~~1.(a) The licensee must sign in with the Executive Director or designee of the Board before the meeting day begins.~~

~~2.(b) The licensee must remain in continuous attendance.~~

~~3. The licensee cannot receive continuing education for attendance at a board meeting if required to appear before the board.~~

~~(e) The licensee must sign out with the Executive Director or designee of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CE credit in risk management for attending the board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose.~~

~~4. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).~~

~~(e)(7) A member of the Board of Pharmacy, or a previous member serving on a probable cause panel, may obtain five (5) hours of continuing education in the subject area of risk management for attendance at one Board meeting at which disciplinary hearings are conducted, or on one probable cause panel meeting. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).~~

(f) Up to five hours per biennium of continuing education credit may be fulfilled by the performance of pro bono services to the indigent as provided in Section 456.013(9), Florida Statutes, or to underserved populations, or in areas of critical need within the state where the licensee practices. In order to receive credit, licensees must make application to the board or board designee and receive approval in advance. One hour credit shall be given for each two hours worked in the 24 months prior to the expiration date of the license. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be serviced, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts. A licensee who is completing community service as a condition of discipline imposed by the board cannot use such service to complete continuing education requirements.

(g) Continuing education credit shall be granted for completion of post-baccalaureate degree programs provided by accredited colleges or schools of pharmacy. Credit shall be awarded at the rate of 5 hours of continuing education credit per semester hour completed within the 24 months prior to the expiration date of the license.

(h) Continuing education may consist of post-baccalaureate degree programs offered by accredited colleges or schools of pharmacy, post-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other such committee-approved educational methods.

(i)(8) In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed by the Department of Health pursuant to Chapter 465, F.S., shall receive five (5) hours of credit in the area of risk management for each case reviewed in the 24 months prior to the expiration date of the license, up to a maximum of ten (10) hours per biennium.

(j) At least ten (10) of the required 30 hours must be obtained either at a live seminar, a live video teleconference, or through an interactive computer-based application.

(k) All programs approved by the ACPE for continuing education for pharmacists are deemed approved by the Board for general continuing education hours for pharmacists.

(1) Continuing education earned by a non-resident pharmacist in another state that is not ACPE approved, but is approved by the board of pharmacy in the state of residence can be applied to meet the requirements of license renewal in subsection (1) above.

(2) A consultant pharmacist as a condition of consultant pharmacist license renewal shall complete no less than 24 hours of approved continuing education in the course work specified in Rule 64B16-26.302, F.A.C., within the 24 month period prior to the expiration date of the consultant license. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if consultant recertification hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

(3) A nuclear pharmacist as a condition of nuclear pharmacist license renewal shall complete no less than 24 hours of approved continuing education in the course work specified in Rule 64B16-26.303, F.A.C., within the 24 month period prior to the expiration date of the nuclear pharmacist license. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if nuclear pharmacist license renewal hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

Specific Authority 456.033, 465.009 FS. Law Implemented 456.013(7),(9), 456.033, 465.009 FS. History—New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, 1-12-03, \_\_\_\_\_.

64B16-26.104 Exemptions for Members of the Armed Forces; Spouses.

(1) Any licensed pharmacist on active duty with the Armed Forces of the United States who at the time of becoming such a member was in good standing with the Board and was entitled to practice the profession of pharmacy in Florida shall be exempt from all license renewal provisions obtaining a biennial license renewal and paying the fees required hereunder so long as the licensee he is on active duty with the Armed Forces and for a period of six months after discharge so long as the licensee he is not engaged in the practice of pharmacy in the private sector for profit.

(2) A licensee who is a spouse of a member of the Armed Forces of the United States and who was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces and who at the time of the absence was in good standing with the Board and entitled to practice as a pharmacist in Florida shall be exempt from all license renewal provisions.

Specific Authority 465.005 FS. Law Implemented 456.024 FS. History—New 3-19-79, Amended 4-30-85, Formerly 21S-6.09, 21S-6.009, Amended 7-31-91, Formerly 21S-26.104, 61F10-26.104, 59X-26.104, Amended \_\_\_\_\_.

64B16-26.601 Standards for Approval of Continuing Education Providers and Courses and Providers.

(1) Continuing education shall be approved by the Board in one of two manners:

(a) Providers of continuing education may apply to the Board to become an approved continuing education provider whereby all general continuing education courses offered by the provider are deemed board approved; or

(b) Providers of continuing education may apply for approval of an individual continuing education course or courses.

(2) Approved continuing education provider status shall be granted to continuing education providers who satisfy the following requirements:

(a) All applications for approved continuing education provider status shall be made on Board approved form DOH/MQA/PH109 (Rev. 4/29/02), Florida Board of Pharmacy Tripartite Approval as a Provider of Pharmacist Continuing Education Questionnaire, incorporated herein by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied by the application fee set forth in Rule 64B16-26.19001, F.A.C., and provide information to demonstrate compliance with the requirements of this rule.

(b) All continuing education courses conducted by the provider shall meet the standards for continuing education courses as outlined in these rules.

(c) There shall be a visible, continuous, and identifiable authority charged with the administration of continuing education courses. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience and approval by the committee.

(d) The Board retains the right and authority to audit and/or monitor courses and review records and course materials given by any provider approved pursuant to this rule.

(3) Individual courses submitted for approval by continuing education providers who are not approved providers must be submitted on Board approved form DOH/MQA/PH111 (Rev. 4/26/02), Florida Board of Pharmacy Continuing Education Single Program Questionnaire, incorporated herein by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and be accompanied by a non-refundable fee of \$50 for each course submitted for approval.

(4) Courses offered by an approved provider pursuant to paragraph (1)(a) and individual courses submitted for approval pursuant to (1)(b) must meet the following criteria:

(a)(1) Each proposal for program or course approval submitted by a qualified provider must contain a detailed outline of the content of said program or course on forms which will be provided by the Board of Pharmacy upon



~~request, and Each course~~ must build upon Standards of Practice and a basic course or courses offered in the curricula of accredited colleges or schools of pharmacy. ~~Continuing education may consist of post-baccalaureate degree programs offered by accredited colleges or schools of pharmacy, post-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other such committee-approved educational methods.~~

(2) All offerings must meet the following standards:

~~(b)(a)~~ Education Content Development.

1. Continuing education courses offerings shall involve advance planning that includes a statement of measurable educational goals and behavioral objectives.

2. Continuing education courses offerings shall be designed to reflect the educational needs of the pharmacist and build on the standards for practice and courses in the curricula of accredited colleges or schools of pharmacy.

3. Each continuing education course offering shall be designed to explore one subject or a group of closely related subjects or standards.

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

~~(d)(e)~~ Program Faculty Qualifications.

1. The program faculty for a particular continuing education course offering shall be competent in the subject matter and qualified by experience.

2. through 3. No change.

~~(e)(d)~~ Facilities.

1. The facilities to be utilized shall be appropriate and adequate to the content, method of delivery, size of the audience and promote the attainment of the objectives of the course offering.

~~(f)(e)~~ Evaluation.

1. No change.

2. The provider must develop and employ an evaluation mechanism for the purpose of allowing the participant to assess ~~his/her~~ achievement of personal objectives.

3. No change.

~~(g)(f)~~ Contact Hour Criteria. The number of contact hours or Continuing Education Units shall be determined by the provider in advance of the course offering ~~subject to approval by the committee~~ and awarded upon the successful completion of the entire planned education experience.

~~(h)(g)~~ Record Keeping.

1. Records of individual courses offerings shall be maintained by the provider for inspection by the Board. The records shall be adequate to serve the needs of the participants and to permit the Board to monitor for adherence to the standards for continuing education courses offerings as outlined in the rules.

2. An individual certificate of attendance specifying title of course offering, provider number, date of course offering, and number of contact hours earned shall be furnished to each participant by the provider.

3. No change.

(5) An approved continuing education provider may renew their approved provider status by submitting the renewal fee specified in Rule 64B16-26.1012, F.A.C.

~~(3) Providers seeking board approval shall meet each of the standards outlined herein:~~

~~(a) All continuing education offerings conducted by the provider shall meet the standards for continuing education offerings as outlined in these rules.~~

~~(b) There shall be a visible, continuous, and identifiable authority charged with administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience and approval by the committee.~~

~~(4) All programs approved by the American Council on Pharmaceutical Education (ACPE) for continuing education for pharmacists may be deemed approved by this Board for general continuing education hours for pharmacists.~~

~~(5) Entities or individuals who wish to become approved providers of continuing education must submit an initial approval fee of \$150 and provide information to demonstrate compliance with the requirements of this rule. A provider seeking to renew approved provider status shall pay a renewal fee of \$150.~~

~~(6) Entities or individuals applying for approval of an individual program shall submit a fee of \$50 and provide information to demonstrate compliance with this rule.~~

Specific Authority 465.005, 465.009 FS. Law Implemented 456.025(7), 465.009 FS. History—New 10-17-79, Amended 7-29-81, Formerly 21S-13.02, 21S-13.002, Amended 1-10-93, Formerly 21S-26.601, 61F10-26.601, 59X-26.601, Amended 1-29-03, \_\_\_\_\_.

64B16-26.6011 Standards for Approval of HIV/AIDS and Medication Errors Course.

(1) An HIV/AIDS course completed to meet the requirements for initial or renewal licensure must be board approved and include the following:

(a) Education of the modes of transmission.

(b) Infection control procedures.

(c) Clinical management.

(d) Prevention of HIV and AIDS.

(e) Information on current Florida law on AIDS and its impact on testing, confidentiality of test results and treatment of patients.

(f) Protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.

(2) A medication errors course completed as a condition of initial licensure or licensure renewal must be not less than two (2) hours and cover the following subject matter:

- (a) Root cause analysis.
- (b) Error reduction and prevention.
- (c) Patient safety.

(3) A continuing education provider approved by the board pursuant to Rule 64B16-26.601, F.A.C., shall submit the proposed course on HIV/AIDS or medication errors for board approval on Form DOH/MQA/PH111 (Rev. 4/26/02), entitled Florida Board of Pharmacy Continuing Education Single Program Questionnaire, incorporated herein by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

(4) A continuing education provider, not approved by the board pursuant to Rule 64B16-26.601, F.A.C., shall submit the proposed course on HIV/AIDS or medication errors for board approval on Form DOH/MQA/PH111 (Rev. 4/26/02), entitled Florida Board of Pharmacy Continuing Education Single Program Questionnaire, incorporated herein by reference, and submit the individual course approval application fee specified in Rule 64B16-26.1001, F.A.C., for each course submitted for approval.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.027, 456.033, 465.009 FS. History—New \_\_\_\_\_.

**64B16-26.603 Reporting Continuing Education Records Requirements.**

~~Each registered pharmacist shall at the time of the biennial license renewal, report programs of continuing professional education compliance during the applicable renewal period. Each registered pharmacist shall retain documentation of participation in such continuing education programs required for license renewal for not less than two years after the license is renewed each biennial license renewal for audit purposes if and when such audit is undertaken by the Department of Health and the Board of Pharmacy. Such documentation shall consist of statements of credit slips for lecture attendance, certification forms from instructors, or course completion slips from correspondence courses.~~

~~Specific Authority 465.005 FS. Law Implemented 465.009 FS. History—New 10-17-79, Formerly 21S-13.04, Amended 5-10-89, Formerly 21S-13.004, 21S-26.603, 61F10-26.603, 59X-26.603, Amended \_\_\_\_\_.~~

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES:	RULE NOS.:
Examination Requirements	64B16-26.200
Licensure by Examination; Application	64B16-26.203
Licensure by Examination; Foreign Pharmacy Graduates	64B16-26.2031
Licensure by Examination; Internship Requirements	64B16-26.2032
Licensure by Endorsement	64B16-26.204

PURPOSE AND EFFECT: The Board proposes rule amendments and new rules in order to consolidate the requirements regarding application for licensure into Chapter 64B16-26, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments and new rules set forth the requirements for application by examination, including foreign graduates, and requirements for internship, and also application by endorsement.

SPECIFIC AUTHORITY: 456.017, 456.033, 465.005, 465.007 FS., Chapter 2001-166, Laws of Florida.

LAW IMPLEMENTED: 456.013(1),(7), 456.017, 456.033, 465.003(12), 465.007, 465.0075, 465.022 FS., Chapter 2001-166, Laws of Florida.

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: Danna Droz, 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:

~~64B16-26.200 Examination Requirements.~~

~~(1) The areas of competency to be covered by the examination provided in Section 465.007, F.S., shall be as follows:~~

~~(a) Part A – North American Pharmacist Licensure Examination (NAPLEX).~~

~~1. Manage Drug Therapy to Optimize Patient Outcomes (50%);~~

~~2. Assure the Safe and Accurate Preparation and Dispensing of Medications (25%);~~

~~3. Provide Drug Information and Promote Public Health (25%);~~

~~(b) Part B – Multistate Pharmacy Jurisprudence Examination – Florida Version;~~

~~1. Pharmacy Practice (78%);~~

~~2. Licensure, Registration, Certification, and Operational Requirements (17%);~~

~~3. Regulatory Structure and Terms (5%);~~

~~(2)(a) The relative weight assigned in grading each score tested in the examination and the score necessary to achieve a passing grade on the examination shall be as follows:~~

~~(b) An applicant must obtain a scaled score of 75 on Part A of the examination, and a scaled score of 75 on Part B of the examination. On Part A of the examination, the candidate's raw scores are converted to a scale of 0-150. This scaled score~~

on Part A of the exam is a single integrated score that represents the areas of competency set forth in subparagraphs 64B16-26.200(1)(a)1.-5., F.A.C., above. The subcompetencies set forth in subparagraphs 64B16-26.200(1)(a)1.-5., F.A.C., are not separate subsections and may not be scored, taken or passed independently of the entire examination described in paragraph 64B16-26.200(1)(a), F.A.C. Parts A and B of the examination are independent examinations and may not be averaged.

Specific Authority 456.017, 465.005 FS. Law Implemented 456.017 FS. History--New 10-17-79, Amended 2-8-81, 6-22-82, 8-16-84, 4-30-85, Formerly 21S-12.01, Amended 5-6-86, Formerly 21S-12.001, Amended 1-10-93, Formerly 21S-26.200, 61F10-26.200, Amended 7-1-97, Formerly 59X-26.200, Amended 3-22-99, \_\_\_\_\_.

64B16-26.203 Licensure by Manner of Application-- Examination; Application.

Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education may apply to take the licensure examination.

(1) All applications for licensure by examination must be made on board approved form DOH/MQA/PH101 (Rev 1/8/03), Application for Pharmacist Examination, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable application fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) The applicant must submit proof of having met the following requirements:

(a) Completion of an internship program provided by either an accredited school or college of pharmacy or a state board of pharmacy or jointly by both provided that the program meets requirements of Rule 64B16-26.2031, F.A.C.

(b) Completion of an HIV/AIDS course of no less than 3 contact hours covering the subject listed in Rule 64B16-26.602, F.A.C.

All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in subsection 64B16-26.103(3), F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in Rule 64B16-26.601, subsection 64B16-26.103(3), F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(c) Completion of a course not less than 2 hours on medication errors that All applicants for licensure shall complete a course on medication errors prior to licensure. The

course shall be no less than 2 contact hours and shall cover the subjects listed in Rule 64B16-26.601, subsection 64B16-26.103(4), F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the Board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the subjects listed in Rule 64B16-26.601, subsection 64B16-26.103(4), F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(1) Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education may apply to take the licensure examination. Additionally, an applicant must submit satisfactory proof that he has completed an internship program of an accredited school or college of pharmacy, provided that the program is not less than 1500 hours reviewed and authorized and administered by the Florida Board of Pharmacy and 2,080 hours in any and all other programs, all of which may be obtained prior to graduation.

(2) All applications for examination shall be made on the forms DPR PH 101, rev 4/89 prescribed by the Department of Health, and no application shall be deemed complete which does not set forth all the information required by said forms. An incomplete application shall not be accepted and notice of incompleteness shall be made to the applicant, within 30 days of receipt of the incomplete application.

(3) An applicant must reapply under the following conditions:

(a) For candidates applying after the effective date of this subsection, if all requirements for licensure are not met within one year of the receipt of the application, applicants failing to meet this requirement must reapply.

(b) For candidates applying prior to the effective date of this subsection, if all requirements for licensure are not met within one year of the effective date of this subsection, Applicants failing to meet this requirement must reapply.

(4)(e) Passing Successful examination scores may be used upon reapplication only if the examination was completed within 3 years of the reapplication.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1),(7), 456.033, 465.007, 465.022 FS. History--New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, 1-12-03, \_\_\_\_\_.

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) Be a graduate of a four year undergraduate pharmacy program at a school or college outside the United States.

(2) Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission.

(3) 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 \_\_\_\_\_.

64B16-26.2032 Licensure by Examination; Internship Requirements.

(1) All internship experience for the purpose of qualifying for the examination pursuant to Section 465.007(1)(c), Florida Statutes, shall be obtained in a community pharmacy, institutional pharmacy or any Florida Board of Pharmacy approved pharmacy practice, which includes significant aspects of the practice of pharmacy as defined in Section 465.003(12), Florida Statutes.

(2) The program must assure that community or institutional pharmacies utilized for the obtaining of internship experience meet the following minimum requirements:

(a) They must hold a current license or permit issued by the state in which they are operating and must have available all necessary equipment for professional services, necessary reference works, in addition to the official standards and current professional journals.

(b) The pharmacy must be operated at all times under the supervision of a pharmacist and must have signified the willingness to train persons desiring to obtain professional experience.

(c) The pharmacy must establish to the provider's satisfaction that the pharmacy fills, compounds and dispenses a sufficient number, kind and variety of prescriptions during the course of a year so as to afford to an intern a broad experience in the filling, compounding and dispensing of prescription drugs.

(d) The pharmacy must have a clear record as to observance of federal, state and municipal laws and ordinances covering any phase of activity in which it is engaged.

(e) No pharmacist may be responsible for the supervision of more than one intern at any one time.

(3) Program requirements shall not be less than 1500 hours in a program reviewed and authorized and administered by the Florida Board of Pharmacy and 2080 hours in any and all other programs.

(4) The program must assure that all preceptors meet the following requirements:

(a) The pharmacist must willingly accept the responsibility for professional guidance and training of the intern and be able to devote time to preceptor training sessions and to instruction of the intern.

(b) The pharmacist must hold current licensure in the state in which pharmacy is practiced.

(c) The pharmacist will be ineligible to serve as a preceptor during any period in which the pharmacist's license to practice pharmacy is revoked, suspended, on probation, or subject to payment of an unpaid fine levied by lawful Board order, or during any period in which the pharmacist's license is the subject of ongoing disciplinary proceedings.

(d) The pharmacist must have been engaged in the practice of pharmacy for a minimum of two (2) years.

(e) The pharmacist must agree to assist the school or college of pharmacy in the achievement of the educational objectives set forth and to provide a professional environment for the training of the intern.

(f) Evidence must be provided of the pharmacist's desire to continue broadening professional education and of an active involvement in a patient-oriented practice.

(5) In the event a program meets all the requirements set forth in subsection (2) of this rule, except for prior approval by the Florida Board of Pharmacy, any applicant submitting it for the purpose of qualifying for licensure by examination must show in addition to successful completion of the internship:

(a) The ability to work additional hours as an intern in accordance with the requirements of this rule and has worked sufficient additional hours to total 2080 hours; or

(b) Licensure in another state and work performed as a pharmacist for a sufficient number of hours to total 2080 hours when combined with the internship hours or has worked a total of 2080 hours as a pharmacist.

(6) All internship hours may be obtained prior to the applicant's graduation.

(7) Evidence sufficient to constitute satisfactory proof of completion of an internship program shall consist of a certification by a provider that the applicant has completed the program. If additional hours are required to total 2080 hours pursuant to subsection (3) of this rule, satisfactory proof of the additional hours shall be constituted by the provider's or preceptor's or employer's certification of completion of the additional hours.

(8) Hours worked in excess of 50 hours per week prior to the applicant's graduation or in excess of 60 hours per week after an applicant's graduation, will not be credited toward meeting the required internship hours.

(9) The Board approves all internships that are required to obtain the doctor of pharmacy degree from institutions which are accredited as provided by Section 465.007(1)(b)1., Florida Statutes. Applicants graduating after January 1, 2001 with the doctor of pharmacy degree from such institutions shall be deemed to have met the requirements of this section with documentation of graduation.

(10) The Board may conduct periodic review of programs to assure compliance with these rules.

Specific Authority 465.005 FS. Law Implemented 465.003(12), 465.007 FS. History--New

64B16-26.204 Licensure by Manner of Application—Endorsement.

~~All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in subsection 64B16-26.103(3), F.A.C. All applicants for licensure shall complete a course on medication errors prior to licensure. The course shall be no less than 2 contact hours and shall cover the subjects listed in subsection 64B16-26.103(4), F.A.C.~~

~~(+) An applicant for licensure by endorsement Applicants must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education. Applicants qualifying under the education requirements of Section 465.007(1)(b)2., F.S. (foreign graduates), must complete the requirements of Rule 64B16-26.205, F.A.C., prior to the certification for the examination required in subsection (6) of this rule.~~

~~(1)(2) All applications for licensure by endorsement shall be made on board approved form DOH/MQA/PH100 (10-15-01). The instructions and application form, entitled Florida Pharmacist Endorsement Application, which is hereby incorporated by reference, effective 11-8-01, shall be accompanied with a non-refundable endorsement application fee and of \$100, the initial licensure fee as set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C. of \$190, and \$5.00 unlicensed activity fee.~~

(2) The applicant must submit satisfactory proof that one of the following requirements has been met:

(a) Two (2) years of active practice, as defined in Section 465.0075(1)(c), Florida Statutes, within the immediately preceding five (5) years. If the applicant meets the requirements of this section, proof of completion of 30 hours of approved continuing education obtained in the two years immediately preceding application, must also be submitted.

(b) Successful completion of a board-approved postgraduate training program within the immediately preceding year.

(c) Successful completion of a board-approved clinical competency examination within the immediately preceding year.

(d) Successful completion of an internship meeting the requirements of Section 465.0075(1)(c), Florida Statutes, within the immediately preceding two (2) years.

(3) The applicant must submit satisfactory proof of completion of the following:

(a) A course of no less than three (3) contact hours on HIV/AIDS covering the subjects set forth in Rule 64B16-26.602, F.A.C.

(b) A course of no less than two (2) hours on medication errors covering the subjects set forth in Rule 64B16-26.602, F.A.C.

(4) Applicants qualifying under the education requirements of Section 465.007(1)(b)2., Florida Statutes, (foreign graduates), must complete the requirements of Rule 64B16-26.205, F.A.C., prior to certification for the examination required in subsection (6) of this rule.

~~(5)(3) All requirements for licensure by endorsement must be met within one (1) year of the receipt of the application. Applicants failing to meet this requirement must reapply.~~

~~(4) through (6) renumbered (6) through (8) No change.~~

~~(7) Applicants shall submit satisfactory proof that one of the following requirements has been met: (a) Two years of active practice, as defined in Section 465.0075(1)(c), F.S., within the immediately preceding 5 years.~~

~~(b) Successful completion of a board-approved postgraduate training program within the immediately preceding year.~~

~~(c) Successful completion of a board-approved clinical competency examination within the immediately preceding year.~~

~~(d) Successful completion of an internship meeting the requirements of Section 465.0075(1)(c), F.S., within the immediately preceding two years.~~

~~(8) Applicants licensed for more than two years in another state must submit 30 hours of approved continuing education obtained in the two calendar years immediately preceding application.~~

Specific Authority 456.033, 465.005 FS., Chapter 2001-166, Laws of Florida. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS., Chapter 2001-166, Laws of Florida. History--New 11-8-01, Amended

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES:	RULE NOS.:
Nuclear Pharmacist Licensure	64B16-26.303
Subject Matter for Nuclear Pharmacist License Renewal Continuing Education Programs	64B16-26.304

PURPOSE AND EFFECT: The Board proposes new rules in order to consolidate all requirements regarding nuclear pharmacist licensure into Chapter 64B16-26, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed new rules set forth the requirements for nuclear pharmacist licensure and the criteria for nuclear pharmacist licensure training and continuing education.

SPECIFIC AUTHORITY: 465.005, 465.0126 FS.

LAW IMPLEMENTED: 465.0126 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: Danna Droz, 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:

64B16-26.303 Nuclear Pharmacist Licensure.

(1) A pharmacist licensed to practice pharmacy in this state who performs a radiopharmaceutical service shall, prior to engaging in such specialized practice, be actively licensed as a nuclear pharmacist.

(2) A licensed pharmacist seeking licensure as a nuclear pharmacist in this state shall submit to the Board of Pharmacy a course outline from an accredited college of pharmacy or other program recognized by the Florida Department of Health and the Florida Board of Pharmacy (a program comparable to those offered by accredited colleges of pharmacy for the training of nuclear pharmacists), and a certificate of training which provides a minimum of 200 clock hours of formal didactic training, which includes:

(a) Radiation physics and instrumentation (85 hours).

(b) Radiation protection (45 hours).

(c) Mathematics pertaining to the use and measurement of radioactivity (20 hours).

(d) Radiation biology (20 hours).

(e) Radiopharmaceutical chemistry (30 hours).

(3) Such academic training programs will be submitted to the Board of Pharmacy for approval by an accredited educational institution which operates under the auspices of or in conjunction with an accredited college of pharmacy.

(4) The minimum on-the-job training which shall be included in a radiopharmacy internship is 500 hours of training and experience in the handling of unsealed radioactive material under the supervision of a licensed nuclear pharmacist. The training and experience shall include but shall not be limited to the following:

(a) Ordering, receiving and unpackaging in a safe manner, radioactive material, including the performance of related radiation surveys.

(b) Calibrating dose calibrators, scintillation detectors, and radiation monitoring equipment.

(c) Calculating, preparing and verifying patient doses, including the proper use of radiation shields.

(d) Following appropriate internal control procedures to prevent mislabeling.

(e) Learning emergency procedures to safely handle and contain spilled materials, including related decontamination procedures and surveys.

(f) Eluting technetium-99m from generator systems, assaying the eluate for technetium-99m and for molybdenum-99 contamination, and processing the eluate with reagent kits to prepare technetium-99m labeled radiopharmaceuticals.

(g) Clinical practice concepts.

(5) Guidelines for such programs are in a publication entitled "Guidelines for Florida Board of Pharmacy Internship Training in Radiopharmacy" (1988), incorporated herein by reference, and which can be obtained by contacting the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Governmental and private radiopharmacy internship programs shall not apply to the pharmacy internship required under Rule 64B16-26.2031, F.A.C.

(6) If the didactic and experiential training required in this section have not been completed within the last seven (7) years, the applicant must have been engaged in the lawful practice of nuclear pharmacy in another jurisdiction at least 1080 hours during the last seven (7) years.

Specific Authority 465.005, 465.0126 FS. Law Implemented 465.0126 FS. History—New \_\_\_\_\_.

64B16-26.304 Subject Matter for Nuclear Pharmacist License Renewal Continuing Education Programs.

(1) A licensee completing the continuing education requirement for nuclear pharmacist license renewal pursuant to Rule 64B16-26.103, F.A.C., shall complete twenty-four (24) additional hours per biennium of coursework each two year period by or through a Committee approved provider, instructionally designed to provide in-depth treatment of nuclear pharmacy practice with suggested subject matter set out in subsection (2) of this rule.

(2) Content of nuclear pharmacist continuing education program.

(a) Application of radiopharmaceutical theory in a practice or a research setting with respect to the drug products and their clinical application. Provision of drug and radiopharmaceutical information as it pertains to optimal handling and use of these products in a clinical setting.

(b) Effective communication skills in a multi-disciplinary environment with patients, nuclear medicine physicians, nuclear medicine technologists, radiation safety personnel and other nuclear pharmacists. The multi-faceted regulatory environment requires such skills in the preparation and maintenance of a radioactive by-product materials license, the identification and reporting of adverse reactions and misadministration, instances of poor product performance, environmental and personnel radiation safety.

(c) Application of the most rigorous and up-to-date principles of radiation safety and quality assurance in order to assure regulatory compendia, and operational standards for drug and radiopharmaceutical products and equipment. Record-keeping and other documentation activities essential to procurement, storage, compounding, handling and use, distribution and disposal should be emphasized.

(d) Management of a nuclear pharmacy unit in accordance with regulatory and administrative agencies' requirements.

(e) Advances in drug, radiopharmaceutical or related technology (including, but not limited to: monoclonal antibodies, magnetic resonance imaging, computed tomography, positron-emission tomography, radioplaque and other contact enhancement agents, radioimmunoassay) with emphasis on paragraphs (a)-(d) above for such new agents.

Specific Authority 465.005, 465.0126 FS. Law Implemented 465.0126 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES: RULE NOS.:

Subject Matter for Continuing Education to Order and Evaluate Laboratory Tests 64B16-26.320  
 Pharmacy Interns; Registration; Employment 64B16-26.400

PURPOSE AND EFFECT: The Board proposes to review the rules to determine the need to update the requirements for ordering and evaluating lab tests and the requirements for pharmacy intern registration.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments set forth requirements for consultant pharmacists who order and evaluate lab tests, and also the registration and employment criteria for pharmacy interns.

SPECIFIC AUTHORITY: 465.005, 465.009, 465.0125(3) FS.

LAW IMPLEMENTED: 465.013 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: Danna Droz, 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:

64B16-26.320 Subject Matter for Continuing Education to Order and Evaluate ~~—Ordering and Evaluation of Laboratory Tests.~~

(1) ~~These~~ Consultant pharmacists and pharmacists holding the Doctor of Pharmacy degree that wish to order and evaluate laboratory tests under the provisions of Section 465.0125, F.S., shall successfully complete the requirements of a continuing education course set forth herein provided for by this section prior to such practice. Successful completion of the course will certify the pharmacist for this practice for two (2) years from date of completion.

(2) No change.

(3) A consultant pharmacist may apply the three (3) hour initial certification course and the one (1) hour recertification course toward the continuing education requirement ~~that a consultant pharmacist biennially complete twenty-four (24) hours of continuing education~~ for renewal of a consultant pharmacist license under Rule 64B16-26.300, F.A.C., or may apply such continuing education hours toward the continuing education requirement ~~that a pharmacist biennially complete thirty (30) hours of continuing education~~ for renewal of a pharmacist license under Rules 64B16-26.103 ~~and 64B16-26.606~~, F.A.C., but may not use the same continuing education hours to satisfy both requirements. A Doctor of Pharmacy who is not a consultant pharmacist may apply the three (3) hour initial certification course and the one (1) hour recertification course toward the requirement that a pharmacist biennially complete thirty (30) hours of continuing education requirement for renewal of a pharmacist license under Rules 64B16-26.103 ~~and 64B16-26.606~~, F.A.C.

Specific Authority 465.009, 465.0125(3) FS. Law Implemented 465.013 FS. History--New 2-23-98, Amended 6-15-98, 1-12-03, \_\_\_\_\_.

64B16-26.400 Pharmacy Interns; Registration; Employment.

(1) ~~A No person may serve as a pharmacy intern is required to be registered with the Board of Pharmacy as an intern before being employed as an intern in a pharmacy in Florida in a pharmacy in this state until such time as he is registered with the Department of Health as an intern. This requirement applies only to interns interning in this state.~~

(2) An applicant for pharmacy intern registration must submit ~~No person shall be registered as a pharmacy intern until such time as he has submitted~~ to the satisfaction of the Florida Board of Pharmacy, proof of: that he:

(a) Enrollment ~~is enrolled~~ in an internship program at an accredited college or school of pharmacy or;

(b) ~~Graduation from~~ ~~Is a graduate of~~ an accredited college or school of pharmacy ~~and is not yet licensed in the state~~. For purposes of this rule only, any individual who has been accepted by the Foreign Pharmacy Graduate Examination Commission to sit for the Foreign Pharmacy Graduate Equivalency Examination ~~as defined in Rule 64B16-26.205, F.A.C.~~, shall be considered a graduate of an accredited college or school of pharmacy and shall be permitted to practice as an intern until such graduate has successfully completed the Foreign Pharmacy Graduate Equivalency Examination. The internship experience allowed under this provision shall not count toward the 500-hours internship required subsequent to passage of the Foreign Pharmacy Graduate Equivalency Examination as mandated in Section 465.007(1)(b)2., F.S., and as defined in Rule 64B16-26.2035, F.A.C.

(3) No change.

(4) No intern shall perform any acts relating to the filling, compounding, or dispensing of medicinal drugs unless it is done ~~he does so~~ under the direct and immediate personal supervision of a person actively licensed to practice pharmacy in this state.

(5) No change.

Specific Authority 465.005 FS. Law Implemented 465.013 FS. History—Amended 8-20-63, 5-19-72, 8-18-73, Repromulgated 12-18-74, Amended 11-10-80, 4-30-85, Formerly 21S-1.21, Amended 10-20-88, Formerly 21S-1.021, Amended 7-31-91, 1-10-93, Formerly 21S-26.400, 61F10-26.400, 59X-26.400, Amended.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Pharmacy Permit Application; Community  
RULE NO.: 64B16-26.402

PURPOSE AND EFFECT: The Board proposes a new rule in order to consolidate the requirements regarding pharmacy permits into Chapter 64B16-26, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule establishes the application requirements for community pharmacy and special pharmacy permits.

SPECIFIC AUTHORITY: 465.005, 465.018, 465.0196 FS.  
LAW IMPLEMENTED: 465.017, 465.018, 465.0196, 465.022 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: Danna Droz, 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:

64B16-26.402 Pharmacy Permit Application; Community Pharmacy; Special Pharmacies.

(1)(a) An applicant for a community pharmacy permit pursuant to Section 465.018, Florida Statutes, shall provide the Board of Pharmacy an application (Form DOH/PH105, Rev. 1/29/03, effective 11/11/98, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and the application fee.

(b) Prior to the issuance of the permit and initiation of the operation of the permittee, the Department shall perform an inspection of the facility.

(2)(a) An application for a special pharmacy permit pursuant to Rules 64B16-28.810, 64B16-28.820, 64B16-28.830, 64B16-28.850, 64B16-28.860, and 64B16-28.870, F.A.C., shall provide the Board of Pharmacy with an application (Form DOH/PH105, Rev. 7/23/98, effective 11/11/98, which is incorporated by reference, and which can be obtained from the Department of Health), the application fee, and a Policy and Procedure Manual that sets forth a detailed description of the type of pharmacy services to be provided within the special pharmacy practice. The Policy and Procedure Manual shall contain detailed provisions for compliance with the provisions of Section 465.0196, Florida Statutes, and other applicable requirements contained in this chapter.

(b) Prior to the issuance of the permit and initiation of the operation of the permittee:

1. The Policy and Procedure Manual shall be reviewed and is subject to approval by the Board of Pharmacy or its designee.

2. The Department shall perform an inspection of the facility.

Specific Authority 465.005, 465.018, 465.0196 FS. Law Implemented 465.017, 465.018, 465.0196, 465.022 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLES:	RULE NOS.:
Application Fees	64B16-26.1001
Initial License Fees	64B16-26.1002
Active License Renewal Fees	64B16-26.1003
Inactive License Renewal Fees	64B16-26.1004
Approved Continuing Education	
Provider Renewal Fee	64B16-26.1012
Delinquent License Reinstatement Fees	64B16-26.1021
Permit Fees	64B16-26.1022

PURPOSE AND EFFECT: The Board proposes new rules in order to consolidate all requirements regarding licensure fees into Chapter 64B16-26, F.A.C.



SUBJECT AREA TO BE ADDRESSED: The proposed new rules set forth the requirements for licensure fees.

SPECIFIC AUTHORITY: 456.013(9), 456.036, 465.005, 465.008, 465.009, 465.012, 465.0125, 465.0126, 465.022(8), 456.036 FS.

LAW IMPLEMENTED: 456.013(2),(9), 456.036, 456.065(3), 465.007, 465.0075, 465.008, 465.009, 465.012, 465.0125, 465.0126, 465.022(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Danna Droz, 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:

64B16-26.1001 Application Fees.

(1) The non-refundable application fee for licensure by examination shall be \$100, payable to the Board. Examination fees for the National Practice Examination and jurisprudence examination are payable to the examination vendor.

(2) The non-refundable application fee licensure by endorsement shall be \$100, payable to the Board.

(3) The non-refundable application fee for a continuing education provider seeking approved provider status shall be \$150, payable to the Board.

(4) The non-refundable application fee for individual continuing education course approval for non-approved continuing education providers shall be \$50 for each course submitted for approval, payable to the Board.

Specific Authority 465.005, 465.009 FS. Law Implemented 465.007, 465.0075, 465.009 FS. History—New \_\_\_\_\_.

64B16-26.1002 Initial License Fees.

(1) The initial license fee for a pharmacist license shall be \$190 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) The initial license fee for a consultant pharmacist license shall be \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(3) The initial license fee for a nuclear pharmacist license shall be \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Specific Authority 465.005, 465.0125, 465.0126 FS. Law Implemented 456.013(2), 456.065(3), 465.0125, 465.0126 FS. History—New \_\_\_\_\_.

64B16-26.1003 Active License Renewal Fees.

(1) The biennial license renewal fee for an active pharmacist license shall be \$245 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) The biennial license renewal fee for a consultant pharmacist license shall be \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(3) The biennial license renewal fee for a nuclear pharmacist license shall be \$100 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Specific Authority 456.036, 465.005, 465.008, 465.0125, 465.0126 FS. Law Implemented 456.036, 456.065(3), 465.008, 465.0125, 465.0126 FS. History—New \_\_\_\_\_.

64B16-26.1004 Inactive License Renewal Fees.

(1) A licensee may elect:

(a) At the time of license renewal to place the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$245 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(b) At the time of license renewal, if the license is inactive, to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of \$245 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(c) At the time of license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, submits the reactivation fee of \$70, and the current active renewal fee set forth in Rule 64B16-26.1001, F.A.C.

(d) At a time other than license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status and submits the reactivation fee of \$70, the current renewal fee set forth in Rule 64B16-26.1001, F.A.C., and a change of status fee of \$25.

(2) A consultant pharmacist licensee may elect:

(a) At the time of license renewal to place the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(b) At the time of license renewal, if the consultant pharmacist license is inactive, to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of \$50 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(c) At the time of license renewal to change the inactive status consultant pharmacist license to active status, provided the consultant pharmacist licensee meets the continuing education requirements of Rule 64B16-26.103(2), F.A.C., for each biennium the license was on inactive status and by submitting a reactivation fee of \$25, and the active consultant pharmacist renewal fee set forth in Rule 64B16-26.1003, F.A.C.

(d) At a time other than license renewal to change the inactive status license to active status by submitting a reactivation fee of \$25, a change of status fee of \$25, and the active consultant pharmacist renewal fee set forth in Rule 64B16-26.1003, F.A.C.

(3) A nuclear pharmacist licensee may elect:

(a) At the time of license renewal to place the nuclear pharmacist license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$100 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(b) At the time of license renewal, if the nuclear pharmacist license is inactive, to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of \$100 plus a \$5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(c) At the time of license renewal to change the inactive status license to active status by submitting a reactivation fee of \$50, and the active nuclear license renewal fee set forth in Rule 64B16-26.1003, F.A.C.

(d) At a time other than license renewal to change the inactive status license to active status, provided the nuclear pharmacist licensee meets the continuing education requirements of Rule 64B16-28.904, F.A.C., for each biennium the license was on inactive status and by submitting a reactivation fee of \$50, a change of status fee of \$25, and the active nuclear license renewal fee set forth in Rule 64B16-26.1003, F.A.C.

Specific Authority 456.036, 465.005, 465.012, 465.0125, 456.0126 FS. Law Implemented 456.036, 456.065(3), 465.012, 465.0125, 465.0126 FS. History—New \_\_\_\_\_.

**64B16-26.1012 Approved Continuing Education Provider Renewal Fee.**

The biennial fee to renew as an approved continuing education provider shall be \$150.

Specific Authority 456.013(9), 465.005 FS. Law Implemented 456.013(9), 465.009, 465.012 FS. History—New \_\_\_\_\_.

**64B16-26.1021 Delinquent License Reinstatement Fees.**

(1) An active or inactive license that is not renewed by midnight of the expiration date of the license shall automatically revert to delinquent status.

(2) A licensee may request that a delinquent license be reinstated to active or inactive status by submitting the delinquent fee of \$245 plus the current fee for an active status or inactive status license set forth in Rule 64B16-26.1003, F.A.C., or Rule 64B16-26.1004, F.A.C.

(3) A consultant pharmacist licensee may request that a delinquent consultant pharmacist license be reinstated to an active or inactive status by submitting a delinquent fee of \$25 plus the current fee for an active or inactive status consultant pharmacist license set forth in Rule 64B16-26.1003, F.A.C., or Rule 64B16-26.1004, F.A.C.

(4) A nuclear pharmacist licensee may request that a delinquent nuclear pharmacist license be reinstated to an active or inactive license status by submitting a delinquent fee of \$100 plus the current fee for an active or inactive nuclear pharmacist license set forth in Rule 64B16-26.1003, F.A.C., or Rule 64B16-26.1004, F.A.C.

(5) A license in delinquent status that is not renewed prior to midnight of the expiration date of the current licensure cycle shall be rendered null without any further action by the Department. Any subsequent license shall be the result of applying for and meeting all requirements imposed on an applicant for new licensure.

Specific Authority 456.036, 465.005, 465.012 FS. Law Implemented 456.036, 465.012 FS. History—New \_\_\_\_\_.

**64b16-26.1022 Permit Fees.**

(1) The initial permit fee for a pharmacy, as provided by Section 465.022(8)(a), F.S., shall be \$250.

(2) The biennial permit renewal fee for a pharmacy, as provided by Section 465.022(8)(b), F.S., shall be \$250.

(3) The change of location fee for a pharmacy, as provided by Section 465.022(8)(d), F.S., shall be \$100.

(4) The delinquent fee for a pharmacy permit, as provided by Section 465.022(8)(c), F.S., shall be \$100.

Specific Authority 465.005, 465.022(8) FS. Law Implemented 465.022(8) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE CHAPTER TITLE: Standards for Onsite Sewage Treatment and Disposal Systems

RULE CHAPTER NO.: 64E-6

PURPOSE AND EFFECT: Develop rules to incorporate necessary technical changes and incorporate modifications proposed through the Technical Review and Advisory Panel.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include: Onsite sewage treatment and disposal system construction standards.

SPECIFIC AUTHORITY: 381.0011(4),(13), 381.006, 381.0065(3)(a),(4)(k) FS.

LAW IMPLEMENTED: 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655, 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 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: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

Section II
Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Voting System Equipment Regulations

RULE NO.: 1S-5.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and update its content as required by Florida Law.

SUMMARY: This rule incorporates by reference the Florida Voting System Standards that set forth the process and minimum standards to be met when applying for certification of a voting system.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 101.015, 101.294 FS.

LAW IMPLEMENTED: 101.5605, 101.5606, 101.56062, 101.5607, 102.141, 102.166, FS.

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

TIME AND DATE: 1:00 p.m., June 18, 2004

PLACE: 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Paul Craft, (850)245-6220, at least three days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paul Craft, Division of Elections, Department of State, 107 West Gaines Street, Suite 231, Tallahassee, Florida 32399, (850)245-6220

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-5.001 Voting System Equipment Regulations.

The Department of State, Division of Elections, is required to establish minimum standards for certification and provisional approval of hardware and software for electronic and electromechanical voting systems. The Division shall establish minimum levels of voting systems capability and certify voting system equipment in accordance with the requirements contained in Florida Voting Systems Standards, Form DS DE-101, eff. \_\_\_\_\_, which is hereby incorporated by reference and available from the Division upon request. The publication contains the minimum standards, procedures for testing to determine if those standards have been met, and procedures for certifying and provisionally certifying compliance with the minimum standards. Where initiated by a county Supervisor of Elections or the Department of State, modifications to previously certified systems which are designed to remedy system anomalies, which do not introduce new functions and do not introduce additional hardware components into the system configuration, may be certified under the Florida Voting Systems Standards, Form DS-DE-101, eff. \_\_\_\_\_.

Specific Authority 101.015, 101.294 FS. Law Implemented 101.5605, 101.5606, 101.56062, 101.5607, 102.141, 102.166 FS. History--New 3-28-90, Amended 7-28-98, 6-13-02, \_\_\_\_\_.

The proposed amendments to Form DS DE-101 may be accessed at the Division of Elections' website http://election.dos.state.fl.us.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul Craft, Chief, Bureau of Voting Systems Certification

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 15, 2002, December 20, 2002 and July 25, 2003

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

Table with 2 columns: RULE TITLES and RULE NOS.
Rows include: Definitions (3C-560.103), Records to be Maintained by Deferred Presentment Providers (3C-560.707), Gross Income Test Definitions (3C-560.805), Deferred Presentment Transactions (3C-560.902), Transaction Agreement Disclosures and Requirements (3C-560.904), Database Transaction Requirements (3C-560.908)

**PURPOSE AND EFFECT:** The amendments provide clarification as to the calculation of gross income for purposes of determining whether a person is engaged in the business of check cashing for which registration is required. The amendments further provide for additional procedures and requirements necessary for the effective operation of the deferred presentment database.

**SUMMARY:** The amendments provide a definition for gross income and provide additional procedures and requirements necessary for the effective operation of the deferred presentment database.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** None.

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

**SPECIFIC AUTHORITY:** 560.105(2), 560.404(23) FS.

**LAW IMPLEMENTED:** 560.103, 560.118(2), 560.205(3),(4), 560.208, 560.304(2), 560.402, 560.404, 560.407 FS.

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

**TIME AND DATE:** 10:00 a.m., June 29, 2004

**PLACE:** Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Mike Ramsden, Office of Financial Regulation, Fletcher Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

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

3C-560.103 Definitions.

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

(1) "Agent" means an authorized vendor, as that term is defined in Section 560.103(2), F.S.

(2) "Applicant" with respect to the initial application for registration, means the corporation, partnership, association, individual, trust, or other group however organized, on behalf of which the application is being filed. For purposes of renewal, the "Applicant" is the Registrant authorized by the Department to operate pursuant to Chapter 560, F.S.

(3) "Audited Financial Statements" shall be defined as those financial statements prepared by an independent certified public accountant, and shall include at least the following information:

(a) Date of report, manual signature, city and state where issued, and identification with detailed enumeration the financial statements and schedules covered by the report;

(b) Representations as to whether the audit was made in accordance with generally accepted auditing standards and designation of any auditing procedures deemed necessary by the accountant under the circumstances of the particular case which may have been omitted, and the reason for their omission; nothing in this rule however shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit for the purpose of expressing the opinions required under this rule;

(c) Statements of the opinion of the accountant in respect to the financial statements and schedules covered by the report and the accounting principles and practices reflected therein, and as to the consistency of the application of the accounting principles and practices reflected therein, and as to the consistency of the application of the accounting principles, or as to any changes in such principles which would have a material effect on the financial statements;

(d) Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given.

(4) "Controlling shareholder" means any individual who exercises control as defined by Section 560.127, F.S.

(5) "Correspondent" means the individual designated by the existing or proposed Board of Directors, or other authorized party, to act on its behalf in all matters required to process the application.

(6) "Financial Statements" shall be defined as those reports, schedules and statements, prepared in accordance with Generally Accepted Accounting Principles, which contain at least the following information:

(a) Statement of Financial Condition (Balance Sheet); and

(b) Statement of Income

(7) "Individual" means a natural person.

(8) "Location" means a branch of the registrant or an authorized vendor where business activity regulated by Chapter 560, Florida Statutes occurs.

(9) "Money transmitter" means any person located in or doing business in this state that acts as or performs the activities of a payment instrument seller, foreign currency exchanger, check casher, funds transmitter, or deferred presentment provider.

(10) "Person" means any individual, corporation, partnership, association, trust, or other group, however organized.

(11) "Registrant" means a person registered by the Department pursuant to Part II or Part III of the Money Transmitters' Code.

(12) "Responsible person" means any individual who has principal active management authority over the business as defined by Section 560.103(18), F.S.

(13) "Unaudited Financial Statements" shall be defined as those financial statements prepared in accordance with Generally Accepted Accounting Principles and reviewed by a Certified Public Accountant, but not accompanied by the statements and representations as set forth in subparagraphs (3)(b), (c), and (d) of this Rule.

(14) "Holiday" means such days as are designated by Section 110.117, F.S.

(15) "Gross Income" means Gross Revenue (Sales) – Cost of Goods Sold.

Specific Authority 560.105(2)(~~3~~) FS. Law Implemented 560.103, 560.118(2), 560.205(3),(4), 560-208 FS. History–New 9-24-97, Amended 11-4-01, Amended.

3C-560.707 Records to be Maintained by Deferred Presentment Providers.

(1) Every deferred presentment provider shall maintain the following records at a location in this state which has been designated to the Department:

(a) A copy of each personal check accepted for each deferred presentment transaction.

(b) A copy of each transaction agreement between the deferred presentment provider and the drawer that meets the requirements of Rule 3C-560.904, F.A.C.

(c) If applicable, a copy of each document relating to any consumer credit counseling services provided for each drawer including:

1. A signed and dated notice from the drawer that he or she is unable to cover the check or to repay the provider on or before the last day of the deferment period, and that he or she agrees to complete consumer credit counseling and comply with a repayment agreement approved by a consumer credit counseling agency;

2. All correspondence received from or sent to the drawer or the consumer credit counseling agency chosen by the drawer; and

3. A copy of the drawer's repayment plan approved by the consumer credit counseling agency including records that substantiate the drawer's compliance with such agreement.

(d) Records relating to all returned personal checks that shall include, if applicable, the following:

1. The date the personal check was returned to the provider;

2. The name and address of the drawer;

3. The check number of the personal check;

4. The dollar amount of the personal check;

5. The date of deposit by the provider;

6. The NSF fees imposed, if applicable, on each drawer;

7. The date on which collection is made from the drawer; and

8. A description of the method by which collection was ultimately achieved.

(e) A daily summary of the business activities including the following documents:

1. Bank deposit receipts;

2. Copies of checks and withdrawal receipts evidencing withdrawal of funds from accounts maintained by the provider; and

3. A daily cash reconciliation summarizing each day's activities and reconciling cash on hand at the close of business.

(f) Bank statements of the provider received and maintained, no less often than monthly, for all accounts from which the provider operates. A complete legible copy of the provider's bank statement will be accepted if the original bank statement is not available.

(g) A copy of the drawer's written authorization to electronically debit the drawer's account if the provider intends to make use of such practice.

(h) The copy of the drawer's personal check shall constitute compliance with the requirements of subparagraphs (d)1. through 4. of this rule. The provider may include the reasonable cost of such copy as part of the verification fee allowed pursuant to Rule 3C-560.801, F.A.C., if such fee is charged to that drawer.

(i) A copy of the drawer's verifiable means of identification and any other documentation the provider collects in order to verify the drawer's identity.

(j) Copies of receipts provided to the drawer, which evidence the termination of the transaction. The drawer shall receive and the provider shall maintain a copy of the receipt for each transaction redeemed in cash or certified funds of the their check or when evidence of clearing has been provided to the provider. The receipt shall include, but is not limited to the date, time, transaction number, and amount.

(k) Copies of documentation presented to the provider as evidence of clearing.

(2) The records referenced in subsection (1) above may be maintained by the provider in accordance with the provisions of Section 560.407(4), F.S.

Specific Authority 560.105(2)(~~3~~), 560.404(23) FS. Law Implemented 560.404, 560.407 FS. History–New 12-17-01, Amended.

3C-560.805 Gross Income Test.

For purposes of determining whether a person is engaged in the business of check cashing for which registration is required the following formula will be applied:

Compensation for Check Cashing/Foreign  
Currency Exchange

-----  
Gross Income + Compensation for Check Cashing/Foreign  
Currency Exchange

Specific Authority 560.105(2) FS. Law Implemented 560.304(2) FS. History--  
New \_\_\_\_\_.

3C-560.902 Definitions.

(1) The term “provider” means a deferred presentment provider as defined by Section 560.402(5), F.S.

(2) The term “close of business” means the time of day that a provider closes its office to the public for that calendar day.

(3) The term “database” means the Department administered transactional database authorized by Section 560.404(23), F.S.

(4) The term “database vendor” means the vendor, which contracted with the Department for the purpose of developing and administering the daily operations of the database.

(5) The term “registered” means that a deferred presentment provider has provided to the database the information required to identify a valid deferred presentment transaction.

(6) The term “recorded” means that the database has assigned a transaction authorization number to a registered transaction, logged it as an open transaction, and communicated the transaction authorization number to the deferred presentment provider.

(7) The term “consumer credit counseling” means a confidential comprehensive personal money management review, including budget counseling resulting in a written assessment of the client’s financial situation by the consumer credit counselor which includes a suggested client action plan based upon a range of options chosen according to the best interests of the client. The suggested client action plan may include: the client handling their financial concerns on their own; enrollment in a debt repayment plan managed by the credit counseling agency; and/or information about bankruptcy other than legal advice.

(8) The term “notice” means written communication to the last address provided to the Department by regular mail, electronic mail, or facsimile; provided that notice to the Department must be to the DPP Database Contract Manager, Department of Banking and Finance, by mail to 101 East Gaines Street, Tallahassee, Florida 32399-0350, or by electronic mail to [electronic\\_licensing@mail.dbf.state.fl.us](mailto:electronic_licensing@mail.dbf.state.fl.us), or by facsimile to DPP Database Contract Manager, Department of Banking and Finance, (850)410-9279.

(9) The term “open transaction” or “open” means a transaction which has been registered and recorded but not terminated or pending.

(10) The term “pending transaction” or “pending” means an open transaction that is in the process of clearing the banking system, in the 60-day grace period pursuant to Section 560.404(22)(a), F.S., or returned to the provider pursuant to Section 560.406, F.S.

(11) The term “closed transaction” or “close” means a transaction terminated as provided in subsection 560.903(1), F.A.C.

(12) The term “immediately” means prior to the customer exiting the location in all circumstances except for depositing of checks, processing of ACH items for collection, or grace period related updates. In such instance, the term shall mean not later than 11:59 p.m. on the date that the event creating the need for the database update occurs.

Specific Authority 560.105(2)(~~3~~), 560.404(23) FS. Law Implemented 560.402, 560.404 FS. History--New 12-17-01, Amended 4-17-02, \_\_\_\_\_.

3C-560.903 Deferred Presentment Transactions.

(1)(a) A deferred presentment transaction shall be considered terminated at such time as the check that is the basis of the deferred presentment agreement has been:

1. Redeemed by the drawer by payment to the provider of the face amount of the check in cash;

2. Exchanged by the provider for a cashier’s check or cash from the drawer’s financial institution;

3. Deposited by the provider and such provider has evidence that such check has cleared in accordance with subsection (2);

4. Collected by the provider through any civil remedy available under Part IV of Chapter 560, F.S.; or

5. Collected by means of a repayment plan between the drawer and the provider or as the result of credit counseling where the provider has been paid the amount required under such plan.

6. Deposited by the provider or processed for collection through the ACH system and the provider has not received notice within 14 days that the check has been returned for insufficient funds, stop payment or closed account. The database will automatically close the transaction after 14 days if the provider has updated the transaction status to reflect the deposit and no action has been taken by the provider to update the database to reflect that the check has been returned as discussed above.

(b) Notwithstanding the automatic termination provision of subparagraph 3C-560.903(1)(a)6., F.A.C., providers shall immediately close all transactions in the database when a transaction is terminated as required by subsection 3C-560.908(6), F.A.C.

(c) In the event that the amount collected from the drawer exceeds the face amount of the check, the provider shall notify the drawer that he or she may retrieve such excess at the provider’s location where the initial agreement between the drawer and provider was executed.

(d) Each deferred presentment provider shall develop and implement written policies and procedures relating to the reconciliation of returned items where termination of the existing transaction is accomplished pursuant to subparagraph 3C-560.903(1)(a)6., F.A.C., which clearly supports the timely and accurate update of transactional information on the database.

(2)(a) The drawer shall provide evidence to the provider that his or her check that was the basis of a previous deferred presentment transaction has cleared the drawer's account at least 24 hours prior to entering into a new deferred presentment transaction (except that the provider may obtain such evidence as provided in subparagraph 4. below).

Evidence of a check having cleared the drawer's account may include, but shall not be limited to:

1. A copy of the drawer's bank statement showing the check has cleared;
2. The canceled check or a copy of the canceled check;
3. A copy of any other record provided by the drawer's financial institution or electronic network to which that financial institution subscribes such as an ATM inquiry that shows the check to have cleared; or
4. A verbal representation from the drawer's financial institution to the provider that the drawer's check has cleared, if the drawer's financial institution will provide such representation.

(b) Upon receipt of evidence that a drawer's check that is the basis of a previous deferred presentment transaction has cleared, the provider shall immediately update the database to close the transaction. The provider who deposited the drawer's check is the only provider that can close the transaction on the database.

(c) The provider shall retain a copy of the evidence presented by the drawer which it relies upon to terminate an existing deferred presentment transaction.

Specific Authority 560.105(2)(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New 4-17-02, Amended.

### 3C-560.904 Transaction Agreement Disclosures and Requirements.

(1)(a) Each deferred presentment transaction agreement must contain the following:

1. The drawer's identification information including name, address, social security or alien registration number, and if provided, the drawer's driver's license number;
2. The name or trade name, registration number, address, and telephone number of the deferred presentment provider and the name and title of the person who signs the agreement on behalf of the deferred presentment provider;
3. The date the deferred presentment transaction was executed;
4. The face amount of the drawer's personal check;
5. The length of the deferment period (in days);

6. The last day of the deferment period.

7. The time of day on the last day of the deferment period for the drawer to either redeem his or her check or request the grace period. Such time shall be the close of business for that calendar day;

8. The address and toll-free telephone number of the Department;

9. A clear description of the drawer's payment obligations under the deferred presentment transaction;

10. The disclosure notice required by Section 560.404(20), F.S.;

11. The transaction number assigned by the Department's database. This provision shall become effective on March 1, 2002;

12. The amount of currency or the amount of any payment instrument provided to the drawer;

13. A listing of all fees charged to the drawer categorized by fee type (i.e., 10% transaction fee and verification fee);

14. The disclosures required by Section 560.404(13), F.S.;

15. The drawer's written signature and date of execution which shall be done in the presence of the provider or an authorized employee of the provider; ~~and~~

16. The provider or its authorized employee's written signature and date of execution.

(b) If the deferred presentment provider (Part II registrants only) intends to provide the drawer with a payment instrument in lieu of currency, the agreement shall also contain the drawer's acknowledgment that he or she has consented to accept the provider's payment instrument in lieu of currency. Such acknowledgment shall clearly state that it is the drawer's choice to obtain such payment instrument, and that the provider may not require a drawer to accept a payment instrument in lieu of currency. This acknowledgment shall be separately initialed by the drawer;

(c) If the provider intends to electronically debit the drawer's account to collect the funds, the agreement shall also contain the drawer's authorization to the provider permitting the electronic debit of the drawer's account. This authorization shall be provided in a separate section of the transaction agreement, in not less than 8 point type, and must be initialed by the drawer. Providers must still adhere to all provisions of Part IV of Chapter 560, F.S., regarding the drawer's payment options under such part;

17. The check number of the drawer's check; and

18. The drawer's date of birth.

(2) through (3) No change.

Specific Authority 560.105(2)(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New 12-17-01, Amended.

### 3C-560.908 Database Transaction Requirements.

(1) Each deferred presentment transaction shall be registered with the database and receive a transaction authorization number evidencing the transaction as being

recorded in the database prior to a provider giving currency or a payment instrument (Part II registrants only) to the drawer except as set forth in Rule 3C-560.909, F.A.C. The purpose of this database is to:

- (a) Prevent the practice of rollover transactions;
- (b) Prevent simultaneous deferred presentment transactions with multiple providers by an individual drawer; and

(c) Prevent a new deferred presentment transaction by a drawer within 24 hours of the termination of a prior transaction.

(2) The provider will begin each transaction by:

(a) Accessing the database using the assigned user identification and password provided to each employee by the security administrator for the provider;

(b) Conducting a search of the database based upon either a social security number, alien registration number, or ITIN number of the person seeking a new deferred presentment transaction. The database will provide the result of the search indicating whether the person is eligible or ineligible to enter into a new deferred presentment transaction;

(c) If the person is eligible for a new deferred presentment transaction, the provider may submit all of the required information on a person necessary to have the transaction registered on the database;

(d) Once all of the required information has been submitted to the database, the database will re-verify the search. If the drawer's eligibility is confirmed, the deferred presentment transaction will be recorded as open, assigned a transaction authorization number, and the transaction authorization number will be communicated to the provider as evidence that the transaction has been authorized by the database. The provider shall place the transaction authorization number on the deferred presentment agreement; and

(e) Providing a copy of the agreement to the drawer.

(3) Providers may cancel a deferred presentment agreement before the close of business on the date of the transaction without incurring a transaction fee. If a provider elects to cancel a deferred presentment agreement with a drawer, the provider shall not assess either the transaction fee or the verification fee to the drawer. The provider shall immediately update the transaction fields to indicate that no fees were charged to the drawer and close the transaction on the database.

(4) Providers shall immediately update open transactions on the database to ensure that all identifying information regarding both the drawer and the transaction are accurate, including any comments on the transaction which the provider deems relevant. A provider shall also immediately update the database by entering a pending reason when:

(a) The check that is the basis of the deferred presentment agreement has been deposited by the provider, in which case, the date on which the check was deposited shall also be entered;

(b) A drawer has requested the 60-day grace period in accordance with Section 560.404(22)(a), F.S.; ~~and~~

(c) The drawer's check is returned to the provider as not collected; or

(d) The drawer's check is processed for collection via the ACH system.

(5) Providers shall have written procedures for the secure handling of the original check provided by the drawer in the course of a deferred presentment transaction. Such procedures shall include, at a minimum, the following steps, as appropriate: that checks must be endorsed in the name of the provider and deposited into an account maintained by the provider at the provider's financial institution; that checks redeemed by the drawer shall be returned to the drawer; that checks processed for collection via the ACH system shall be returned to the drawer, destroyed, or voided by the provider to ensure that the check cannot be negotiated.

(6)(5) Providers shall be responsible for closing all transactions on the database, except as provided in subparagraph 3C-560.903(1)(a)6., F.A.C., immediately when the transaction has terminated, in which case, the provider shall input the date and time a transaction closes, as well as the payment method, unless the provider has previously entered such payment method. The provider shall also provide a written receipt to the drawer at the time the transaction is redeemed in cash, certified funds, or the drawer provides evidence of clearing.

(7)(6) Any inquiry that results in the person being deemed ineligible by the database will immediately provide a printable message with a description of the reason for the determination together with the name, address, and toll-free support number of the database vendor, 1(877)FLA-DPP1. At a minimum, the description shall state that the person is ineligible because he or she:

- (a) Has an open transaction with the inquiring provider;
- (b) Has an open transaction with another provider; or
- (c) Has terminated a prior transaction within 24 hours of the inquiry. A copy of the printable message shall be provided to the person at the time the database renders a determination that the person is not eligible to enter into a new deferred presentment agreement.

Specific Authority 560.105(2)(3), 560.404(23) FS. Law Implemented 560.404 FS. History--New 4-17-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Don B. Saxon, Director, Office of Financial Regulation  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Office of Financial Regulation



DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

RULE TITLE: School Curriculum; Examinations; Retention of Records

RULE NO.: 5N-1.140

PURPOSE AND EFFECT: The purpose and effect is to incorporate by reference a revised Security Officer Curriculum Guide. The guide is used by schools offering training that is required for those who apply for a security officer license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The cost is limited to the cost of publishing this notice. 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: 493.6303(4), 493.6304(3), 493.6403(2), 493.6406(3) FS.

LAW IMPLEMENTED: 493.6303(4), 493.6304(3), 493.6403(2), 493.6406(3) FS.

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

TIME AND DATE: 10:00 a.m., June 28, 2004

PLACE: Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kristi Reid Bronson, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)488-3492, Fax (850)488-2789

THE FULL TEXT OF THE PROPOSED RULE IS:

5N-1.140 School Curriculum; Examinations; Retention of Records.

(1) Security Officer Schools and Training Facilities.

(a) A security officer school or training facility shall teach, at a minimum, and the students shall attend classes in the subject areas as set forth in the Security Officer Training Curriculum Guide (5/04) (~~Form LC1E186; eff. 7/96~~), incorporated by reference. The security officer curriculum shall be taught in two courses, Course A consisting of 24 hours of instruction and Course B consisting of 16 hours of instruction.

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

Specific Authority 493.6303(4), 493.6304(3), 493.6403(2), 493.6406(3) FS. Law Implemented 493.6303(4), 493.6304(3), 493.6403(2), 493.6406(3) FS. History--New 10-1-91, Amended 2-18-93, 7-6-93, 10-6-93, 12-5-94, 7-31-96, Formerly 1C-3.140, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kristi Reid Bronson, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)488-3492, Fax (850)488-2789

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gene Bryan, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 2004

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Institutional Mail

RULE NO.: 33-210.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language.

SUMMARY: The proposed rule deletes language that is unnecessary and overly detailed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.104 Institutional Mail.

(1) Only Department of Corrections mail or mail concerning the activities of the department will be processed by institutional staff. Institutional employees shall not receive personal mail at the institution. Personal mail includes any mail dealing with the personal affairs of the employee not directly related to department matters.

(2) The warden of each institution shall designate mail room staff or employees in each department to inspect staff mail introduced into the confines of the secure perimeter. All incoming mail addressed to staff will be opened and inspected to determine whether it contains contraband or is personal in nature.

(a) Mail marked "personal" or "confidential" will be opened by the designated staff in the presence of the receiving employee.

~~(b) Mail sent to medical departments will be opened by designated health services staff in accordance with (2)(a).~~

~~(b)(e)~~ No change.

~~(d) Only the classification supervisor or his or her designee will open mail marked "Substance Abuse Records - Confidential" in the mailroom. The classification supervisor or his or her designee will ensure that the confidentiality of any substance abuser records contained in inmate records that arrive through the mail is maintained in accordance with 42 C.F.R. Part II, Chapter 397, Florida Statutes, and Chapter 65D 30, F.A.C. The name of the inmate or inmates whose records are contained therein will not be identified on the envelope.~~

~~(e) Mail addressed to contract vendors will be opened by a contract vendor's employee in the mailroom in the presence of mailroom staff.~~

~~(3) Personal mail will not be delivered to the employee, but rather will be forwarded to the warden. The warden will give the mail to the employee, but shall instruct the employee to inform the sender of an alternative non-department facility address for delivery. The employee shall also be advised that failure to follow these instructions will result in disciplinary action in accordance with 33-208.002 and 33-208.003.~~

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

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 12-7-98, Formerly 33-3.0054, Formerly 33-602.404, Amended 12-4-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE: Permitting of Water Use  
RULE CHAPTER NO.: 40B-2

RULE TITLE: Duration of Permits  
RULE NO.: 40B-2.321

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to provide an extension of expiration dates for water use permits issued between January 1, 1984 and December 31, 1985. The effect of the proposed rule amendment is to extend the duration of existing water use permits for three years.

SUMMARY: The proposed rule amendment will provide an extension of expiration dates for water use permits issued between January 1, 1984 and December 31, 1985, subject to certain conditions.

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 rule amendment 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 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: 373.236 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.

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least five (5) work days before the meeting by contacting Linda Smith at (386)362-1001.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only).

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-2.321 Duration of Permits.

(1) Unless revoked, modified, or specifically identified as a limiting condition pursuant to paragraph 40B-2.381(2)(d), F.A.C., the duration of permits shall be as provided in Section 373.236, Florida Statutes.

(2) The Governing Board hereby extends for three years all water use permits issued between January 1, 1984, and December 31, 1985, subject to the following requirements.

(a) The permit was issued for a duration of twenty years and has received no extensions prior to the effective date of this rule.

(b) The permit has not been renewed prior to the effective date of this rule.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.236 FS. History--New 10-1-82, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Environmental Resource and Works of the District Permits	40B-4
RULE TITLES:	RULE NOS.:
Policy and Purpose	40B-4.1010
Permits Required	40B-4.1040
Recognition of Comparable Regulatory Programs	40B-4.1060
Exemptions	40B-4.1070
Duration of Permits	40B-4.1100
Transfer of Permits	40B-4.1130
Limiting Conditions on Permits	40B-4.1140
General Environmental Resource Permits	40B-4.2010
Content of Environmental Resource Permit Application	40B-4.2020
Conditions for Issuance of Environmental Resource Permits	40B-4.2030
Minimum Operation and Maintenance Standards	40B-4.2040
Adopted Works of the District	40B-4.3000
General Works of the District Development Permits	40B-4.3010
Content of Works of the District Development Permit Applications	40B-4.3020
Conditions for Issuance of Works of the District Development Permits	40B-4.3030
Unlawful Use of Works of the District	40B-4.3040

PURPOSE AND EFFECT: The purpose of the rule development is to update sections of Chapter 40B-4, Florida Administrative Code, based on the regulatory experience of the District since the inception of environmental resources permitting. The effect of the proposed rule amendments will be to provide for more efficient and effective regulation of activities that are subject to regulation and to provide for better comprehension of the subject rules.

SUMMARY: This proposed rule will update rule terminology, change form names and numbers, develop consistency with Chapter 40B-1, Florida Administrative Code, codify additional permit exemptions and delete outdated exemptions, change general permit durations, codify additional criteria for Works of the District permits, and add additional criteria to the noticed general permit for borrow pits.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.117, 373.118, 373.171 FS.

LAW IMPLEMENTED: 120.60, 373.016, 373.019, 373.042, 373.084, 373.085, 373.086, 373.117, 373.406, 373.409, 373.413, 373.416, 373.419, 373.423, 373.426 FS.

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

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least five (5) work days before the meeting by contacting: Linda Smith, (386)362-1001

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULES IS:

40B-4.1010 Policy and Purpose.

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

4. That new development which occurs in floodprone areas is made flood resistant ~~flood proofed~~ to the greatest extent practical, or that development which cannot be made flood resistant ~~flood proofed~~ is not permitted in floodprone areas.

(b) through (5) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.409, 373.413, 373.416, 373.426 FS. History--New 9-25-85, Amended \_\_\_\_\_.

40B-4.1040 Permits Required.

(1) Permits are required as follows:

(a) ~~Environmental resource surfacewater management~~ permit prior to initiating any project which involves draining, developing, or subdividing property, construction of roads or bridges, commercial or industrial developments, and agricultural or forestry activities, including dredging or filling the construction, alteration, maintenance, operation, or abandonment of any dam, impoundment, reservoir, appurtenant works, works, or surfacewater management system.

(b) Works of the district development permit prior to initiating any project as outlined in paragraph (a) above within a regulatory floodway as defined within this chapter connecting with, placing structures or works in or across, discharging to, or other development within a work of the district.

(c) When the need to obtain a works of the district development permit is in conjunction with the requirements for obtaining an environmental resource surfacewater management permit, application shall be made and shall be considered by the district as part of the request for an environmental resource surfacewater management permit application. Otherwise, a separate works of the district development permit must be obtained.

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

(e) Specific procedures, noticing or application requirements, and conditions for issuance of environmental resource surfacewater management permits or works of the district development permits are detailed in Section 40B-1.703, F.A.C., or Part II or Part III of this chapter or Chapter 40B-400, F.A.C., including any materials adopted by reference thereto.

(3) Chapter 93-213, Laws of Florida, amended Chapters 373 and 403, Florida Statutes, to provide for consolidation and streamlining of permitting programs of the district and Department. Chapter 93-213, F.S., required requires a series of rule amendments by the water management districts and Department to accomplish the streamlining and consolidation. The adoption of Chapter 40B-400, F.A.C., was which is scheduled for adoption on or before July 1, 1994, is the first significant rulemaking effort of the district necessary to comply with the provisions of Chapter 93-213, L.O.F. The provisions of Chapter 40B-400, F.A.C., are supplemental to this chapter. Subsequent to the effective date of Chapter 40B-400, F.A.C., permits required by this chapter which have been known as surfacewater management permits will be henceforth titled Environmental Resource Permits. Subsequent to the effective date of Chapter 40B-400, F.A.C., if a provision of this chapter is found to be in conflict with a provision of Chapter 40B-400, F.A.C., the provisions of Chapter 40B-400, F.A.C., shall govern.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 12-22-92, 10-3-95, \_\_\_\_\_.

40B-4.1060 Recognition of Comparable Regulatory Programs.

The district recognizes that regulatory and permitting programs exist or may be developed in the future by local units of government, state, or federal agencies which may overlap with some or all of the requirements of this chapter. In order to avoid duplication, an applicant may use any forms, plans, specifications, drawings, calculations, or other data developed to support an application for a permit required by a local unit of government, other state, or federal agency, pursuant to any rules which establish requirements equal to or more stringent than these rules in lieu of any such submittals required by Rules 40B-4.2020 or 40B-4.3020, F.A.C., of this chapter ~~subject to provisions of Rule 40B-4.1080(2)(a)2.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.085, 373.413 FS. History—New 9-25-85, Amended \_\_\_\_\_.

40B-4.1070 Exemptions.

(1) The following activities are exempt from the requirements of obtaining environmental resource surfacewater management permits specified in paragraph 40B-4.1040(1)(a), F.A.C.:

(a) through (b) No change.

(c) Surfacewater management system which will connect to a system permitted and constructed pursuant to this chapter providing the permit for the permitted system anticipated the connection or it is modified to include the connection and the system is functioning as permitted.

(d) through (f) No change.

(g) The construction of the following minor roadway safety projects provided that the capacity of existing swales, ditches, or other storm water management systems is not reduced and the projects are located completely within uplands:

1. Sidewalks that have a width of six feet or less.

2. Turn lanes less than 0.25 miles in length and other intersection improvements.

3. Road widening and shoulder paving projects which do not result in the creation of additional traffic lanes.

(h) Recreational paths that have a width of ten feet or less which do not allow motorized vehicles powered by internal combustion engines, except for maintenance and emergency vehicles.

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

(e) ~~Development within a work of the district which complies with a local government ordinance as listed in subparagraph 40B-4.1070(2)(e)1., F.A.C., and meets the conditions in subparagraph 40B-4.1070(2)(e)2., F.A.C.~~

~~1. The following local government ordinances, adopted by the respective local government jurisdictions, have been reviewed by the district and are considered to contain criteria equal to or more stringent than the conditions for issuance of district works of the district development permits:~~

a. Ordinance 88-9, adopted by the Alachua County Board of County Commissioners with an effective date of March 22, 1988, and implemented in the unincorporated areas of Alachua County, Florida;

b. Ordinance 87-14, adopted by the Columbia County Board of County Commissioners with an effective date of December 9, 1988, and implemented in the unincorporated areas of Columbia County, Florida;

c. Ordinances 82-09 and 87-11, adopted by the Suwannee County Board of County Commissioners with effective dates of September 16, 1982, and January 5, 1988, respectively, and implemented in the unincorporated areas of Suwannee County, Florida;

d. Ordinance 14, adopted by the Madison County Board of County Commissioners with an effective date of April 16, 1988, and implemented in the unincorporated areas of Madison County, Florida;

e. Ordinance 89-9 adopted by the Bradford County Board of County Commissioners with an effective date of November 13, 1989, and implemented in the unincorporated areas of Bradford County, Florida;

f. Ordinance 82-04 adopted by the Dixie County Board of County Commissioners with an effective date of August 19, 1982, and implemented in the unincorporated areas of Dixie County, Florida;

g. Ordinance 88-06 adopted by the Gilchrist County Board of County Commissioners with an effective date of August 10, 1988, and implemented in the unincorporated areas of Gilchrist County, Florida;

h. Ordinance 63-87 adopted by the Hamilton County Board of County Commissioners with an effective date of May 21, 1987, and implemented in the unincorporated areas of Hamilton County, Florida;

i. Ordinance 84-1 and 91-4 adopted by the Jefferson County Board of County Commissioners with an effective date of October 17, 1984 and June 19, 1991, respectively, and implemented in the unincorporated areas of Jefferson County, Florida;

j. Ordinance 1-87 adopted by the Lafayette County Board of County Commissioners with an effective date of January 5, 1987, and implemented in the unincorporated areas of Lafayette County, Florida;

k. Ordinance 82-3 adopted by the Levy County Board of County Commissioners with an effective date of July 16, 1991, and implemented in the unincorporated areas of Levy County, Florida;

l. Ordinance 87-4 and 90-5 adopted by the Taylor County Board of County Commissioners with an effective date of May 1, 1987 and July 3, 1990, respectively, and implemented in the unincorporated areas of Taylor County, Florida;

m. Ordinance 88-9 adopted by the Union County Board of County Commissioners with an effective date of August 3, 1988, and implemented in the unincorporated areas of Union County, Florida;

2. This exemption is provided for projects where:

a. The development maintains the minimum setbacks listed in subsection 40B-4.3030(4), F.A.C.;

b. The development will not result in the conversion of wetlands to uplands through drainage, filling, or other means; and

e. The development is associated with the construction, reconstruction, improvement, or maintenance of a single-family residence.

(3) The following activities are not subject to the permitting requirements of this chapter:

(a) Construction or maintenance of certain docks, seawalls, bulkheads, mooring pilings, or dolphins which are regulated by Florida Department of Environmental Protection pursuant to the authority in Section 403.813, Florida Statutes.

(b) through (4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 373.406, 373.416, 373.426 FS. History—New 9-25-85, Amended 2-1-89, 12-22-92, \_\_\_\_\_.

40B-4.1100 Duration of Permits.

(1) No change.

(a) Three ~~Two~~ years duration for general permits authorizing the construction or alteration of a surfacewater management system or work unless the construction involves or affects a works of the district development permit. In the latter event, the duration shall be specified as a limiting condition on the permit. When a permit is issued for construction or alteration and the subsequent operation and maintenance, the portion of the permit authorizing construction or alteration shall be limited to three ~~two~~ years from the date of issuance. ~~Upon written request of a permittee, a duration extension for a general permit may be authorized for up to one year in order to complete any work initiated under the terms of the original permit.~~

(b) through (e) No change.

(2) Permits authorizing the construction, alteration, or abandonment of a system or work shall expire as specified in the permit ~~automatically unless the permittee requests an extension prior to the expiration date.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.084, 373.085, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 12-22-92, \_\_\_\_\_.

40B-4.1130 Transfer of Permits.

(1) General wWorks of the district development permits shall automatically transfer to the new owner upon his taking title to the lands involved in such a permit. No notice to the district shall be required for such transfer unless specifically required as a limiting condition on the permit.

(2) Environmental resource surfacewater management permits for operation and maintenance will be transferred to the responsible entity for such operation and maintenance upon completion of all work specified in the permit to construct, alter or abandon, provided the permittee notifies the district in accordance with Section 373.416(2), F.S., within 30 days of the sale or conveyance of the system, work, appurtenant work or works, or the land on which the permitted project is located.

(3) through (4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.413, 373.416 FS. History—New 9-25-85, Amended 12-22-92, \_\_\_\_\_

40B-4.1140 Limiting Conditions on Permits.

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

(c) The operational and maintenance phase of an environmental resource surfacewater management permit will not become effective until the owner or his authorized agent certifies that all facilities have been constructed in accordance with the design permitted by the district. If required by the district, such as-built certification shall be made by an engineer or surveyor. Within 30 days after the completion of construction of the system, the permittee shall notify the district that the facilities are complete. If appropriate, the permittee shall request transfer of the permit to the responsible entity approved by the district for operation and maintenance. The district may inspect the system and, as necessary, require remedial measures as a condition of transfer of the permit or release for operation and maintenance of the system.

(d) through (j) No change.

Specific Authority 373.044, 373.113, 373.117, 373.171 FS. Law Implemented 373.084, 373.085, 373.117, 373.409, 373.413, 373.416, 73.419, 373.423, 373.426 FS. History—New 9-25-85, Amended 2-1-89, 12-22-92, \_\_\_\_\_

PART II

ENVIRONMENTAL RESOURCE PERMITS  
SURFACEWATER MANAGEMENT SYSTEMS

40B-4.2010 General Environmental Resource Permits.

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

b. Best management practices listed in "Silviculture Best Management Practices Manual" (~~1993~~), latest edition, published by the Florida Department of Agriculture and Consumer Services, or listed in the United States Department of Agriculture, Soil Conservation Service "Water Resources Notebook for Florida" shall be used to the extent necessary to minimize erosion, sedimentation or other adverse impacts; and

c. through (2)2. No change.

3. Borrow pits which:

a. Are less than 5 acres excavation area, as measured at natural grade.

b. Are ~~that~~ located entirely upland of waters and wetlands,

c. Do not impound, impede or divert the flow of surface waters, and

d. Do not intercept an aquifer.

(b) No change.

Specific Authority 373.044, 373.118, 373.171 FS. Law Implemented 120.60, 373.084, 373.085, 373.117, 373.413, 373.416, 373.426 FS. History—New 9-25-85, Amended 8-10-86, 2-12-87, 6-16-88, 2-1-89, 12-22-92, 10-3-95, \_\_\_\_\_

40B-4.2020 Content of Environmental Resource Surfacewater Management Permit Application.

(Copies of forms incorporated by reference below may be obtained at the district office.)

(1) No change.

(a) Form 40B-1.901(10) 40B-4-1a, "Notice of Intent to Construct a Minor Surface Water Management System Pursuant to subsection 40B-4.2010(1) or paragraph (2)(a), F.A.C. for General Surfacewater Management Permit for Agricultural or Forestry Projects," Suwannee River Water Management District, Effective January 29, 2001 10-1-92.

(b) Form 40B-1.901(17) 40B-4-1b, "Notice of Intent to Construct a Minor Silvicultural Surface Water Management System Pursuant to Rule 40B-400.500, F.A.C. for General Surfacewater Management Permit," Suwannee River Water Management District, Effective January 29, 2001 10-1-92.

(c) Form 40B-1.901(13), "Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit", Effective January 29, 2001.

(2) Applications for general environmental resource surfacewater management permits shall be filed with the district by submitting the following form which is hereby incorporated by reference, and such information specified in paragraph 40B-4.2020(3)(b)(a), F.A.C., as appropriate for the scope of the project:

Form 40B-1.901(13), "Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit", Effective January 29, 2001, Form 40B-4-2, "Application for General Surfacewater Management Permit", Suwannee River Water Management District, 10-1-92.

(3) Application for individual or conceptual approval environmental resource surfacewater management permits shall be filed with the district and shall contain the following information as may be appropriate to the project. The board encourages applicants to request a pre-application conference with district staff to explore the appropriate items to be included with the application and the level of detail needed. It is the intention of the board that only the information necessary to evaluate the potential impacts of the proposed project be included.

(a) Form 40B-1.901(13), "Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit", Effective January 29, 2001 Form 40B-4-4, "Application for Surfacewater Management System Construction, Alteration, Operation, Maintenance, and/or Works of the District

Development”, Suwannee River Water Management District, 40-1-85, hereby incorporated by reference and which contains the following information:

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

b. A recent (not more than three years ~~prior to the from~~ date of application) aerial photograph encompassing the project area at a scale no smaller than one inch equals 800 feet with the project area and total land area identified;

c. through e. No change.

f. Soils map of the site (existing U.S.D.A. – N.R.S.-C.S. maps adequate);

g. through h. No change.

i. A soil conditions report including a map showing the location of any soils borings or percolation tests. Percolation tests representative of design conditions shall be performed if surfacewater management systems propose to utilize swales, percolation (retention), or exfiltration (detention with filtration) designs.

2. through 4. No change.

(c) ~~Subject to the provisions of subparagraph 40B-4.1080(2)(a)2., F.A.C.,~~ Projects on exclusively agricultural lands may submit an approved conservation plan in lieu of the information specified in paragraph 40B-4.2020(3)(b), F.A.C. Information specified in paragraph 40B-4.2020(3)(a), F.A.C., must be included with the application.

(d) ~~Subject to the provisions of subparagraph 40B-4.1080(2)(a)2., F.A.C.,~~ Projects on exclusively silvicultural lands may submit a forest water management plan which addresses the appropriate elements in “Silvicultural Best Management Practices ~~Manual~~,” Florida Department of Agriculture and Consumer Services, Division of Forestry, latest edition 1979. Appropriate data utilized to prepare the forest water management plan should be included. The forest water management plan may be submitted in lieu of the information specified in paragraph 40B-4.2020(3)(b), F.A.C. Information specified in paragraph 40B-4.2020(3)(a), F.A.C., must be included with the application.

(4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.413, 373.416, 373.426 FS. History–New 9-25-85, Amended 2-1-89, 12-22-92, \_\_\_\_\_.

40B-4.2030 Conditions for Issuance of Environmental Resource Surfacewater Management Permits.

(1) through (10) No change.

(11) The district shall not approve the issuance of permits for new surface water management systems or individual works which result in permanent damage or alteration to a work of the district.

(12) The district shall not approve the issuance of permits for new private roads within a work of the district that are constructed with fill material.

(13) The district shall not approve the issuance of permits for mining, associated mining activities, borrow pits, and other excavations within a work of the district.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.413, 373.416, 373.426 FS. History–New 9-25-85, Amended 2-1-89, 10-3-95, \_\_\_\_\_.

40B-4.2040 Minimum Operation and Maintenance Standards.

(1) through (2) No change.

(3) Oil and grease separators, skimmers, or collection devices shall be inspected and maintained on a regular basis by the permittee to insure that they are working properly and do not allow the discharge of oils or greases. Oils and greases or other materials removed from such a device during routine maintenance shall be disposed of ~~at a sanitary landfill or by other~~ lawful means.

(4) through (6) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.042, 373.084, 373.085, 373.086, 373.117, 373.409, 373.416, 373.426 FS. History–New 2-1-89, Amended \_\_\_\_\_.

### PART III

#### WORKS OF THE DISTRICT

40B-4.3000 Adopted Works of the District.

(1) through (3) No change.

(4) The Suwannee River and its floodway in Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, and Suwannee counties, Florida; and

(5) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.084, 373.085, 373.086 FS. History–New 9-25-85, Amended \_\_\_\_\_.

40B-4.3010 General Works of the District Development Permits.

(1) A general works of the district development permit may be granted pursuant to the procedures in Rule 40B-1.703, F.A.C., to any person for a duration not to exceed two years for the development described below:

Construction of a structure for single-family residential or agricultural use including the leveling of land for the foundation and associated private water supply, wastewater disposal, and driveway access which is in compliance with all applicable ordinances or rules of local government, state, and federal agencies, and which meets the requirements of this chapter.

(2) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History–New 9-25-85, Amended 3-19-86, 12-22-92, \_\_\_\_\_.

40B-4.3020 Content of Works of the District Development Permit Applications.

(1) Applications for a general work of the district development permit shall be filed with the district and shall contain the following:

Form 40B-1.901(11) ~~40B-4-5~~, "Application for General Work of the District Development Permit," Suwannee River Water Management District, January 29, 2001 ~~4-1-86~~, hereby incorporated by reference and which contains the following:

(a) through (f) No change.

(2) Applications for individual or conceptual approval works of the district development permits shall be filed with the district and shall contain the following:

Form 40B-1.901(13), "Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit", Effective January 29, 2001 Form ~~40B-4-4~~, "Application for Surface Water Management System Construction, Alteration, Operation, Maintenance, and/or Works of the District Development," Suwannee River Water Management District, ~~2-10-1-85~~, hereby adopted by reference and which contains the following:

(a) through (6) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 3-19-86,\_\_\_\_\_.

40B-4.3030 Conditions for Issuance of Works of the District Development Permits.

(1) The district will not approve the issuance of separate permits for development in a work of the district for any proposed project that requires a district environmental resource surfacewater management permit pursuant to Part II of this chapter. For such projects, development in a work of the district may be authorized as part of any environmental resource surfacewater management permit issued.

(2) The district will not approve the issuance of a works of the district development permit for any work, structures, road, or other facilities which have the potential of individually or cumulatively reducing floodway conveyance or increasing water-surface elevations above the 100-year flood elevation, or increasing soil erosion. ~~The district will presume such a facility will not reduce conveyance or increase water surface elevations above the 100 year flood elevation or increase soil erosion if:~~

~~(3)(a)~~ Roads with public access shall be ~~are~~ constructed and laid out in conformance with the minimum standards of local government. Where roads are not required to be paved, the applicant must provide design specifications for erosion and sediment control. Where roads are required to be paved, swales will generally be considered adequate for erosion and sediment control;

~~(4)(b)~~ Buildings in the floodway shall be ~~are~~ elevated on piles without the use of fill such that the lowest structural member ~~of the first floor~~ of the building is at an elevation at least one foot above the 100-year flood elevation;

~~(5)(c)~~ The area below the first floor of elevated buildings shall be ~~is~~ left clear and unobstructed except for the piles or stairways;

~~(6)(d)~~ A permanent elevation monument shall be ~~is~~ established by a surveyor on the property ~~to be developed by a surveyor~~. The monument shall be adequate to establish land surface and minimum buildup elevations to the nearest 1/100 of a foot;

~~(7)(e)~~ No ~~permanent~~ fill material shall ~~or other~~ ~~obstructions are to be~~ placed above the natural grade of the ground, ~~except for minor obstructions which are less than or equal to 100 square feet of the cross-sectional area of the floodway on any building or other similar structure provided that all such obstruction developed on any single parcel of land after the implementation date of this chapter is considered cumulatively;~~

~~(8)(f)~~ No activities shall be ~~are~~ proposed which would result in the filling or conversion of wetlands.

~~(9)(g)~~ For any structure placed within a floodway ~~which, because of its proposed design and method of construction, may, in the opinion of the district, result in obstruction of flows or increase in the water surface elevation of the 100-year flood,~~ the district shall ~~may~~ require as a condition for issuance of a work of the district development permit that an engineer certify that such a structure will not obstruct flows or increase 100-year flood elevations. Such certification shall include step-backwater calculations using the 100-year flood discharge rate.

(10) Boat ramps constructed within a Work of the District shall be designed by a licensed professional engineer.

~~(11)(4)~~ The following conditions shall apply to all works of the district development permits issued for development on lands subdivided after January 1,1985:

(a) No clearing of trees and vegetation shall occur ~~Clearing of land shall be limited~~ [except as provided in paragraphs ~~(c)(b)~~ and ~~(d)(e)~~ below] other than what is to that necessary to remove diseased vegetation, construct structures, associated water supply, wastewater disposal, and private driveway access facilities, ~~and.~~

~~(b)~~ No construction, additions or reconstruction shall occur in the front 75 feet of an area immediately adjacent to and including the normally recognized bank of a water, except for facilities to provide reasonable pedestrian access to water dependant structures such as docks.

~~(c)(b)~~ Clearing of vegetation within the front 75 feet immediately adjacent to and including the normally recognized bank of a water shall be limited to that necessary to gain access or remove diseased vegetation.



~~(d)~~(e) Harvest or regeneration of timber or agricultural crops shall not be limited provided the erosion of disturbed soils can be controlled through the use of appropriate best management practices, the seasonal scheduling of such activities will avoid work during times of high-flood hazard, and the 75 feet immediately adjacent to and including the normally recognized bank of a water is left in its natural state as a buffer strip.

~~(e)~~(d) As to those lands subdivided prior to January 1, 1985, the governing board shall, in cases of extreme hardship, issue works of the district development permits with exceptions to the conditions listed in paragraphs 40B-4.3030(4)(a) through ~~(d)~~(e).

~~(f)~~(e) The 75-foot setback in paragraphs (a) through (d) above shall be considered a minimum depth for an undisturbed buffer. The limitations on disturbance and clearing within the buffer as set out in paragraphs (a) through (d) above shall apply, and any runoff through the buffer shall be maintained as unchannelized sheet flow. The actual depth of the setback and buffer for any land use other than single-family residential development, agriculture, or forestry shall be calculated in accordance with the methodology in: "Urban Hydrology for Small Watersheds," U.S. Department of Agriculture, Soil Conservation Service, Engineering Division, Technical Release 55, June 1986; and, "Buffer Zone Study for Suwannee River Water Management District," Dames and Moore, September 8, 1988, such that the post-development composite curve number for any one-acre area within the encroachment line does not exceed;

1. through 4. No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History--New 9-25-85, Amended 2-12-87, 2-1-89, 12-22-92, \_\_\_\_\_.

40B-4.3040 Unlawful Use of Works of the District.

(1) through (2) No change.

(3) It shall be unlawful for any person to cause damage to occur to or within a work of the district by the operation of motorized vehicles. This is not intended to prohibit the lawful use of motorized watercraft.

~~(4)~~(3) Damage to works of the district resulting from violations specified in subsections 40B-4.3040(1) through (3) and ~~(2)~~ above shall be repaired by the violator to the satisfaction of the district. In lieu of making repairs, the violator may deposit with the district a sufficient sum to insure such repair.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History--New 9-25-85, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 2004

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
District Land Use Rules	40D-9
RULE TITLES:	RULE NOS.:
Definitions	40D-9.021
Land Acquisition Procedures	40D-9.091
Recreational Land Use Policy	40D-9.101
Scope and Applicability	40D-9.110
Access to and Closures of District Lands	40D-9.111
Commercial Activities	40D-9.120
Recreational Fishing	40D-9.130
Commercial Fishing	40D-9.131
Hiking	40D-9.140
Equestrian Activities; Use of Saddle Animals	40D-9.150
Bicycling	40D-9.160
Hunting	40D-9.170
Trapping	40D-9.171
Swimming	40D-9.180
Diving	40D-9.181
Dogs, Cats, or Other Animals	40D-9.190
Plant or Animal Removal, Destruction or Harassment	40D-9.191
Introduction of Plants and Animals to District Lands	40D-9.192
Archeological or Cultural Resources Removal, Alteration, or Destruction	40D-9.200
Disposal or Discharge of Waste	40D-9.210
Destruction, Removal or Alteration of District Owned Facilities or Equipment	40D-9.220
Firearms and Similar Equipment	40D-9.230
Fireworks and Explosives	40D-9.231
Posting or Distributing Bills	40D-9.240
Fires	40D-9.250
Camping	40D-9.260
Use of Motorized Vehicles, Recreational Vehicles, Boats and Aircraft	40D-9.270
Unauthorized Facilities or Structures	40D-9.280
Other Uses; Use of Alcoholic Beverages on District Lands Prohibited	40D-9.290
Trespass After Notice	40D-9.300
Penalties	40D-9.310
Conflicting Rules	40D-9.320
Special Use Authorization	40D-9.330

PURPOSE AND EFFECT: The purpose of this proposed rulemaking is to implement the District’s policies regarding the public use of District owned land.

SUMMARY: Land Resources staff and the Office of General Counsel have developed draft rules, to be codified in Chapter 40D-9, F.A.C., that will govern public use and recreational activities on District-owned lands. Water management districts are authorized to adopt rules for the management of their lands pursuant to subsection 373.1391(6), Florida Statutes (F.S.). Development and adoption of these rules is also consistent with subsection 373.1391(1)(a), FS. The proposed rules will define and inform the general public of which types of activities are allowed, how to obtain permits and other land use authorizations, access restrictions, prohibitions and penalties.

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 Chapter 40D-9, 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: 279.101, 373.016, 373.044, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.139, 373.1391, 373.149, 373.171 FS. LAW IMPLEMENTED: 259.101, 373.016, 373.056, 373.083, 373.088, 373.089, 373.093, 373.096, 373.099, 373.103, 373.129, 373.139, 373.1391, 373.1395, 373.140, 373.149, 373.1401, 373.199, 373.59, 373.591, 373.609, 373.613 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: 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 RULES IS:

40D-9.021 Definitions.

When used in this part:

(1) “Commercial” activities means selling or offering to sell any merchandise or service including those derived from the consumptive or non-consumptive recreational use of District Lands including, but not limited to, providing guide services or tours, or providing rental vehicles or animals for use on District Lands.

(2) “Camping” means to use a vehicle, tent, or shelter, or to arrange bedding or both with the intent to stay overnight.

(3) “Concession” means the privilege to establish a commercial operation or business on District Land.

(4) “Designated road” means any road, path, land, or trail designated by name or number for public vehicular travel.

(5) “District” means the Southwest Florida Water Management District, operating under the authority of Chapter 373, Florida Statutes.

(6) “District Lands” means any real property in which the District has an equitable or legal interest that allows the District to possess or regulate entry upon the property.

(7) “Entry point” means a designated location or boundary for public access to District Lands.

(8) “Facility” or “Structure” means any object placed on District Lands, which is intended to be permanently attached to the land, or which would be considered a fixture under Florida Law.

(9) “Fireworks” means any device as defined in Chapter 791, Florida Statutes.

(10) “Mobility impaired persons” means a person eligible for a disabled person exemption parking permit pursuant to Section 320.0848, Florida Statutes.

(11) “Motorized Vehicle” means any vehicle, which travels over land and is partially or completely powered by a motor, as well as animal-drawn carriages and buggies.

(12) “Natural resource” means land, water, soils, flora, and fauna.

(13) “On foot” means activities such as hiking and jogging where travel is by foot only and does not involve any type of device, apparatus, or other means of enhancing mobility.

(14) “Recreational purposes” means resource-based outdoor recreational activities including, but not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, canoeing, boating, diving, wildlife watching, sailing, and jogging.

(15) “Recreational site” means an improved or unimproved site established to facilitate public use.

(16) “Resource-based” means an activity that depends on natural resources for its occurrence such as fishing, boating, camping, wildlife study, or hunting.

(17) “Special Use Authorization” means the granting of a privilege to go on or use District Lands for a certain purpose without conveying any property or possessory interest.

Specific Authority 373.044, 373.113, 373.139, 373.1391 FS. Law Implemented 259.105, 373.139, 373.1391, 373.59 FS. History–New

40D-9.091 Land Acquisition Procedures.

~~(1) The necessity for the acquisition of particular land shall be determined by the Governing Board with the advice and concurrence of the Basin Board whenever Basin funds will be utilized for such acquisition.~~

~~(2) The estate or interest to be acquired shall be determined.~~

~~(3) The land to be acquired shall be described in a manner sufficient to identify it and will be surveyed where appropriate.~~

~~(4) Ownership information shall be obtained and reviewed in order to determine the sufficiency of the title to the land being acquired.~~

~~(5) A written appraisal shall be obtained, reviewed and approved before an offer to purchase is extended.~~

~~(6) A good faith effort shall be made to acquire each parcel through voluntary negotiation prior to commencement of proceedings in eminent domain.~~

~~(7) All contracts to purchase shall be reduced to writing and shall be contingent upon approval by the Governing Board with the advice and concurrence of the Basin Board whenever Basin funds will be utilized for such acquisition.~~

~~(8) Proceedings in eminent domain shall not be commenced until properly authorized by the Governing Board, with the advice and concurrence of the Basin Board, whenever Basin funds will be utilized for such acquisition.~~

Specific Authority 373.016, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.113, 373.149, 373.171 FS. Law Implemented 373.103, 373.139, 373.149, 373.59 FS. History--New 3-11-82, Repealed \_\_\_\_\_.

40D-9.101 Recreational Land Use Policy.

(1) Consistent with the legislative directives contained in Sections 373.016, 373.139, 373.59 and 373.045, F.S., the District's policy is to manage and maintain District Lands, to the extent practicable, in such a way as to ensure a balance between public access, general public recreational purposes, and restoration and protection of their natural state and condition. To further this policy, the land management and land use provisions of this Chapter are based on:

- (a) Water resource conservation and protection;
- (b) Environmental protection, with emphasis on restoration or preservation of ecosystems; and
- (c) Public recreation, where compatible with (a) and (b) above.

(2) The District recognizes that a principal tool for ensuring resource protection in land management programs is the control of human activities, in particular, the use of motorized vehicles. Therefore, the District's policy is to limit the use of motorized vehicles to those areas necessary for reasonable access for approved recreational activities or land management purposes.

(3) The District's policy is to make its lands accessible to persons with disabilities to the extent it is consistent with resource protection needs and is economically feasible.

(4) Pursuant to Section 373.1395, Florida Statutes, the District is not responsible for any injury to persons or property caused by an act or omission of a person who goes on District land or park areas provided to the public for recreational purposes. Additionally, the District is not responsible for any

injury to persons or property caused by an act or omission of a person who goes on District lands or water areas leased to the state for outdoor recreational purposes.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.110 Scope and Applicability.

District Lands are available to the public for general recreational purposes except as otherwise limited, restricted or prohibited by the rules in this Chapter or unless such use is inconsistent with the purposes for which the lands were acquired, as provided in a specific management plan developed by the District. Nothing in this rule shall prevent other federal, state, or local agencies, including but not limited to, those having management contracts with the District, from requiring compliance with their own rules, regulations or laws to the fullest extent of their lawful authority.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.111 Access to and Closures of District Lands.

(1) District Lands shall be open to the public during daylight hours only, unless otherwise posted.

(2) Public Access to District Lands is provided at designated entry points from public roadways. District Lands may be accessed from any adjacent waterway or waterbody at any point, unless otherwise posted.

(3) District Lands may be closed to public use during certain hours or for certain periods of time when such closure is necessary due to emergency conditions such as floods, severe weather events, and wildfires; or during prescribed burns, construction, or other land management activities if such activity presents a danger to the public. If a governmental entity other than the District is conducting the activity, that entity shall close District Lands with the concurrence of the District pursuant to this subsection.

(4) District Lands may be closed to public use in areas undergoing construction or restoration, or subject to other land or water management activities, where necessary to protect the site.

(5) District Lands may be closed to public use when such action is necessary to protect the water, natural or cultural resources of such lands.

(6) District Lands may be closed to public use when necessary to conduct research, studies, or data collection that has been approved or sponsored by the District.

(7) The District shall provide notice by signs when District Lands are closed for public use.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.120 Commercial Recreational Activities.

Any entity planning to conduct a commercial recreational activity consistent with these rules on District Lands shall contact the District and provide the following information prior to entry upon District Lands:

- (1) Name of business and owner.
- (2) Address of business and owner.
- (3) Type of activity to be conducted on District Lands.
- (4) Number of participants in the activity, and
- (5) Duration of the activity.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History–New \_\_\_\_\_.

40D-9.130 Recreational Fishing.

Recreational fishing as authorized and regulated by the Florida Fish and Wildlife Conservation Commission is allowed on District Lands except where specifically restricted by signs. The Florida Fish and Wildlife Conservation Commission requires any person engaging in recreational fishing to have appropriate fishing licenses in their possession, unless exempted by the Commission.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History–New \_\_\_\_\_.

40D-9.131 Commercial Fishing.

Commercial fishing is prohibited on all District Lands unless authorized by a Special Use Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History–New \_\_\_\_\_.

40D-9.140 Hiking.

Hiking is allowed on District Lands except where specifically restricted by signs. For the purposes of this subsection, hiking shall include jogging, wildlife watching, or any other activity where travel is by foot only and does not involve another activity described in this chapter.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History–New \_\_\_\_\_.

40D-9.150 Equestrian Activities: Use of Saddle Animals.

(1) Equestrian activities and the use of saddle animals other than horses are allowed on District Lands, on designated trails or areas.

(2) The responsible party for each saddle animal on District Lands shall carry proof of negative Coggins test administered within the last twelve months for each such saddle animal while on District Lands.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History–New \_\_\_\_\_.

40D-9.160 Bicycling.

Bicycling is allowed on District Lands only on designated trails or areas.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History–New \_\_\_\_\_.

40D-9.170 Hunting.

Hunting is allowed on District Lands designated by the District. Under cooperative agreements with the District, the Florida Fish and Wildlife Conservation Commission (Commission) regulates and manages recreational hunting on District Lands designated as Type I Wildlife Management Areas. The Commission requires any person engaging in recreational hunting to have a valid hunting license and a wildlife management area stamp in their possession, unless exempted by the Commission. On District Lands not designated as Type I Wildlife Management Areas, the District allows hunting by permit where hunting is part of the site-specific management plan developed or authorized by the District. The District shall issue permits for specifically authorized hunts on District Lands by lottery. Any person engaging in hunting on District Lands during these special hunts must have in their possession a valid hunting license and a District permit.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History–New \_\_\_\_\_.

40D-9.171 Trapping.

Trapping on District Lands is prohibited except by Special Use Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History–New \_\_\_\_\_.

40D-9.180 Swimming.

Swimming is allowed on District Lands only in designated areas unless authorized by a Special Use Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History–New \_\_\_\_\_.

40D-9.181 Diving.

Scuba diving, or the use of underwater breathing apparatus of a similar nature, is prohibited on District Lands unless authorized by a Special Use Authorization. A person issued a Special Use Authorization to perform a dive from District Lands shall submit a report informing the District of any scientific or archeological evidence discovered during the dive within 30 days after completing the dive. To receive a Special Use Authorization for diving, the applicant must satisfy the requirements contained in Rule 40D-9.360, F.A.C., and must provide reasonable assurances that:

(1) The dive is for a scientific or resource investigation purpose; and

(2) The person performing the dive is certified for the type of dive to be performed.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History–New \_\_\_\_\_.

40D-9.190 Dogs, Cats, or Other Animals.

Dogs and horses are allowed on District Lands only in designated areas. Dogs must be leashed or caged at all times unless they are authorized as part of an approved hunting

program or authorized by a Special Use Authorization. Other types of domesticated animals, such as cats, are prohibited on District Lands.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.191 Plant or Animal Removal, Destruction, or Harassment.

All plants and animals on District Lands are protected. Removing, destroying, or harassing animals or plants from or on District Lands is prohibited except for specifically authorized research efforts, hunting and fishing activities authorized by permit or Special Use Authorization, or District initiated removals associated with reforestation, control of exotic or nuisance species, silvicultural timber harvests or other land management activities.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.059 FS. History--New \_\_\_\_\_.

40D-9.192 Introduction of Plants and Animals to District Lands.

The introduction or release of any plant or animal on District Lands is prohibited unless done pursuant to a District initiated land management or restoration activity.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.200 Archaeological or Cultural Resources Removal, Alteration, or Destruction.

All archaeological and cultural resources on District Lands are protected. Removal, alteration or destruction of archaeological or cultural resources is prohibited on District Lands unless authorized by a Special Use Authorization. The District shall consult the Florida Department of State, Division of Historical Resources, prior to authorizing the removal, alteration or destruction of any archaeological or cultural resources on District Lands. Archaeological or cultural resources means associated physical remnants and features contained in the ground including artifacts, fossils, bones, shell mounds, or primitive culture facilities or items. Any person discovering archaeological or cultural resources on District Lands shall notify the District of such discovery within 24 hours.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.210 Disposal or Discharge of Waste.

The disposal or discharge of any waste outside of designated waste collection facilities is prohibited on District Lands. The disposal of oil, gasoline or other hazardous substances is prohibited on District Lands.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.220 Destruction, Removal, or Alteration of District Owned Facilities or Equipment.

The destruction, removal or alteration of any District owned facilities, vehicles or other equipment is prohibited on District Lands. District owned facilities and equipment include but are not limited to water control structures, scientific study plots, photo points, transect lines, survey markers, public buildings, towers, recorders, gauges, signs, gates, fences and monuments.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.230 Firearms and Similar Equipment.

The possession or use of firearms or similar equipment on District Lands is prohibited except (1) for hunting purposes during specifically authorized hunts; (2) for District initiated land management activities; (3) as authorized by a Special Use Authorization. Firearms and similar equipment includes shotguns, rifles, muzzle loading guns, pistols, revolvers, air guns, gas guns, blow guns, crossbows, spear guns, or other devices capable of mechanically propelling an arrow, spear, or other projectile. The use of paintball guns, paintball markers, and paintball equipment on Districts Lands is prohibited. Paintball equipment includes, but is not limited to: paint balls, paint gun refillable gas tanks, paint gun propellant canisters, and targets.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.231 Fireworks and Explosives.

The possession or discharge of any fireworks or explosives on District Lands is prohibited unless authorized by a Special Use Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.240 Posting or Distributing Bills.

Distributing any handbills or circulars or posting, placing, or erecting any bills, notices, papers, signs or advertising devices or informational matter of any kind, excluding District or managing agency notices, is prohibited on all District Lands unless authorized by a Special Use Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.250 Fires.

Igniting any fire on District Lands is prohibited except for District authorized prescribed burns, campfires in designated camping areas, or fires authorized by a Special Use Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.260 Camping.

(1) Camping is allowed on District Lands at designated sites by permit only.

(2) Camping using a motorized vehicle is allowed on District Lands only in camping sites designated for this purpose. The use of a motorized vehicle is subject to Rule 40D-9.270, F.A.C.

(3) The District shall grant a permit for camping on District Lands with or without using motorized vehicles, subject to the following conditions:

(a) The District is given ten days prior written notice of the camp:

(b) The ten day prior written notice is delivered to:  
Southwest Florida Water Management District  
Land Use and Protection Section, Land Resource

Department

2379 Broad Street

Brooksville, FL 34604-6899;

(c) The campground capacity is not exceeded by the proposed camping activity.

(4) The length of stay for camping authorized by this section shall be no greater than seven continuous days.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.270 Use of Motorized Vehicles, Recreational Vehicles, Boats and Aircraft.

(1) Motorized vehicles that are licensed for Florida highway use are allowed on District Lands in designated areas. Use of all-terrain, off-road, or other motorized vehicles not licensed for Florida highway use is prohibited on District Lands except by a Special Use Authorization for access by mobility impaired persons. Special Use Authorizations for access by mobility impaired persons shall be issued by the Land Resources Director or the Director's designee pursuant to Rule 40D-9.330, F.A.C.

(2) Motorized vehicles licensed for Florida highway use shall be operated by licensed drivers only on roads designated as open for motorized vehicles.

(3) Motorized vehicles shall not exceed posted speed limits. If no speed limit is posted, the speed limit shall be 20 miles per hour.

(4) Boating is allowed on all District-owned waterways (canals, impoundments, etc.) subject to the following:

(a) Boats traveling within 500 feet of any District structure or levee shall not exceed idle speed unless otherwise indicated by signs.

(b) Boats shall not be operated in a manner which would damage plants, animals or other environmental resources.

(c) Boat use shall be limited to designated boat trails except in areas posted as open for boats.

(d) The District shall prohibit or limit boating in areas for public safety, resource protection, and protection of District facilities or equipment. Boating shall be limited by engine horsepower, speed, or vessel type as necessary for public safety, resource protection, or protection of District facilities or

equipment, and these limitations shall be specific to each water body. Areas closed to boating and boating limitations shall be designated by signs.

(e) The mooring of any boat on any District Lands for more than 24 continuous hours, is prohibited, unless otherwise posted.

(5) Boats on trailers shall only be launched from areas designated by signs.

(6) For the purposes of this section, the term "boating" includes both motorized and non-motorized boats.

(7) Taking off or landing aircraft on District Lands is prohibited unless authorized by a Special Use Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.280 Unauthorized Facilities or Structures.

(1) Constructing, erecting or maintaining any facility or any other structure of a permanent or semi-permanent nature on District Lands is prohibited unless authorized by a Special Use Authorization.

(2) Any unauthorized facility or structure discovered on District Lands shall be removed according to the following procedure:

(a) Upon discovery of the unauthorized facility or structure, District staff will post a notice on such facility or structure, for a period of 30 days, informing the owner that such facility or structure is not authorized on District Lands and that the owner must remove such facility or structure.

(b) The owner of an unauthorized facility or structure must remove such facility or structure within 30 days after the posting of the District notice.

(c) If the owner of the unauthorized facility or structure fails to remove such facility or structure within 30 days after posting of the District notice, the District will remove such facility or structure from District Lands or claim such facility or structure as District property. The District may seek reimbursement of costs for removal of any unauthorized facility or structure from the owner of such facility or structure.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.290 Other Uses; Use of Alcoholic Beverages on District Lands Prohibited.

(1) Any recreational use of District Lands not authorized by this chapter is prohibited.

(2) The use of alcoholic beverages on District Land is prohibited.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.300 Trespass After Notice.

Pursuant to Section 810.09, F.S., any person who, without being authorized, licensed or invited, enters and remains on District Lands as to which notice against entering or remaining

is given, either by actual communication to the offender or by posting or fencing is guilty of a misdemeanor of the first degree punishable as provided in Chapter 775.082 or 775.083, F.S.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.310 Penalties.

(1) Pursuant to Section 373.609, F.S., it shall be the duty of every state and county attorney, sheriff, police officer, and the appropriate city and county official to assist the District, and its agents, in the enforcement of the provisions of the rules in this Chapter.

(2) Any person who violates any of the provisions of the rules in this Chapter is subject to eviction from the premises and arrest and prosecution for a second degree misdemeanor, punishable as provided in Section 775.082 or Section 775.083, F.S.

(3) The penalties identified in these rules are in addition to and cumulative to other penalties or options available to the District including civil remedies.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.320 Conflicting Rules.

If an agency has entered into a cooperative management agreement with the District regarding specific District Lands, the rules of that agency shall apply if in conflict with these rules. If the cooperative management agreement or management plan does not address a specific recreational use, or if the agency does not have rules addressing a specific recreational use, then the District's rules shall apply.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History--New \_\_\_\_\_.

40D-9.330 Special Use Authorization.

(1) A person must apply for a Special Use Authorization to use District Lands for activities not specifically provided for in this Chapter.

(2) To receive a Special Use Authorization the applicant must provide reasonable assurance that:

(a) The requested use is natural resource-based,

(b) The requested use will not permanently alter District Lands or involve the placing of any structure or facility on District Lands,

(c) The requested use is consistent with the management plan for the District Lands involved,

(d) The requested use will not harm the environmental or historical resources of the District Lands,

(e) The requested use will not cause unreasonable expense to the District,

(f) The requested use will not create a substantial risk of liability to the District,

(g) The requested use will not harm any dam, impoundment, works, water control structures, roads, or District owned facilities or equipment.

(h) The requested use will not interfere with District water management, leased, licensed, or authorized uses of the land, and

(i) The requested use will not interfere with any other use allowed by the rules in this Chapter.

(3) The District shall impose upon any Special Use Authorization issued pursuant to this Chapter such reasonable conditions as are necessary to assure that the use or activity authorized will meet the criteria set forth in this Chapter.

(4) The Governing Board delegates to the Land Resources Director or a person designated by the Director, the authority to issue or revoke Special Use Authorizations pursuant to this section.

(5) Any person may apply for a Special Use Authorization according to the following procedure:

(a) Submit request to:

Southwest Florida Water Management District

Land Use and Protection Section, Land Resource Department

2379 Broad Street

Brooksville, FL 34604-6899

(b) If the requested use will create a substantial risk of liability to the District, the applicant can mitigate substantial risk of liability by:

1. Providing proof of liability and property damage insurance naming the District as an additional insured in an amount sufficient to cover the cost of the liability which is posed to the District, or

2. Providing waivers or releases of liability sufficient to eliminate the liability, which is posed to the District.

(c) The application shall be reviewed by the Land Resources Department for compliance with the criteria listed in this section and a recommendation regarding the application forwarded to the Land Resources Director.

(d) If the requested use satisfies all of the criteria set forth in this Section, the Land Resources Director, or the Director's designee, shall issue the Special Use Authorization.

(e) If the requested use does not meet the criteria set forth in this section, the Land Resources Director, or the Director's designee, shall deny the Special Use Authorization application.

(f) The District's notices of intent to issue or deny a Special Use Authorization shall be governed by Chapter 28-106, F.A.C., and Rule 40D-1.1010, F.A.C.

(6) Any person receiving a Special Use Authorization from the District must have the Special Use Authorization in their possession at all times while on District Lands.

(7) The Land Resources Director, or the Director's designee, shall revoke a Special Use Authorization if the grantee violates the conditions of the authorization or engages in a use not specifically authorized.

(8) A Special Use Authorization does not eliminate the necessity to obtain any required federal, state, or local approval or permit prior to the start of any authorized use.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.139, 373.59 FS. History—New \_\_\_\_\_.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Nursing Home Services  
 RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective July 1, 2004, to provide the following changes based on a recalculation of the Florida Nursing Home Inflation Index.

- Effective July 1, 2004, the Agency will adjust a facility's operating and indirect patient care per diem costs, and a facility's direct patient care per diem costs, for the effects of inflation by multiplying these per diem costs by their respective inflation fractions: Florida Nursing Home Cost Inflation Index at midpoint of prospective rate period, divided by the Florida Nursing Home Cost Inflation Index at midpoint of provider's cost report period.
- Based on a sample size of approximately 35% of the cost reports filed for the rate period beginning July 1, 2003 and approximately 25% of the cost reports filed for the rate period beginning January 1, 1988, the percentage weights for the cost components are estimated as:

Component	Effective July 1, 2004		Prior to July 1, 2004	
	Direct Patient Care	Indirect Patient Care	Operating	All Components
Salaries and Benefits	100.0%	55.75%	55.75%	57.89%
Dietary	0.0%	6.23%	6.23%	5.18%
Others	0.0%	38.02%	38.02%	36.93%

SUMMARY: The proposed amendment to Rule 59G-6.010, F.A.C., incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The amendment seeks update the Florida Nursing Home Cost Inflation Index.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been 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: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., June 22, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version XXVII ~~XXXI~~ Effective Date February 16, 2004 and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-8-03, 6-11-03, 12-3-03, 2-16-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Steve Grigas

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004



**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER TITLE:                    RULE CHAPTER NO.:  
 General Regulations                    60A-1

RULE TITLE:                                RULE NO.:  
 Definitions                                60A-1.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the definitions relevant to the remainder of this chapter, and to remove materials that have been moved to other sections of Chapter 60A-1, F.A.C.

SUMMARY: The rule defines various types of contracts, purchase orders, and requisitions.

SPECIFIC AUTHORITY: 287.042, 287.032 FS.

LAW IMPLEMENTED: 287.001, 287.012, 287.042, 287.057, 287.058 FS.

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

TIME AND DATE: 1:30 p.m. – 5:00 p.m., June 9, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.001 Definitions and Incidental Policies.

This section defines terms and phrases used throughout Chapter 60A-1, F.A.C. In this chapter, terms and phrases shall have the meanings defined in Chapter 287, F.S., or in this section. Terms and phrases not defined by statute or rule shall be construed according to their plain meaning, and in all cases with the objective of advancing the purpose of the rule in which they appear.

(1) ~~A Purchase—A purchase is defined as an acquisition by contracting in any manner, whether by rent, lease, lease/purchase or installment sales contract which may provide for the payment of interest on unpaid portions of the purchase price, or outright purchase, from a source of supply for either commodities or contractual services. All such contracts shall be in writing or through the state’s Purchasing Card Program. Prior to making a purchase, purchasing offices shall review current surplus property certifications to utilize commodities listed therein to the maximum extent practicable.~~

(2) ~~Invitation to Negotiate—Competitive solicitation used when an Invitation to Bid or Request for Proposal is not practicable. Agency shall document file as to conditions and circumstances resulting in this decision.~~

~~(3) Informal Bid—An informal bid is defined as either a written or oral quotation not requiring a public opening of such bid at a specific time or date. Written evidence of oral quotations shall be maintained.~~

~~(4) Agency Head—An agency head, within the meaning of Chapter 287, Part I, F.S., is defined as the person or in the case of a collegial body the executive director or chief administrative officer of the agency or other governmental unit who is statutorily responsible for final agency action, or his authorized designee. All designees authorized to sign on behalf of the agency head must have their signature on file with State Purchasing.~~

(1)(5) Contract. With regards to these rules and Chapter 287, F.S., the term “contract” refers to the following:

(a) Definite Quantity Contract. A definite quantity contract is an agreement between an agency and a vendor whereby the vendor agrees to furnish a specific commodity or contractual service, at a specified price, to a specified location.

(b) Term Contract. A term contract is an agreement between an agency and a vendor whereby the vendor agrees to provide an indefinite quantity of commodities or contractual services, on an indefinite delivery schedule, over a specified period of time. Term contracts issued by agencies are referred to as “Agency Term Contracts,” and are reserved for use only by the issuing agency (unless otherwise approved for use by the Department; see Rule 60A-1.047, F.A.C.). Term contracts issued by the Department’s Division of State Purchasing are referred to as “State Term Contracts,” and are available for use by all Eligible Users (see Rule 60A-1.044, F.A.C.). ~~Contracts—Definite Quantity Term Contractual Service.~~

~~(a) Any contract which binds the state or its executive agencies for purchases for a period continuing beyond the fiscal year shall include the following statement: “The State of Florida’s performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature”. Any contract between an agency and a private contract vendor shall contain the language provided in Section 946.515(6), F.S., if at the time the contract is entered into, any product or service which is the subject of, or required to carry out, the contract has been certified by Department of Management Services commodity number pursuant to that statute, as a correctional work program item.~~

~~(b) Definite Quantity Contract—Definite quantity contract whereby the contractor(s) agrees to furnish a specific quantity of an item or items at a specified price and time to specified locations. Delivery and acceptance of the specific quantity by the agency completes such contract.~~

~~(c) Term Contract—Indefinite quantity contract whereby the contractor(s) agrees to furnish commodity(ies) or contractual service(s) during a prescribed period of time (such as 3, 6, 9, 12 months or a specific date). The specified period of time or date completes such contract. A state term contract is defined as a term contract executed by State Purchasing for use~~

by all agencies and local governments. An agency term contract is defined as a term contract executed by an agency for use only by such agency, and not available for use by other agencies.

~~(d) Contractual Service Contract — A contract for a contractor's time and effort rather than the furnishing of specific commodities. Satisfactory completion of the service and/or a specified period of time or date completes such contract.~~

~~(6) Identical (Tie) Bids — Identical Bids are two or more responsive bids which are equal in price.~~

~~(7) Mutuality of Ownership — Only the low bidder of firms mutually owned may be considered in determining an award.~~

~~(8) Notice of Decision — Agency notice of its decision or intended decision for a bid solicitation, invitation to negotiate or request for proposal shall be sent to vendors and other interested persons by United States mail or by hand delivery. All notices of decision or intended decisions shall contain the protest statement, provided by subsection 28-110.005(3), F.A.C. "Notice of intended awards, including rejection of some or all bids received, shall be given as provided in paragraph 60A-1.001(9)(a), F.A.C. Notice of all other decisions shall be given by certified mail, or other express delivery services, except that State Purchasing's notice of decision or intended decision concerning a request by an agency for approval of an exceptional purchase under Chapter 287, F.S., and the State Purchasing rules shall be given by posting such notice in the office of State Purchasing.~~

~~(9) Notice of Intended Award and Award~~

~~(a) Notice of the intended award, including rejection of some or all of bids or proposals received, or negotiations received or intent to negotiate shall be given by posting the bid, negotiation or proposal tabulations where the bids, negotiations or proposals were opened, or by certified United States mail, return receipt requested, or other express delivery service, whichever is specified in the bid solicitation or the request for proposals or the invitation to negotiate. All notices of decision or intended decisions shall contain the protest statement provided by subsection 28-110.005(3), F.A.C., and show the beginning and ending posting time and dates for the bid or proposal or negotiation posting, or if noticed by certified mail, indicate such action must be taken within 72 hours after receipt of such notice.~~

~~(b) The contract shall be awarded by purchase order or other written notice to the responsive and responsible bidder with the lowest price or to the negotiator with the best and final offer or to the proposer with the highest ranking for the commodities or contractual services, except that every procurement of contractual services in excess of threshold Category Two shall be evidenced by a contract conforming to the provisions of Section 287.058, F.S. If the contract is terminated during the initial or renewal contract period, the~~

award may be made to the next responsive offeror who agrees to hold the prices, terms, and conditions submitted in response to the original solicitation.

~~(c) Issuance of a written notice of award or a purchase order for the purchase of commodities shall establish a contract between the agency and the supplier on the terms, conditions and prices specified in the invitation to bid or invitation to negotiate or request for proposals and the bidder's or negotiator's or proposer's response.~~

~~(10) Purchasing Threshold Categories — The following threshold categories are established:~~

~~(a) Category One: \$15,000.~~

~~(b) Category Two: \$25,000.~~

~~(c) Category Three: \$50,000.~~

~~(d) Category Four: \$150,000.~~

~~(e) Category Five: \$250,000.~~

~~The dollar amount for these categories shall be adjusted by State Purchasing after June 30 of each year, based on the April publication of the United States Department of Commerce Survey of Current Business Table 7.11B, using the price index for state and local government. The amounts for the threshold categories will be adjusted as follows:~~

~~1. The rate of adjustment applicable to the threshold amounts is the percent increase or decrease in the chain type price index from the base year value for 1992, which is 97.9, through the year previous to the year of annual adjustment as shown in the United States Department of Commerce Survey of Current Business as referenced above.~~

~~2. This rate of adjustment is applied to the base threshold amounts to calculate the threshold amount for the year of annual adjustment. The base threshold category amounts are: a) Category One: \$15,000; b) Category Two: \$25,000; c) Category Three: \$50,000; d) Category Four: \$150,000; e) Category Five: \$250,000. The following formula illustrates this method:~~

~~Threshold for Year of Adjustment = Base Threshold × [Price Index in April Publication for the Year Prior to the Year of Adjustment divided by 97.9]~~

~~3. The resulting threshold amount is rounded as follows: Category One to the nearest \$500, Category Two to the nearest \$1,000, Category Three to the nearest \$1,000, Category Four to the nearest \$5,000 and Category Five to the nearest \$10,000.~~

~~Notwithstanding the point in time in which payment is made for the commodities or services, for the purpose of applying the threshold categories to a purchase, the earliest of the following dates shall govern:~~

~~a. The date on which the invitation to bid or invitation negotiate or request for proposals is issued.~~

~~b. The date the purchase order is issued.~~

~~c. The date on which the contract is entered into.~~

~~(11) Requisition — A formal request to procure commodities or services on behalf of a program area.~~

(2)(12) Purchase Orders.

(a) A purchase order is a written agreement formalizing a transaction between an agency and a vendor. The purchase order may represent (i) a contractual procurement from a vendor, or (ii) a transaction issued pursuant to an agency or state term contract. In either event, the purchase order should contain statements regarding the quantity, description, and price of the commodity or contractual service; applicable terms regarding payment, discount, date of performance, and transportation; and other pertinent information (e.g., a bid or contract number).

(b) A "blanket purchase order," prescribing the term and maximum amount of money which may be spent, allows the agency to order the specified commodity or contractual service on an as-needed basis until the term has elapsed or the maximum dollar amount has been reached. Blanket purchase orders totaling in excess of Category Two shall be awarded in accordance with the requirements of Section 287.057, F.S.

(c) A "field purchase order" is a purchase order issued by an office or facility of an agency that is separate from the agency purchasing office(s).

(3) Requisition. A requisition is a formal request to procure commodities or contractual services on behalf of a program area.

Purchase Order—An agency's document to formalize a purchase transaction with a vendor. The purchase orders should be numbered consecutively and contain statements regarding the quantity, description, and price of goods and services ordered; applicable terms as to payment, discount, date of performance, and transportation; and other factors or suitable references pertinent to the purchase such as bid number or contract number and should be signed by the purchaser.

(13) Blanket Purchase Order (Blanket Order)—An arrangement under which a purchaser contracts with a vendor to provide the agency's requirements for an item(s) or a group of items or a service, ordered on an as needed basis. It prescribes the contract term and the maximum amount of money which may be spent. No purchase may be divided into two or more purchases for the purpose of evading the competitive bidding requirement, and each purchase made under a blanket purchase order must be of the kind that could be made without competitive bidding if there were no blanket purchase order.

(14) Field Purchase Order—A purchase order issued by an office or facility of an agency that is separate from the agency's purchasing office(s).

(15) Purchase Order Control and Accountability—It is the responsibility of the chief procurement officer of each agency to:

(a) Provide for securing all unused purchase orders in a safe place and restricting access to these documents.

(b) Provide for maintenance of a file and accounting for all consecutive purchase orders issued or voided.

(e) Maintain a record of persons designated as authorized to issue and sign each type of purchase order.

(d) Provide for a monitoring and review process for the use of blanket purchase orders and field purchase orders.

(16) Price Agreement—An agreement which State Purchasing negotiates with a vendor to furnish items at a predetermined price. The agreement involves a minimum number of units, provides for orders to be placed directly with the vendor by the purchasing agency and runs for a limited period of time.

(17) Minor Irregularity—A variation from the invitation to bid or invitation to negotiate or request for proposal terms and conditions which does not affect the price of the commodities or services, or give the bidder or offeror an advantage or benefit not enjoyed by other bidders or offerors, and does not adversely impact the interests of the agency.

(18) State Purchasing—formerly the Division of Purchasing, now a part of the Support Program of the Department of Management Services pursuant to Section 20.22(2), F.S.

(19) State's Purchasing Card Program—A public-private arrangement between the Department of Management Services and a bank under which designated agency employees make purchases by means of purchasing cards, similar to credit cards, with or without requisitions or purchase orders.

Specific Authority 287.032, 287.042 FS. Law Implemented 15-18, 20-19, 216-345, 229-8331, 283-30(4), 287.001, 287.012, 287.017, 287.042, 287.055, 287.057, 287.058, 287.073, 287.133, 601-10 FS. History—New 5-20-64, Revised 2-6-68, 5-20-71, Amended 5-19-72, 7-31-75, 10-1-78, 11-14-79, 8-6-81, 10-11-81, 4-29-82, 8-26-82, 11-4-82, 10-13-83, 3-1-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.01, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.001, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, 1-2-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Pre-licensing Education for Broker and Sales Associate Applicants

RULE NO.: 61J2-3.008

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate the end-of-course item writing guideline relating to pre-licensing education.

SUMMARY: The proposed rule change affects rule provisions relating to distance education.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs 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: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, June 15, 2004

PLACE: Zora Neale Hurston Building, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.008 Pre-licensing Education for Broker and Sales Associate Applicants.

(1) through (3) No change.

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

(d) The school shall develop at least 2 forms of the end-of-course examination, and submit them for approval as provided in paragraph (4)(b) above. Examinations must test the course material. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information upon which each question and correct answer is based. At least 70% of the questions on each form of the test shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that should be committed to memory. A school offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure

examination validity. The sales associate end-of-course examinations shall contain at least 100 items, or 2 items per instruction hour. The broker end-of-course examinations shall contain at least 95 items, of which 5 items are 2 points each, which shall cover closing statements or escrow accounts, or 2 items per instruction hour. All Questions shall be multiple-choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content and the item must not refer the student to the course material. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item. The end-of-examinations shall follow the guidelines as set in the Item Writing Guidelines which is hereby incorporated by reference, a copy of which may be obtained from the Florida Real Estate Commission's web site at [www.MyFlorida.com/dbpr](http://www.MyFlorida.com/dbpr) or by contacting the Department of Business and Professional Regulation, Bureau of Education and Testing.

(5) through (9) No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99, 1-18-00, 11-6-00, 1-12-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2004.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004, Section I

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Continuing Education for Active and Inactive Broker and Sales Associates Licensees  
RULE NO.: 61J2-3.009

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate the end-of-course item writing guideline relating to continuing education.

SUMMARY: The proposed rule change affects rule provisions relating to distance education.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs 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: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, June 15, 2004

PLACE: Zora Neale Hurston Building, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.009 Continuing Education for Active and Inactive Broker and Sales Associate Licensees.

- (1) through (3) No change.
- (4)(a) No change.

(b) A copy of the distance education course materials and a copy of each form of the end-of-course examinations that will be distributed to students shall be submitted to the Commission for evaluation and approval at least 60 days prior to use. The provider must submit two complete sets, including one blind copy, of course materials and a minimum of five end-of-course examinations for each course to the Commission for evaluation and approval at least 60 days prior to its use. The Commission will issue an acknowledgement of receipt and status report to the course provider within 30 days after submission of the course and examinations. Thereafter, it is the responsibility of the provider offering the Commission-approved courses to keep the course material current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period. Examinations must test the course material. If the Commission does not approve the course, the provider may resubmit the course, with the mandated changes for re-evaluation. The end-of-examinations shall follow the guidelines as set in the Item Writing Guidelines which is hereby incorporated by reference, a copy of which may be obtained from the Florida Real Estate Commission's web site at [www.MyFlorida.com/dbpr](http://www.MyFlorida.com/dbpr) or by contacting the Department of Business and Professional Regulation, Bureau of Education and Testing.

(c) The objective of the distance education course of study end-of-course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. The examination shall consist of a minimum of 30 items or, if delivered in smaller modules, the examination shall consist of a minimum of 10 items for courses of 5 hours or less. For courses greater than 5 hours, but less than 14 hours, the examination shall consist of a minimum of 2 items per instruction hour. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. The answer key must be unique for each form of the examination. Any school offering the Commission-prescribed continuing education course of study by distance education must maintain a sufficient bank of questions to assure examination validity when administering the examination to licensees from a common source such as a specific business, firm or family. The end-of-examinations shall follow the guidelines as set in the Item Writing Guidelines which is hereby incorporated by reference, a copy of which may be obtained from the Florida Real Estate Commission's web site at [www.MyFlorida.com/dbpr](http://www.MyFlorida.com/dbpr) or by contacting the Department of Business and Professional Regulation, Bureau of Education and Testing.

- 1. through 2. No change.
- (d) through (7) No change.

Specific Authority 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS. Law Implemented 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, 3-7-99, 1-18-00, 9-17-00, 1-12-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**Florida Real Estate Commission**  
 RULE TITLE: Post-licensing Education for Active and Inactive Broker and Sales Associates Licensees  
 RULE NO.: 61J2-3.020

PURPOSE AND EFFECT: The purpose of the proposed rule change is to make necessary changes which include incorporating the end-of-course item writing guideline relating to post-licensing education.

SUMMARY: The proposed rule change affects rule provisions relating to distance education.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs 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: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, June 15, 2004

PLACE: Zora Neale Hurston Building, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees.

(1) through (2) No change.

(3) No change.

(a) No change.

(b) Providers must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The provider may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies. Post-licensure courses shall not be offered by correspondence methods, except by reason of a hardship as defined by rule.

1. through 10. No change.

(4) A grade of 75% or higher on the Commission-prescribed end-of-course examination constitutes satisfactory course completion. The provider shall develop at least 2 unique forms of the end-of-course examinations and submit them for approval with a detailed course syllabus. The answer key must be unique for each form of the examination and reference the

page number(s) containing the information on which each question and correct answer is based. Examinations must test the material. At least 70% of the questions on each form of the test shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. End-of-course examinations shall contain at least 100 items. A course that is thirty-hours or less shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item. The end-of-examinations shall follow the guidelines as set in the Item Writing Guidelines which is hereby incorporated by reference, a copy of which may be obtained from the Florida Real Estate Commission's web site at [www.MyFlorida.com/dbpr](http://www.MyFlorida.com/dbpr) or by contacting the Department of Business and Professional Regulation, Bureau of Education and Testing.

(5) through (10) No change.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History--New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, 7-23-00, 5-12-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: CURRICULUM REQUIREMENTS FOR CLINICAL LABORATORY PERSONNEL TRAINING PROGRAMS

RULE NO.: 64B3-3.003

Curriculum Requirements for Clinical Laboratory

Personnel Training Programs

64B3-3.003

PURPOSE AND EFFECT: The Board proposes to add new language to the existing rule text.

SUMMARY: The Board is adding curriculum requirements for embryology and andrology technician or technologist level programs to include: maintenance and use of instrumentation, isolation principles and techniques, culture techniques and principles, specimen handling, and quality control.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-3.003 Curriculum Requirements for Clinical Laboratory Personnel Training Programs.

(1) No change.

(2) All programs not accredited by the National Accrediting Agency for Clinical Laboratory Science (NAACLS), the Council on Accreditation of Allied Health Education Programs (CAAHEP), or the Accrediting Bureau of Health Education Schools (ABHES) except for those in the categories of cytology, cytogenetics, or histocompatibility, embryology or andrology shall adopt the curriculum standards defined in the Florida Department of Education Program Standards as designated in Section 229.565, F.S., for the categories in which training occurs as follows:

(a) through (d) No change.

(3) through (6) No change.

(7) For the category of embryology, technician or technologist level programs shall at a minimum include instruction in the following competencies:

(a) Maintenance and use of instrumentation utilized in the embryology laboratory.

(b) Principles and techniques for isolating specimens.

(c) Appropriate culture techniques of specimens including principles of culture techniques.

(d) Appropriate handling of specimens.

(e) Quality control and quality assurance.

(8) For the category of andrology, technician or technologist level programs shall at a minimum include instruction in the following competencies:

(a) Maintenance and use of instrumentation utilized in the category of andrology testing.

(b) Principles and techniques for isolation specimens.

(c) Appropriate culture techniques of specimens including principles of culture techniques.

(d) Appropriate handling of specimens.

(e) Quality control and quality assurance.

(7) through (8) renumbered (9) through (10) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History—New 5-9-95, Amended 12-4-95, 4-24-96, Formerly 59O-3.003, Amended 3-19-98, 9-20-98, 1-11-99, 10-30-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: January 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: May 14, 2004

## DEPARTMENT OF HEALTH

### Board of Optometry

RULE TITLE:

Fees

RULE NO.:

64B13-6.001

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to require a licensee to pay a change of status fee of \$300 when the licensee applies for a change in licensure status.

SUMMARY: The proposed rule sets forth a fee increase for change in status.

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

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

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 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: Joe R. Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (5) No change.

(6) The fee to be paid for biennial renewal of an initial Branch Office License shall be one hundred dollars (\$100). The fee for renewal of additional Branch Office Licenses shall be twenty-five dollars (\$25) each.

(7) A licensee shall pay a change of status fee of \$300 when the licensee applies for a change in license status at any other time than during licensure renewal. The fee to be paid to place a license in inactive status shall be \$ 300.00.

(8) through (16) No change.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History--New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03, 10-30-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Continuing Education for Biennial Renewal 64B15-13.001

RULE NO.:

PURPOSE AND EFFECT: The proposed the rule amendment is intended to specify the five most mis-diagnosed medical conditions, as recently required by legislation.

SUMMARY: The proposed rule amendment specifies the five most mis-diagnosed medical conditions, as recently required by legislation.

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

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

SPECIFIC AUTHORITY: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013, 459.008 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:

64B15-13.001 Continuing Education for Biennial Renewal.

(1) through (2) No change.

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

(f) For purposes of this rule, a two hour Prevention of Medical Errors course shall include a study of root cause analysis, error reduction and prevention, and patient safety. The course shall address medication errors, surgical errors, diagnostic inaccuracies, and system failures, and shall provide recommendations for creating safety systems in health care organizations. The course must include information relating to the five most mis-diagnosed conditions during the previous biennium, as determined by the Board. The following areas have been determined as the five most mis-diagnosed conditions: wrong-site/patient surgery; cancer; cardiac; timely diagnosis of surgical complications and failing to diagnose pre-existing conditions prior to prescribing contraindicated medications.

(4) through (8) No change.

Specific Authority 459.005, 459.008(4) FS. Law Implemented 456.013(5),(6),(7), 459.008, 459.008(4) FS. History--New 10-23-79, Amended 1-29-86, Formerly 21R-13.01, Amended 12-5-89, 4-8-91, 2-16-92, Formerly 21R-13.001, Amended 1-10-94, Formerly 61F9-13.001, Amended 10-25-95, Formerly 59W-13.001, Amended 1-19-98, 6-3-98, 4-14-99, 5-26-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2004

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Income and Resource Criteria 65A-1.716

RULE NO.:

PURPOSE AND EFFECT: This proposed rule amendment updates federal poverty income guidelines used in determining Medicaid eligibility. The amendment revises life expectancy tables based on data from the Social Security Administration, Office of the Chief Actuary.

SUMMARY: This rule amendment will bring federal poverty standards in the rule to 2004 levels and revise life expectancy tables.



SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., June 21, 2004

PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robi Olmstead, Government Operations Consultant II, 1317 Winewood Boulevard, Building 3, Room 449, Tallahassee, FL 32399-0700, (850)414-2908

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.716 Income and Resource Criteria.

(1) The monthly federal poverty level figures based on the size of the filing unit are as follows:

Filing Unit Size	88% of Poverty Guideline	100% of Poverty Guideline	120% of Poverty Guideline	133% of Poverty Guideline
1	\$ <del>683</del> 659	\$ <del>776</del> 749	\$ <del>931</del> 898	\$ <del>1032</del> 996
2	<del>916</del> 889	<del>1041</del> 1010	<del>1249</del> 1212	<del>1385</del> 1344
3		<del>1306</del> 1272		<del>1737</del> 1692
4		<del>1571</del> 1534		<del>2090</del> 2040
5		<del>1836</del> 1795		<del>2442</del> 2388
6		<del>2101</del> 2057		<del>2795</del> 2736
7		<del>2366</del> 2319		<del>3147</del> 3084
8		<del>2631</del> 2580		<del>3500</del> 3432
9		<del>2896</del> 2842		<del>3852</del> 3780
10		<del>3161</del> 3104		<del>4204</del> 4128
11		<del>3426</del> 3365		<del>4557</del> 4476
12		<del>3691</del> 3627		<del>4909</del> 4824
Add each add. person		\$ <del>265</del> 262		\$ <del>353</del> 349

Filing Unit Size	135% of Poverty Guideline	185% of Poverty Guideline	200% of Poverty Guideline
1	\$ <del>1048</del> 1011	\$ <del>1436</del> 1385	\$ <del>1552</del> 1497
2	<del>1406</del> 1364	<del>1926</del> 1869	<del>2082</del> 2020
3		<del>2416</del> 2353	<del>2612</del> 2544
4		<del>2907</del> 2837	<del>3142</del> 3067
5		<del>3397</del> 3321	<del>3672</del> 3590
6		<del>3887</del> 3805	<del>4202</del> 4114
7		<del>4377</del> 4289	<del>4732</del> 4637
8		<del>4868</del> 4773	<del>5262</del> 5160
9		<del>5358</del> 5258	<del>5792</del> 5684
10		<del>5848</del> 5742	<del>6322</del> 6207
11		<del>6338</del> 6226	<del>6852</del> 6730
12		<del>6829</del> 6710	<del>7382</del> 7254
Add each add. person		\$ <del>491</del> 485	\$ <del>530</del> 524

(2) through (5)(d) No change.

(e) The following life expectancy tables are compiled from information published by the Office of the Chief Actuary of the Social Security Administration:

LIFE EXPECTANCY TABLE – FEMALES

Age	Life Expectancy	Age	Life Expectancy	Age	Life Expectancy
0	<del>79.24</del> 78.79	40	<del>40.80</del> 40.61	80	<del>8.92</del> 9.11
1	<del>78.77</del> 78.42	41	<del>39.85</del> 39.66	81	<del>8.37</del> 8.58
2	<del>77.81</del> 77.48	42	<del>38.92</del> 38.72	82	<del>7.85</del> 8.06
3	<del>76.83</del> 76.51	43	<del>37.99</del> 37.78	83	<del>7.34</del> 7.56
4	<del>75.85</del> 75.54	44	<del>37.06</del> 36.85	84	<del>6.86</del> 7.08
5	<del>74.86</del> 74.56	45	<del>36.13</del> 35.92	85	<del>6.40</del> 6.63
6	<del>73.88</del> 73.57	46	<del>35.21</del> 35.00	86	<del>5.96</del> 6.20
7	<del>72.89</del> 72.59	47	<del>34.29</del> 34.08	87	<del>5.54</del> 5.79
8	<del>71.90</del> 71.60	48	<del>33.38</del> 33.17	88	<del>5.15</del> 5.41
9	<del>70.91</del> 70.61	49	<del>32.47</del> 32.27	89	<del>4.78</del> 5.05
10	<del>69.91</del> 69.62	50	<del>31.56</del> 31.37	90	<del>4.44</del> 4.71
11	<del>68.92</del> 68.63	51	<del>30.66</del> 30.48	91	<del>4.12</del> 4.40
12	<del>67.93</del> 67.64	52	<del>29.77</del> 29.06	92	<del>3.83</del> 4.11
13	<del>66.94</del> 66.65	53	<del>28.88</del> 28.72	93	<del>3.56</del> 3.84
14	<del>65.95</del> 65.67	54	<del>28.00</del> 27.86	94	<del>3.31</del> 3.59
15	<del>64.97</del> 64.68	55	<del>27.13</del> 27.00	95	<del>3.09</del> 3.36
16	<del>63.99</del> 63.71	56	<del>26.27</del> 26.15	96	<del>2.89</del> 3.16
17	<del>63.01</del> 62.74	57	<del>25.41</del> 25.31	97	<del>2.72</del> 3.07
18	<del>62.04</del> 61.77	58	<del>24.57</del> 24.48	98	<del>2.55</del> 2.80

19	<u>61.07</u> <del>60.80</del>	59	<u>23.73</u> <del>23.67</del>	99	<u>2.40</u> <del>2.64</del>
20	<u>60.09</u> <del>59.83</del>	60	<u>22.90</u> <del>22.86</del>	100	<u>2.26</u> <del>2.48</del>
21	<u>59.12</u> <del>58.86</del>	61	<u>22.08</u> <del>22.06</del>	101	<u>2.12</u> <del>2.34</del>
22	<u>58.15</u> <del>57.89</del>	62	<u>21.28</u> <del>21.27</del>	102	<u>1.99</u> <del>2.20</del>
23	<u>57.18</u> <del>56.92</del>	63	<u>20.48</u> <del>20.49</del>	103	<u>1.87</u> <del>2.06</del>
24	<u>56.20</u> <del>55.95</del>	64	<u>19.70</u> <del>19.72</del>	104	<u>1.75</u> <del>1.93</del>
25	<u>55.23</u> <del>54.98</del>	65	<u>18.93</u> <del>18.96</del>	105	<u>1.63</u> <del>1.81</del>
26	<u>54.26</u> <del>54.02</del>	66	<u>18.18</u> <del>18.21</del>	106	<u>1.52</u> <del>1.69</del>
27	<u>53.29</u> <del>53.05</del>	67	<u>17.44</u> <del>17.48</del>	107	<u>1.42</u> <del>1.58</del>
28	<u>52.31</u> <del>52.08</del>	68	<u>16.71</u> <del>16.76</del>	108	<u>1.32</u> <del>1.48</del>
29	<u>51.34</u> <del>51.12</del>	69	<u>16.00</u> <del>16.04</del>	109	<u>1.23</u> <del>1.38</del>
30	<u>50.37</u> <del>50.15</del>	70	<u>15.29</u> <del>15.35</del>	110	<u>1.14</u> <del>1.28</del>
31	<u>49.40</u> <del>49.19</del>	71	<u>14.59</u> <del>14.66</del>	111	<u>1.05</u> <del>1.19</del>
32	<u>48.44</u> <del>48.23</del>	72	<u>13.91</u> <del>13.99</del>	112	<u>0.97</u> <del>1.10</del>
33	<u>47.47</u> <del>47.27</del>	73	<u>13.23</u> <del>13.33</del>	113	<u>0.90</u> <del>1.02</del>
34	<u>46.51</u> <del>46.31</del>	74	<u>12.57</u> <del>12.68</del>	114	<u>0.82</u> <del>0.96</del>
34	<u>45.55</u> <del>45.35</del>	75	<u>11.92</u> <del>12.05</del>	115	<u>0.76</u> <del>0.89</del>
36	<u>44.59</u> <del>44.40</del>	76	<u>11.29</u> <del>11.43</del>	116	<u>0.71</u> <del>0.83</del>
37	<u>43.64</u> <del>43.45</del>	77	<u>10.67</u> <del>10.83</del>	117	<u>0.65</u> <del>0.77</del>
38	<u>42.69</u> <del>42.50</del>	78	<u>10.07</u> <del>10.24</del>	118	<u>0.60</u> <del>0.71</del>
39	<u>41.74</u> <del>41.55</del>	79	<u>9.49</u> <del>9.67</del>	119	<u>0.55</u> <del>0.66</del>

LIFE EXPECTANCY TABLE – MALES

Age	Life Expectancy	Age	Life Expectancy	Age	Life Expectancy
0	<u>73.90</u> <del>71.80</del>	40	<u>36.39</u> <del>35.05</del>	80	<u>7.23</u> <del>6.98</del>
1	<u>73.50</u> <del>71.53</del>	41	<u>35.49</u> <del>34.15</del>	81	<u>6.78</u> <del>6.59</del>
2	<u>72.54</u> <del>70.58</del>	42	<u>34.59</u> <del>33.26</del>	82	<u>6.35</u> <del>6.21</del>
3	<u>71.57</u> <del>69.62</del>	43	<u>33.69</u> <del>32.37</del>	83	<u>5.94</u> <del>5.85</del>
4	<u>70.59</u> <del>68.65</del>	44	<u>32.08</u> <del>31.49</del>	84	<u>5.55</u> <del>5.51</del>
5	<u>69.60</u> <del>67.67</del>	45	<u>31.92</u> <del>30.61</del>	85	<u>5.18</u> <del>5.19</del>
6	<u>68.62</u> <del>66.69</del>	46	<u>31.04</u> <del>29.74</del>	86	<u>4.84</u> <del>4.89</del>
q	<u>67.63</u> <del>65.71</del>	47	<u>30.17</u> <del>28.88</del>	87	<u>4.52</u> <del>4.61</del>
8	<u>66.64</u> <del>64.73</del>	48	<u>29.31</u> <del>28.02</del>	88	<u>4.21</u> <del>4.34</del>
9	<u>65.65</u> <del>63.74</del>	49	<u>28.45</u> <del>27.17</del>	89	<u>3.93</u> <del>4.09</del>
10	<u>64.66</u> <del>62.75</del>	50	<u>27.60</u> <del>26.32</del>	90	<u>3.67</u> <del>3.86</del>
11	<u>63.67</u> <del>61.76</del>	51	<u>26.75</u> <del>25.48</del>	91	<u>3.42</u> <del>3.64</del>
12	<u>62.68</u> <del>60.78</del>	52	<u>25.90</u> <del>24.65</del>	92	<u>3.20</u> <del>3.43</del>
13	<u>61.69</u> <del>59.79</del>	53	<u>25.07</u> <del>23.82</del>	93	<u>2.99</u> <del>3.24</del>
14	<u>60.71</u> <del>58.82</del>	54	<u>24.24</u> <del>23.01</del>	94	<u>2.80</u> <del>3.06</del>
15	<u>59.74</u> <del>57.85</del>	55	<u>23.42</u> <del>22.21</del>	95	<u>2.63</u> <del>2.90</del>
16	<u>58.78</u> <del>56.91</del>	56	<u>22.61</u> <del>21.43</del>	96	<u>2.48</u> <del>2.74</del>
17	<u>57.82</u> <del>55.97</del>	57	<u>21.81</u> <del>20.66</del>	97	<u>2.34</u> <del>2.60</del>
18	<u>56.88</u> <del>55.05</del>	58	<u>21.03</u> <del>19.90</del>	98	<u>2.21</u> <del>2.47</del>
19	<u>55.94</u> <del>54.13</del>	59	<u>20.25</u> <del>19.15</del>	99	<u>2.10</u> <del>2.34</del>
20	<u>55.00</u> <del>53.21</del>	60	<u>19.48</u> <del>18.42</del>	100	<u>1.99</u> <del>2.22</del>
21	<u>54.07</u> <del>52.29</del>	61	<u>18.73</u> <del>17.70</del>	101	<u>1.88</u> <del>2.11</del>
22	<u>53.15</u> <del>51.38</del>	62	<u>17.98</u> <del>16.99</del>	102	<u>1.78</u> <del>1.99</del>
23	<u>52.22</u> <del>50.46</del>	63	<u>17.25</u> <del>16.30</del>	103	<u>1.68</u> <del>1.89</del>
24	<u>51.30</u> <del>49.55</del>	64	<u>16.54</u> <del>15.62</del>	104	<u>1.58</u> <del>1.78</del>
25	<u>50.37</u> <del>48.63</del>	65	<u>15.84</u> <del>14.96</del>	105	<u>1.49</u> <del>1.68</del>
26	<u>49.44</u> <del>47.72</del>	66	<u>15.16</u> <del>14.32</del>	106	<u>1.40</u> <del>1.59</del>
27	<u>48.50</u> <del>46.80</del>	67	<u>14.50</u> <del>13.70</del>	107	<u>1.32</u> <del>1.50</del>

28	<u>47.56</u> <del>45.88</del>	68	<u>13.86</u> <del>13.09</del>	108	<u>1.24</u> <del>1.41</del>
29	<u>46.62</u> <del>44.97</del>	69	<u>13.23</u> <del>12.50</del>	109	<u>1.16</u> <del>1.33</del>
30	<u>45.68</u> <del>44.06</del>	70	<u>12.61</u> <del>11.92</del>	110	<u>1.09</u> <del>1.25</del>
31	<u>44.74</u> <del>43.15</del>	71	<u>12.01</u> <del>11.35</del>	111	<u>1.02</u> <del>1.17</del>
32	<u>43.80</u> <del>42.24</del>	72	<u>11.42</u> <del>10.80</del>	112	<u>0.95</u> <del>1.10</del>
33	<u>42.87</u> <del>41.33</del>	73	<u>10.84</u> <del>10.27</del>	113	<u>0.89</u> <del>1.02</del>
34	<u>41.93</u> <del>40.23</del>	74	<u>10.28</u> <del>9.27</del>	114	<u>0.82</u> <del>0.96</del>
	<u>41.00</u> <del>39.52</del>	75	<u>9.73</u> <del>9.24</del>	115	<u>0.76</u> <del>0.89</del>
36	<u>40.07</u> <del>38.62</del>	76	<u>9.20</u> <del>8.76</del>	116	<u>0.71</u> <del>0.83</del>
37	<u>39.14</u> <del>37.73</del>	77	<u>8.68</u> <del>8.29</del>	117	<u>0.65</u> <del>0.77</del>
38	<u>38.22</u> <del>36.83</del>	78	<u>8.18</u> <del>7.83</del>	118	<u>0.60</u> <del>0.71</del>
39	<u>37.31</u> <del>35.94</del>	79	<u>7.69</u> <del>7.40</del>	119	<u>0.55</u> <del>0.66</del>

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 12-9-99, 2-15-01, 11-26-01, 7-28-02, 4-1-03, 9-10-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Robi Olmstead, Government Operations Consultant II  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Connie B. Reinhardt, Acting Director, Economic Self-Sufficiency  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2004

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Manatees**

RULE TITLES:	RULE NOS.:
Hillsborough County Zones	68C-22.013
Manatee County Zones	68C-22.014
Pinellas County Zones	68C-22.016
Hillsborough County – Big Bend Zones Established	68C-22.022

PURPOSE AND EFFECT: The purpose of the proposed rulemaking action is to improve protection of manatees and manatee habitat in the Tampa Bay area by establishing regulations that limit allowable motorboat speed and operation in portions of Hillsborough, Manatee, and Pinellas counties. The effect of the action would be to limit allowable motorboat speed in portions of the three counties and to prohibit all activities in one small area in Hillsborough County (in the discharge canal area of the Tampa Electric Big Bend power plant) during the winter months; however, all activities in this area are already prohibited by an existing federal manatee sanctuary.

SUMMARY: The existing manatee protection zones in the vicinity of the Tampa Electric Big Bend power plant would be amended, with the amended zones incorporated into the Hillsborough County rule (68C-22.013) and Rule 68C-22.022 repealed. New warm season zones (April 1 – November 15) would be established in part of northern Old Tampa Bay, while year-round zones would be established in part of eastern Old

Tampa Bay, eastern Tampa Bay, the Little Manatee River, and portions of Manatee County. Within the regulated areas, speeds up to 25 mph would be allowed in most of the marked channels and throughout the Little Manatee River. In most areas of Manatee County, the proposed zones are very similar or identical to zones that were approved by Manatee County in March 2004 through its ordinance process. The existing zones in the Alafia River and Terra Ceia Bay areas would not be substantively affected, although the descriptions of some of these zones would be updated based on more accurate shoreline data.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(g),(n),(o) FS.

LAW IMPLEMENTED: 370.12(2)(d),(g),(k),(n),(o) FS.

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

TIME AND DATE: 6:00 p.m., Tuesday, June 22, 2004

PLACE: A. P. Leto Comprehensive High School Auditorium, 4409 West Sligh Avenue, Tampa, Florida

The focus of this hearing will be on the proposed zones in Hillsborough and Pinellas counties. Both spoken and written comments will be accepted at the hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

TIME AND DATE: 6:00 p.m., Wednesday, June 23, 2004

PLACE: Manatee County Convention and Civic Center, One Haben Boulevard, Palmetto, Florida

The focus of this hearing will be on the proposed zones in Manatee County. Both spoken and written comments will be accepted at the hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

TIME AND DATES: Wednesday through Friday, September 22, 2004-September 24, 2004

PLACE: Tampa Bay area – Specific location yet to be determined

Another notice will be published in the F.A.W. to confirm the date of the final hearing and to provide the location information. The Commission's agenda for this meeting will indicate the specific day when this item is scheduled to be addressed.

If accommodation for a disability is needed to participate in any of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (DOW-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68C-22.013 Hillsborough County Zones.

(1) The Commission hereby designates the waters within Hillsborough County, as described below, as areas where manatee sightings are frequent and where the best available information supports the conclusion ~~it can be assumed~~ that manatees inhabit these areas on a regular ~~or~~ periodic ~~or~~ continuous basis. ~~The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas.~~ The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In consideration of balancing the rights of fishers, boaters, and water skiers to use the waters of the state ~~these waterways~~ for recreational and commercial purposes (as applicable under Section 370.12(2)(k), F.S.) with the need to provide manatee protection, the Commission has examined the need for limited lanes, corridors, or unregulated areas that allow higher speeds ~~unregulated areas or higher speed travel corridors~~ through or within regulated areas. Such lanes, corridors, or areas or corridors are provided in those locations where the Commission determined that they are consistent with manatee protection needs, ~~on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat.~~ ~~Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.~~

(2) The following zones are established, which ~~shall~~ include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) NO ENTRY (November 15 – March 31) Apollo Beach Area: All waters of the discharge canal of the Tampa Electric Company Big Bend Electric Generating Station east of a line bearing 193.6° from a point (approximate latitude 27° 47' 37.9" North, approximate longitude 82° 24' 42.7" West) on the northern shoreline of the discharge canal to a point (approximate latitude 27° 47' 33.8" North, approximate longitude 82° 24' 43.7" West) in the water along the existing fence line on the southern side of the discharge canal. The southern boundary is the southern shoreline of the discharge canal and a line bearing 271.6° for a distance of approximately 3039 feet from a point (approximate latitude 27° 47' 33.3"

North, approximate longitude 82° 24' 9.9" West) on the southern shoreline to the aforementioned point on the existing fence line.

(b) IDLE SPEED (November 15 – March 31) Apollo Beach Area: Those waters south of the Apollo Beach No Entry zone, generally east of the hammerhead portion of Apollo Beach, and north of Apollo Beach Boulevard, excluding the waters of Newman Branch and the canal system southeast of Dolphin Cove Drive. The northern boundary is the southern boundary of the No Entry zone described in paragraph (2)(a) and a line following the existing fence line beginning at a point (approximate latitude 27° 47' 33.8" North, approximate longitude 82° 24' 43.7" West) in the water on the fence line and bearing 301.7° to another point (approximate latitude 27° 47' 34.9" North, approximate longitude 82° 24' 45.8" West) on the fence line and then bearing 271.6° to the line's terminus at a point (approximate latitude 27° 47' 35.1" North, approximate longitude 82° 24' 53.8" West) at the western end of the fence line. The western boundary is a line bearing 180° from the aforementioned point at the western end of the existing fence line to a point (approximate latitude 27° 47' 33.5" North, approximate longitude 82° 24' 53.8" West) on the northern shoreline of the hammerhead portion of Apollo Beach and then following the northern and eastern shorelines of the hammerhead portion of Apollo Beach to a point (approximate latitude 27° 46' 57.4" North, approximate longitude 82° 25' 4.2" West) on the shoreline of the peninsula that contains Dolphin Cove Drive. The eastern boundary is the general contour of the eastern shoreline of Tampa Bay south of the Apollo Beach No Entry zone to a point (approximate latitude 27° 46' 58.6" North, approximate longitude 82° 25' 2.5" West) on the southwestern shoreline of the mangrove peninsula west of Newman Branch and a line bearing 232.0° from said point on the mangrove peninsula to the aforementioned point on the shoreline of the peninsula that contains Dolphin Cove Drive.

(c)(a) SLOW SPEED (All Year, except as otherwise designated)

1. Alafia River: All waters in the Alafia River outside of the main marked channel east of a line bearing 360° from a point (approximate latitude 27° 51' 10.0" North, approximate longitude 82° 23' 54.2 55.2" West) on the southern shoreline of the Alafia River at the river's confluence with Hillsborough Bay, and west of the centerline of the U.S. Highway 41 Bridge.

2. Apollo Beach Area: Those waters of Tampa Bay west of the Apollo Beach No Entry zone described in paragraph (2)(a) and bounded on the north and south by existing Hillsborough County zones and on the west by a line connecting the western boundaries of said Hillsborough County zones. The northern boundary is a line bearing 254.8° from a point (approximate latitude 27° 47' 37.9" North, approximate longitude 82° 24' 42.7" West) on the northern shoreline of the discharge canal of the Tampa Electric Company Big Bend Electric Generating Station to a point (approximate latitude 27° 47' 37.2" North,

approximate longitude 82° 24' 44.9" West) on the southeastern shoreline of the unnamed island west of the generating station and then following the southern and western shorelines of said island to a point (approximate latitude 27° 47' 53.8" North, approximate longitude 82° 25' 3.8" West) on the northwestern shoreline of the island and then bearing 271.6° for a distance of approximately 1174 feet to a point (approximate latitude 27° 47' 53.9" North, approximate longitude 82° 25' 16.9" West) in the water at the southwestern boundary of an existing Hillsborough County zone. The southern boundary is a line beginning at a point (approximate latitude 27° 47' 33.5" North, approximate longitude 82° 24' 53.8" West) on the northern shoreline of the hammerhead portion of Apollo Beach and then following the northern and western shorelines of the hammerhead portion of Apollo Beach to a point (approximate latitude 27° 47' 35.1" North, approximate longitude 82° 25' 8.0" West) on the northwestern shoreline and then bearing 296.3° for a distance of approximately 1440 feet to a point (approximate latitude 27° 47' 41.4" North, approximate longitude 82° 25' 22.5" West) in the water at the northwestern boundary of an existing Hillsborough County zone. The western boundary is a line bearing 202.1° from the aforementioned point in the water at the southwestern boundary of an existing Hillsborough County zone to the aforementioned point in the water at the northwestern boundary of an existing Hillsborough County zone.

3. Little Manatee River/Bahia Beach: Those waters in the basin south and west of Bahia Beach Boulevard, including the seagrass area and entrance channel southwest of the basin. The southern and western boundary is a line bearing 323.6° for a distance of approximately 290 feet from a point (approximate latitude 27° 43' 19.1" North, approximate longitude 82° 28' 44.7" West) on the eastern shoreline of a canal on Shell Point to a point (approximate latitude 27° 43' 21.4" North, approximate longitude 82° 28' 46.7" West) in the water near the edge of the seagrass area, then bearing 338.1° for a distance of approximately 568 feet to a point (approximate latitude 27° 43' 26.5" North, approximate longitude 82° 28' 49.0" West) in the water, and then bearing 48.4° for a distance of approximately 864 feet to a point (approximate latitude 27° 43' 32.4" North, approximate longitude 82° 28' 41.9" West) on the southwestern shoreline of Bahia Beach.

#### 4. Old Tampa Bay Area:

a. South of the Howard Frankland Bridge: All waters north of the Gandy Boulevard Bridge, south of the Howard Frankland Bridge, and east of a line beginning at a point (approximate latitude 27° 53' 24.0" North, approximate longitude 82° 32' 43.4" West) in the water under the westbound lane of Gandy Boulevard (approximately 1015 feet southwest of where Gandy Boulevard crosses the eastern shoreline of Old Tampa Bay) and then bearing 348.7° for a distance of approximately 475 feet to a point (approximate latitude 27° 53' 28.6" North, approximate longitude 82° 32' 44.5" West) in the

water, then bearing 11.5° for a distance of approximately 700 feet to a point (approximate latitude 27° 53' 35.4" North, approximate longitude 82° 32' 43.1" West) in the water, then bearing 19.7° for a distance of approximately 4590 feet to a point (approximate latitude 27° 54' 18.3" North, approximate longitude 82° 32' 26.4" West) in the water, then bearing 15.2° for a distance of approximately 3155 feet to a point (approximate latitude 27° 54' 48.6" North, approximate longitude 82° 32' 17.6" West) in the water, then bearing 8.2° for a distance of approximately 1855 feet to a point (approximate latitude 27° 55' 6.8" North, approximate longitude 82° 32' 14.9" West) in the water, then bearing 11.7° for a distance of approximately 1660 feet to a point (approximate latitude 27° 55' 22.9" North, approximate longitude 82° 32' 11.4" West) in the water, then bearing 3.1° for a distance of approximately 617 feet to a point (approximate latitude 27° 55' 29.2" North, approximate longitude 82° 32' 11.1" West) in the water, then bearing 347.3° for a distance of approximately 919 feet to a point (approximate latitude 27° 55' 37.9" North, approximate longitude 82° 32' 13.5" West) in the water, then bearing 334.8° for a distance of approximately 1735 feet to a point (approximate latitude 27° 55' 53.4" North, approximate longitude 82° 32' 22.0" West) in the water, then bearing 298.0° for a distance of approximately 2315 feet to a point (approximate latitude 27° 56' 3.9" North, approximate longitude 82° 32' 44.9" West) in the water, then bearing 290.2° for a distance of approximately 998 feet to a point (approximate latitude 27° 56' 7.2" North, approximate longitude 82° 32' 55.4" West) in the water, then bearing 313.6° for a distance of approximately 526 feet to a point (approximate latitude 27° 56' 10.7" North, approximate longitude 82° 32' 59.7" West) in the water, then bearing 333.6° for a distance of approximately 884 feet to a point (approximate latitude 27° 56' 18.4" North, approximate longitude 82° 33' 4.2" West) in the water, and then bearing 349.0° for a distance of approximately 645 feet to the line's terminus at a point (approximate latitude 27° 56' 24.7" North, approximate longitude 82° 33' 5.7" West) on the southern shoreline of the causeway for the Howard Frankland Bridge (approximately 1289 feet southwest of where Interstate 275 crosses the eastern shoreline of Old Tampa Bay), except as otherwise designated under sub-subparagraph (2)(d)4.a.

b. Rocky Point Area: All waters north of the Howard Frankland Bridge and northeast of a line bearing 321.6° from a point (approximate latitude 27° 56' 26.6" North, approximate longitude 82° 33' 6.2" West) on the northern shoreline of the causeway for the Howard Frankland Bridge to a point (approximate latitude 27° 57' 42.8" North, approximate longitude 82° 34' 16.0" West) on the southwestern shoreline of Rocky Point.

c. North of Courtney Campbell Causeway (April 1-November 15): All waters north of the Courtney Campbell Causeway and east of a line bearing 360° from a point (approximate latitude 27° 58' 24.5" North, approximate longitude 82° 35' 57.2" West) on the northern shoreline of the Courtney Campbell Causeway to a point on the northeastern shoreline of Old Tampa Bay east of the mouth of Rocky Creek, except as otherwise designated under sub-subparagraph (2)(d)4.b.

(d)(b) 25 MPH (All Year, except as otherwise designated)

1. Alafia River, West of U.S. Highway 41: All waters in the main marked channel of the Alafia River east of a line bearing 360° from a point (approximate latitude 27° 51' 10.0" North, approximate longitude 82° 23' 54.2" West) on the southern shoreline of the Alafia River at the river's confluence with Hillsborough Bay, and west of the centerline of the U.S. Highway 41 Bridge.

2. Alafia River, U.S. Highway 41 to Interstate 75: All waters of the Alafia River east of the centerline of the U.S. Highway 41 Bridge and west of the centerline of the Interstate 75 Bridge.

3. Little Manatee River: All waters of the Manatee River and the portion of Tampa Bay south and east of a line beginning at a point (approximate latitude 27° 43' 32.4" North, approximate longitude 82° 28' 41.9" West) on the southwestern shoreline of Bahia Beach and then bearing 288.8° for a distance of approximately 576 feet to a point (approximate latitude 27° 43' 34.1" North, approximate longitude 82° 28' 48.0" West) in the water, then bearing 220.7° for a distance of approximately 1503 feet to a point (approximate latitude 27° 43' 22.7" North, approximate longitude 82° 28' 58.8" West) in the water, then bearing 207.3° for a distance of approximately 661 feet to a point (approximate latitude 27° 43' 16.9" North, approximate longitude 82° 29' 2.1" West) in the water, then bearing 226.5° for a distance of approximately 483 feet to a point (approximate latitude 27° 43' 13.5" North, approximate longitude 82° 29' 5.9" West) in the water, then bearing 199.8° to a point (approximate latitude 27° 43' 13.5" North, approximate longitude 82° 29' 5.9" West) on the northeastern shoreline of Tropical Island, then following the eastern shoreline of said island to a point (approximate latitude 27° 42' 59.0" North, approximate longitude 82° 28' 53.0" West) on the eastern shoreline of said island, then bearing 140.1° to a point (approximate latitude 27° 42' 50.4" North, approximate longitude 82° 28' 44.7" West) on the northeastern shoreline of Whiskey Key, then following the northeastern shoreline of said key to a point (approximate latitude 27° 42' 46.0" North, approximate longitude 82° 28' 42.6" West) on the eastern shoreline of the key, and then bearing 152.2° to the line's terminus at a point (approximate latitude 27° 42' 38.8" North, approximate longitude 82° 28' 38.2" West) on the southern shoreline of the Manatee River.

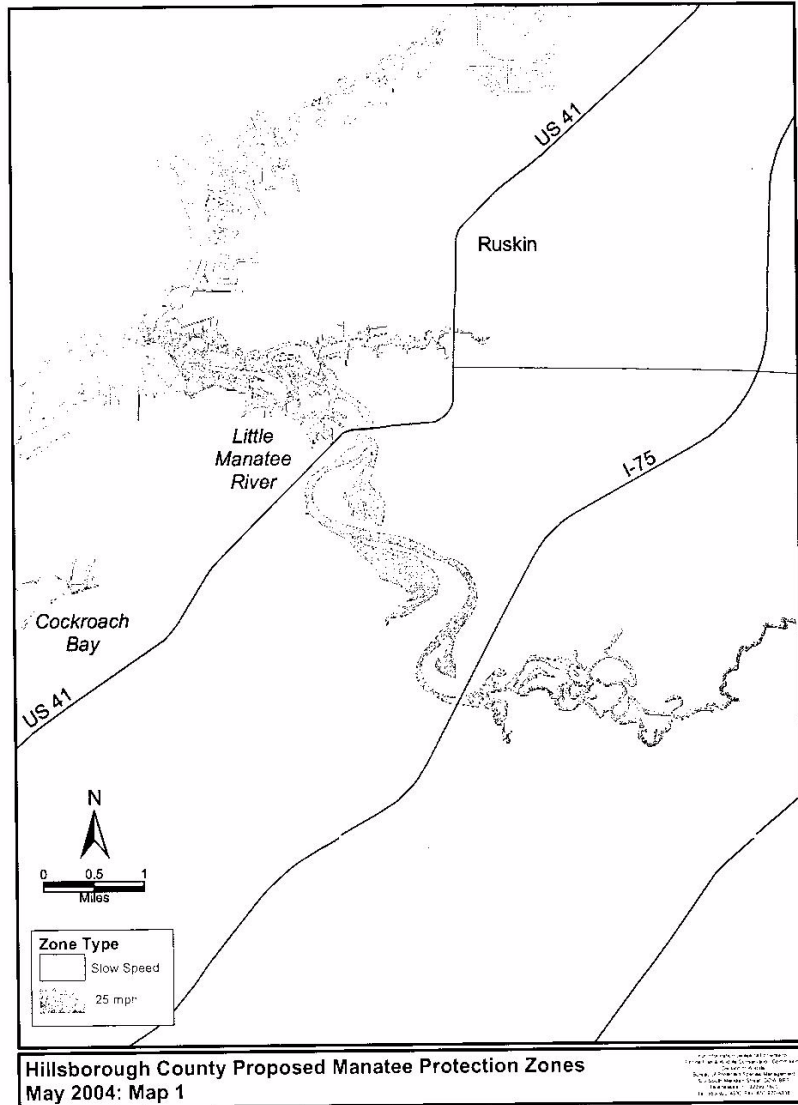
4. Old Tampa Bay Area: Those waters in the portions of the following marked channels east of the western boundary of the Slow Speed zone designated in sub-subparagraph (2)(c)4.a.:

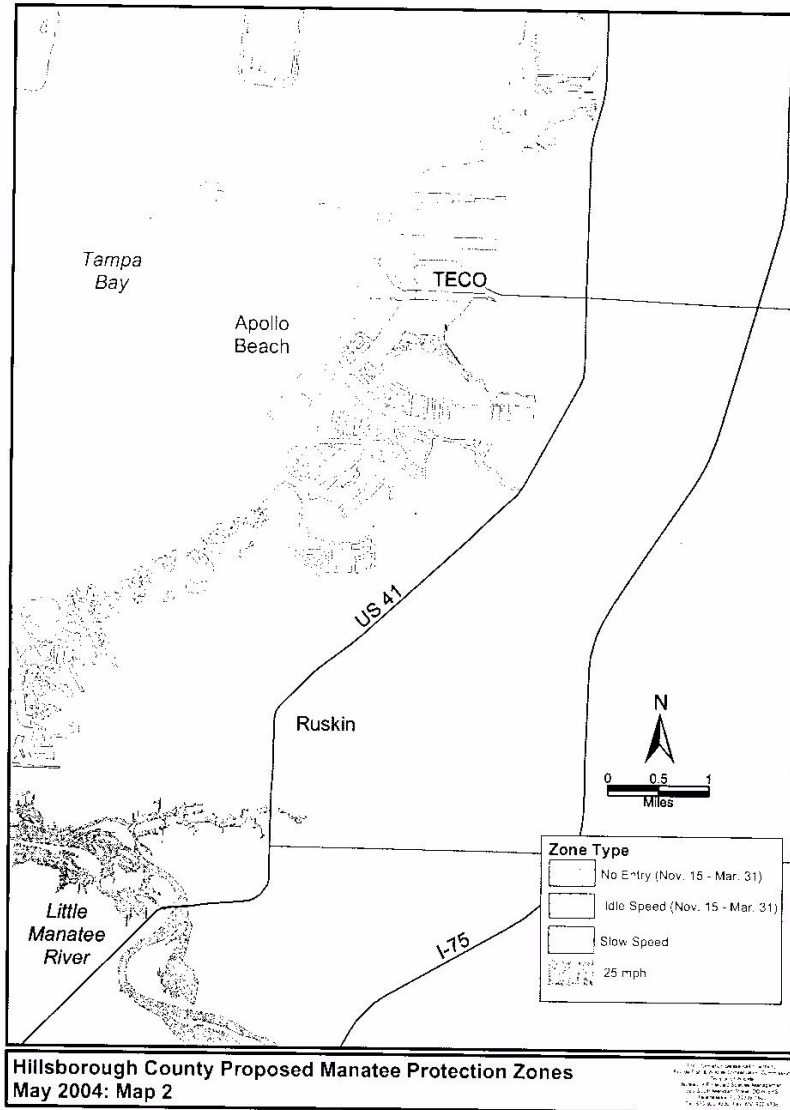
a. South of the Howard Frankland Bridge: Those waters in the marked channel leading to Culbreath Bayou west of channel marker "9" (approximate latitude 27° 56' 13.1" North, approximate longitude 82° 31' 56.4" West); and those waters in the portion of the marked channel south of the Howard Frankland Bridge (south of Mariner Drive) west of channel marker "12" (approximate latitude 27° 56' 25.4" North, approximate longitude 82° 32' 17.9" West), but excluding the north-south portion of the channel between channel marker "12" and channel marker "16."

b. North of Courtney Campbell Causeway (April 1 – November 15): Those waters in the portion of the marked east-west channel east of the western boundary of the Slow Speed zone designated in sub-subparagraph (2)(c)4.c. (generally east of channel marker "5") and west of channel marker "23" (approximate latitude 27° 58' 18.8" North, approximate longitude 82° 34' 10.0" West).

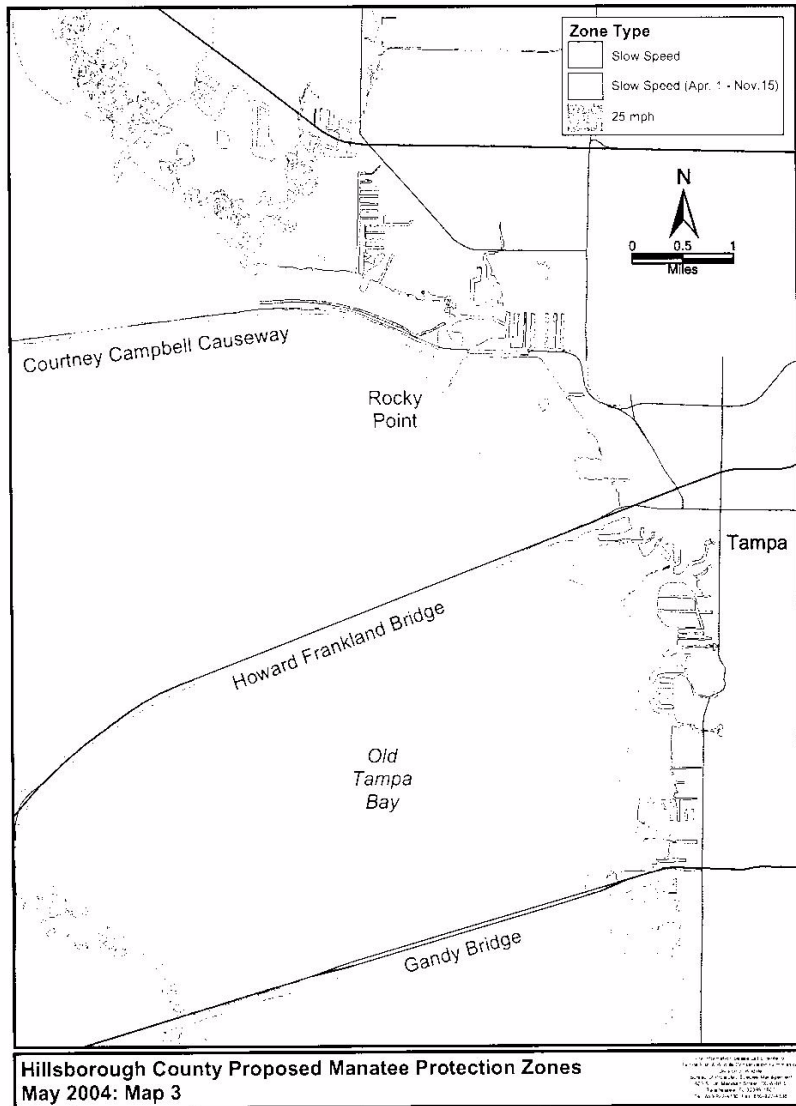
(3) The zones described in subsection 68C-22.013(2), F.A.C., are depicted on the following maps, labeled "Hillsborough County Manatee Protection Zones." The ~~map~~ maps are intended ~~to depict as a depiction~~ of the above-described zones. In the event of conflict between the maps and descriptions, the descriptions shall prevail.

(4) The amendments to Rule 68C-22.013, F.A.C., as approved by the Commission on ~~September 12, 2002,~~ shall take effect as soon as the regulatory markers are posted.









Specific Authority 370.12(2)(g),(n) FS. Law Implemented 370.12(2)(d),(g),(k),(n),(o) FS. History--New 3-19-79, Formerly 16N-22.13, 16N-22.013, 62N-22.013, Amended \_\_\_\_\_.

68C-22.014 Manatee County Zones.

(1) The Commission hereby designates the waters within Manatee County, as described below, as areas where manatee sightings are frequent and where the best available information supports the conclusion it can be assumed that manatees inhabit these areas on a regular or periodic or continuous basis. ~~The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas.~~ The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In consideration of balancing the rights of fishers, boaters, and water skiers to use the waters of the state these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(k), F.S.) with the need to provide manatee protection, the Commission has examined the need for limited lanes, corridors, or unregulated areas that allow higher speeds unregulated areas or higher speed travel corridors through or within regulated areas. Such lanes, corridors, or areas or corridors are provided in those locations where the Commission determined that they are consistent with manatee protection needs, on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded. As used in this rule, ICW means the Intracoastal Waterway.

(a) IDLE SPEED (All Year) Snead Cut: All waters of the waterway commonly referred to as "Snead Cut" (connecting Terra Ceia Bay and the Manatee River) northeast of the northern shoreline of the Manatee River and southwest of the southwestern shoreline of Terra Ceia Bay.

(b) SLOW SPEED (All Year)

1. Bishop Harbor Area: All waters of Bishop Harbor and those nearshore waters of Tampa Bay generally north of Bishop Harbor and south of Port Manatee. The southern boundary is the southern shoreline of Bishop Harbor. The western boundary is a line beginning at a point (approximate latitude 27° 36' 25.9" North, approximate longitude 82° 34' 15.4" West) on the southern shoreline of Bishop Harbor and then bearing 346.5° for a distance of approximately 405 feet from to a point (approximate latitude 27° 36' 29.8" North, approximate longitude 82° 34' 16.6" West) in the water, then

bearing 320.9° for a distance of approximately 330 feet to a point (approximate latitude 27° 36' 32.3" North, approximate longitude 82° 34' 18.9" West) in the water, then bearing 317.6° for a distance of approximately 410 feet to a point (approximate latitude 27° 36' 35.3" North, approximate longitude 82° 34' 22.0" West) in the water, then bearing 348.3° for a distance of approximately 1100 feet to a point (approximate latitude 27° 36' 45.9" North, approximate longitude 82° 34' 24.6" West) in the water, then bearing 325.8° for a distance of approximately 538 feet to a point (approximate latitude 27° 36' 50.3" North, approximate longitude 82° 34' 28.0" West) in the water, then bearing 42.3° for a distance of approximately 1208 feet to a point (approximate latitude 27° 36' 59.3" North, approximate longitude 82° 34' 19.1" West) in the water, and then bearing 7.4° for a distance of approximately 3368 feet to the line's terminus at a point (approximate latitude 27° 37' 32.4" North, approximate longitude 82° 34' 15.0" West) in the water. The northern boundary is a line bearing 126.0° for a distance of approximately 2500 feet from a point (approximate latitude 27° 37' 32.4" North, approximate longitude 82° 34' 15.0" West) in the water to a point on the eastern shoreline of Tampa Bay south of Port Manatee.

2. Miguel Bay: Those waters along the eastern side of Miguel Bay generally between Flounder Pass and the embayment in northeastern Miguel Bay. The southwestern boundary is a line bearing 325.6° from a point (approximate latitude 27° 33' 37.0" North, approximate longitude 82° 36' 15.2" West) on the southern shoreline of Miguel Bay (northeast of Flounder Pass) to a point (approximate latitude 27° 33' 40.4" North, approximate longitude 82° 36' 17.9" West) on the southwestern shoreline of an unnamed mangrove island to the north. The western boundary is a line following the southeastern shoreline of the aforementioned unnamed mangrove island from said point on its southwestern shoreline to a point (approximate latitude 27° 33' 42.7" North, approximate longitude 82° 36' 16.1" West) on the island's northern shoreline, then bearing 12.0° to a point (approximate latitude 27° 33' 44.5" North, approximate longitude 82° 36' 15.7" West) on the southwestern shoreline of the unnamed mangrove island to the northeast, then following the southeastern shoreline of said island to a point (approximate latitude 27° 33' 49.0" North, approximate longitude 82° 36' 8.3" West) on the island's northern shoreline, then bearing 56.5° for a distance of approximately 607 feet to a point (approximate latitude 27° 33' 52.4" North, approximate longitude 82° 36' 2.7" West) in the water, then bearing 75.7° for a distance of approximately 646 feet to a point (approximate latitude 27° 33' 54.1" North, approximate longitude 82° 35' 55.7" West) in the water, and then following a line 300 feet northwest of and parallel with the eastern shoreline of Miguel Bay to the line's terminus at a point (approximate latitude 27° 34' 19.4" North, approximate longitude 82° 35' 40.9" West) in the water. Within the

embayment in northeastern Miguel Bay, the outer boundary is a line beginning at a point (approximate latitude 27° 34' 19.4" North, approximate longitude 82° 35' 40.9" West) in the water and then bearing 38.9° for a distance of approximately 260 feet to a point (approximate latitude 27° 34' 21.5" North, approximate longitude 82° 35' 39.1" West) in the water, then bearing 76.0° for a distance of approximately 365 feet to a point (approximate latitude 27° 34' 22.4" North, approximate longitude 82° 35' 35.2" West) in the water, then bearing 117.7° for a distance of approximately 750 feet to a point (approximate latitude 27° 34' 19.0" North, approximate longitude 82° 35' 27.8" West) in the water, then following a line 300 feet out from and parallel with the southern and eastern shorelines of said embayment to a point (approximate latitude 27° 34' 27.0" North, approximate longitude 82° 35' 12.5" West) in the water, and then bearing 272.2° to the line's terminus at a point (approximate latitude 27° 34' 27.2" North, approximate longitude 82° 35' 20.7" West) on the northern shoreline. The two canals on either side of Burns Road are also included in this zone.

3.4- Western Terra Ceia Bay Area: All waters within 500 feet of the general contour of the following shorelines:

a. South Side of Rattlesnake Key: North and east of a line bearing 110° from a point (approximate latitude 27° 32' 55.9 54.8" North, approximate longitude 82° 37' 46.5 46.9" West) on the eastern shoreline of Terra Ceia Point and west and northwest of a line bearing 221° from the easternmost point (approximate latitude 27° 33' 20.5 19.4" North, approximate longitude 82° 36' 13.4 13.9" West) of Rattlesnake Key at Flounder Pass.

b. North Side of Snead Island: All shorelines of the unnamed mangrove island immediately north of Snead Island and, on the northern and eastern sides of Snead Island, north and then east of a line bearing 270° 23° from a point (approximate latitude 27° 31' 32' 54.9 49.5" North, approximate longitude 82° 38' 47.6 04.3" West) on the western northern shoreline of Snead Island west of Emerson Bayou and north and west of Snead Cut, except as otherwise designated under paragraph (2)(a) and sub-paragraph (2)(b)4.b. (2)(b)2-b.

4.2- Terra Ceia Bay Area:

a. All waters within 500 feet of the general contour of all shorelines of Bird Key, the northern shoreline of Terra Ceia Bay east of Flounder Pass and north of a line bearing 90° from the southwesternmost point (approximate latitude 27° 33' 22.4 21.4" North, approximate longitude 82° 36' 10.7 10.9" West) of the peninsula at the southeastern end of Flounder Pass, and the southeastern and eastern shorelines of Terra Ceia Bay east and north of Snead Cut, except as otherwise designated under paragraph (2)(a) and sub-paragraph (2)(b)4.b. (2)(b)2-b.

b. All waters of Terra Ceia Bay south of a line bearing 296° from a point (approximate latitude 27° 31' 51.8 50.5" North, approximate longitude 82° 35' 47.6 48.5" West) on the southeastern shoreline of Terra Ceia Bay; All waters of Terra

Ceia Bay north of a line bearing 320° from a point (approximate latitude 27° 33' 41.3 40.5" North, approximate longitude 82° 34' 11.5 12.2" West) on the northeastern shoreline of Terra Ceia Bay and south of Terra Ceia Bayou, and; All waters of Peterson Bayou.

5.3- Terra Ceia Bayou: All waters within 500 feet of the general contour of the shorelines of Terra Ceia Bayou, including those waters of Frog Creek southeast of the centerline of the Terra Ceia Road Bridge and those waters of McMullen Creek west of the centerline of the Bayshore Road Bridge.

6. Manatee River (North Side): All waters within 500 feet of the general contour of the shoreline, west of the eastern edge of the I-75 Bridge, except as otherwise designated under sub-paragraphs (2)(b)6.a. and (2)(b)6.b., and excluding the waters east of the eastern edge of the US 41 / US 301 Bridge and west of a line bearing 168.8° from a point (approximate latitude 27° 30' 29.7" North, approximate longitude 82° 33' 35.4" West) on the northern shoreline approximately 1000 feet east of the US 41 / US 301 Bridge. The eastern boundary is a line bearing 270° from a point (approximate latitude 27° 31' 54.9" North, approximate longitude 82° 38' 47.6" West) on the western shoreline of Snead Island.

a. Snead Cut Area: All waters north of a line beginning at a point (approximate latitude 27° 31' 16.9" North, approximate longitude 82° 37' 13.9" West) in the water and then bearing 90.0° for a distance of approximately 2482 feet to a point (approximate latitude 27° 31' 17.1" North, approximate longitude 82° 36' 46.5" West) in the water, then bearing 135.0° for a distance of approximately 3866 feet to a point (approximate latitude 27° 30' 50.4" North, approximate longitude 82° 36' 15.7" West) in the water, then bearing 76.5° for a distance of approximately 2449 feet to a point (approximate latitude 27° 30' 56.3" North, approximate longitude 82° 35' 49.4" West) in the water, then bearing 134.7° for a distance of approximately 2241 feet to a point (approximate latitude 27° 30' 40.9" North, approximate longitude 82° 35' 31.4" West) in the water, and then bearing 79.0° for a distance of approximately 701 feet to the line's terminus at a point (approximate latitude 27° 30' 42.5" North, approximate longitude 82° 35' 23.8" West) in the water. The eastern and western boundaries are the eastern and western ends of the aforementioned line.

b. Riverside Park to US 41/US 301 Area: All waters north of a line beginning at a point (approximate latitude 27° 30' 36.9" North, approximate longitude 82° 34' 38.1" West) in the water west of Riverside Park and then bearing 129.2° for a distance of approximately 970 feet to a point (approximate latitude 27° 30' 31.0" North, approximate longitude 82° 34' 29.7" West) in the water, then bearing 101.9° for a distance of approximately 780 feet to a point (approximate latitude 27° 30' 29.4" North, approximate longitude 82° 34' 21.2" West) in the water, then bearing 76.0° for a distance of approximately 487

feet to a point (approximate latitude 27° 30' 30.6" North, approximate longitude 82° 34' 16.0" West) in the water, then bearing 101.4° for a distance of approximately 1469 feet to a point (approximate latitude 27° 30' 28.0" North, approximate longitude 82° 33' 59.9" West) in the water, then bearing 128.7° for a distance of approximately 619 feet to the line's terminus at a point (approximate latitude 27° 30' 24.2" North, approximate longitude 82° 33' 54.5" West) in the water.

7. Manatee River (South Side): All waters within 500 feet of the general contour of the shoreline east of a line bearing 59.3° from a point (approximate latitude 27° 31' 15.6" North, approximate longitude 82° 38' 31.4" West) on the southern shoreline and west of the eastern edge of the I-75 Bridge, except as otherwise designated under subparagraphs (2)(b)8. and (2)(c)2.

8. Braden River: All waters south of a line bearing 90° from a point (approximate latitude 27° 30' 6.5" North, approximate longitude 82° 32' 52.6" West) on the western shoreline of the Braden River, except as otherwise designated under subparagraph (2)(c)2. The southern boundary is the dam located south of SR 70 (53rd Avenue East) and west of 55th Drive East.

9. Anna Maria Sound (North of SR 64):

a. All waters within 300 feet of the northeastern shoreline of Anna Maria Island, west of a line bearing 335.9° from a point (approximate latitude 27° 31' 35.0" North, approximate longitude 82° 43' 4.8" West) on the northwestern shoreline of School Key (near the west end of Key Royale Drive) and east of a line bearing 58.5° from a point (approximate latitude 27° 32' 21.0" North, approximate longitude 82° 44' 31.7" West) on the northern shoreline of Anna Maria Island, including all waters in Bimini Bay and the other interior waterways of Anna Maria Island north of SR 64.

b. Those waters generally between School Key and SR 64, except as otherwise designated under subparagraph (2)(c)3. The northern boundary is a line beginning at a point (approximate latitude 27° 31' 35.5" North, approximate longitude 82° 43' 3.0" West) on the northern shoreline of School Key (near the west end of Key Royale Drive), then bearing 20.0° for a distance of approximately 434 feet to point (approximate latitude 27° 31' 39.5" North, approximate longitude 82° 43' 1.4" West) in the water, then bearing 53.7° for a distance of approximately 518 feet to point (approximate latitude 27° 31' 42.6" North, approximate longitude 82° 42' 56.8" West) in the water, then bearing 65.8° for a distance of approximately 2259 feet to point (approximate latitude 27° 31' 52.1" North, approximate longitude 82° 42' 34.1" West) in the water, then bearing 80.6° for a distance of approximately 912 feet to point (approximate latitude 27° 31' 53.7" North, approximate longitude 82° 42' 24.1" West) in the water, then bearing 117.1° for a distance of approximately 1261 feet to ICW channel marker "63" (approximate latitude 27° 31' 48.1" North, approximate longitude 82° 42' 11.6" West), then

following the western boundary of the ICW for approximately 7700 feet to ICW channel marker "59" (approximate latitude 27° 30' 43.2" North, approximate longitude 82° 41' 27.8" West), and then bearing 90° to the line's terminus on the northeastern shoreline of Perico Island. The southern boundary is the southern edge of the SR 64 Bridge. The western boundary is the shoreline of Anna Maria Island and the eastern boundary is the shoreline of Perico Island.

10. Anna Maria Sound (SR 64 to Cortez Road): All waters of Anna Maria Sound south of SR 64 (Manatee Avenue West) and north of Cortez Road (44th Avenue West) as described below:

a. West of ICW: All waters west of a line beginning at a point (approximate latitude 27° 29' 48.3" North, approximate longitude 82° 41' 49.2" West) in the water under the southern edge of the SR 64 Bridge, and then bearing 202.4° for a distance of approximately 1264 feet to a point (approximate latitude 27° 29' 36.6" North, approximate longitude 82° 41' 54.5" West) in the water, then bearing 195.2° for a distance of approximately 1336 feet to a point (approximate latitude 27° 29' 23.8" North, approximate longitude 82° 41' 58.0" West) in the water, then bearing 184.8° for a distance of approximately 871 feet to a point (approximate latitude 27° 29' 15.2" North, approximate longitude 82° 41' 58.7" West) in the water, then bearing 182.0° for a distance of approximately 1025 feet to a point (approximate latitude 27° 29' 5.1" North, approximate longitude 82° 41' 59.0" West) in the water, then bearing 178.4° for a distance of approximately 655 feet to a point (approximate latitude 27° 29' 58.6" North, approximate longitude 82° 41' 58.6" West) in the water, then bearing 171.6° for a distance of approximately 599 feet to a point (approximate latitude 27° 29' 52.7" North, approximate longitude 82° 41' 57.6" West) in the water, then bearing 161.4° for a distance of approximately 1273 feet to a point (approximate latitude 27° 29' 41.0" North, approximate longitude 82° 41' 52.9" West) in the water, then bearing 159.2° for a distance of approximately 2534 feet to a point (approximate latitude 27° 29' 17.5" North, approximate longitude 82° 41' 42.6" West) in the water, then bearing 172.3° for a distance of approximately 1062 feet to the line's terminus at a point (approximate latitude 27° 29' 17.5" North, approximate longitude 82° 41' 42.6" West) in the water.

b. East of ICW: All waters of Anna Maria Sound east and north of a line beginning at a point (approximate latitude 27° 29' 47.5" North, approximate longitude 82° 41' 37.3" West) in the water under the southern edge of the SR 64 Bridge, and then bearing 197.5° for a distance of approximately 2874 feet to a point (approximate latitude 27° 29' 20.2" North, approximate longitude 82° 41' 46.4" West) in the water, then bearing 175.2° for a distance of approximately 3153 feet to a point (approximate latitude 27° 28' 49.2" North, approximate longitude 82° 41' 43.0" West) in the water, then bearing 118.8° for a distance of approximately 286 feet to a point

(approximate latitude 27° 28' 47.8" North, approximate longitude 82° 41' 40.2" West) in the water, then bearing 79.3° for a distance of approximately 1147 feet to a point (approximate latitude 27° 28' 50.1" North, approximate longitude 82° 41' 27.8" West) in the water, then bearing 96.6° for a distance of approximately 983 feet to a point (approximate latitude 27° 28' 49.1" North, approximate longitude 82° 41' 16.9" West) in the water, then bearing 104.7° for a distance of approximately 1087 feet to the line's terminus at a point (approximate latitude 27° 28' 46.5" North, approximate longitude 82° 41' 5.2" West) in the water near channel marker "3" in Palma Sola Bay; and all waters within 300 feet of the general contour of the shoreline west of a point (approximate latitude 27° 28' 33.9" North, approximate longitude 82° 41' 5.2" West) on the southern shoreline of Palma Sola Bay and north of Cortez Road.

11. Palma Sola Bay:

a. Those waters in western Palma Sola Bay generally north of the east-west entrance channel, except as otherwise designated under subparagraph (2)(c)4. The southern and eastern boundary is a line beginning at a point (approximate latitude 27° 28' 46.5" North, approximate longitude 82° 41' 5.2" West) in the water near channel marker "3" in Palma Sola Bay, then running in an easterly direction along the northern boundary of the marked east-west channel to channel marker "19" (approximate latitude 27° 28' 46.1" North, approximate longitude 82° 39' 36.4" West), then bearing 57.8° for a distance of approximately 859 feet to a point (approximate latitude 27° 28' 50.8" North, approximate longitude 82° 39' 28.4" West) in the water, then bearing 24.2° for a distance of approximately 1344 feet to a point (approximate latitude 27° 29' 3.0" North, approximate longitude 82° 39' 22.4" West) in the water, then bearing 338.4° for a distance of approximately 3128 feet to a point (approximate latitude 27° 29' 31.6" North, approximate longitude 82° 39' 35.6" West) in the water, and then bearing 305.9° to the line's terminus at a point (approximate latitude 27° 29' 31.6" North, approximate longitude 82° 39' 35.6" West) on the eastern shoreline of the Flamingo Cay development.

b. All waters in western Palma Sola Bay within 300 feet of the southern shoreline, west of a line bearing 21.4° from a point (approximate latitude 27° 28' 10.1" North, approximate longitude 82° 39' 34.0" West) on the southern shoreline of Palma Sola Bay in the San Remo Shores development.

c. Those waters near the southern and eastern shores of Palma Sola Bay and south of the causeway for SR 64, inshore of a line beginning at a point (approximate latitude 27° 28' 10.1" North, approximate longitude 82° 39' 34.0" West) on the southern shoreline of Palma Sola Bay in the San Remo Shores development, then bearing 21.4° for a distance of approximately 338 feet to a point (approximate latitude 27° 28' 13.2" North, approximate longitude 82° 39' 32.7" West) in the water, then bearing 345.7° for a distance of approximately 1261 feet to a point (approximate latitude 27° 28' 25.3" North,

approximate longitude 82° 39' 36.3" West) in the water, then bearing 21.4° for a distance of approximately 691 feet to a point (approximate latitude 27° 28' 31.6" North, approximate longitude 82° 39' 33.6" West) in the water, then bearing 63.1° for a distance of approximately 1362 feet to a point (approximate latitude 27° 28' 37.8" North, approximate longitude 82° 39' 20.1" West) in the water, then bearing 84.4° for a distance of approximately 775 feet to a point (approximate latitude 27° 28' 38.7" North, approximate longitude 82° 39' 11.7" West) in the water, then bearing 134.4° for a distance of approximately 900 feet to a point (approximate latitude 27° 28' 32.6" North, approximate longitude 82° 39' 4.5" West) in the water, then bearing 168.3° for a distance of approximately 1873 feet to a point (approximate latitude 27° 28' 14.5" North, approximate longitude 82° 39' 0.1" West) in the water, then bearing 189.3° for a distance of approximately 686 feet to a point (approximate latitude 27° 28' 7.8" North, approximate longitude 82° 39' 1.2" West) in the water, then bearing 66.5° for a distance of approximately 1673 feet to a point (approximate latitude 27° 28' 14.6" North, approximate longitude 82° 38' 44.2" West) in the water, then bearing 48.5° for a distance of approximately 1284 feet to a point (approximate latitude 27° 28' 23.1" North, approximate longitude 82° 38' 33.7" West) in the water, then bearing 29.9° for a distance of approximately 565 feet to a point (approximate latitude 27° 28' 28.0" North, approximate longitude 82° 38' 30.6" West) in the water, then bearing 327.3° for a distance of approximately 758 feet to a point (approximate latitude 27° 28' 34.3" North, approximate longitude 82° 38' 35.2" West) in the water, then bearing 315.5° for a distance of approximately 1624 feet to a point (approximate latitude 27° 28' 45.6" North, approximate longitude 82° 38' 48.1" West) in the water, then bearing 359.3° for a distance of approximately 2270 feet to a point (approximate latitude 27° 29' 8.1" North, approximate longitude 82° 38' 48.7" West) in the water, then bearing 21.8° for a distance of approximately 1129 feet to a point (approximate latitude 27° 29' 18.5" North, approximate longitude 82° 38' 44.2" West) in the water, then running in a northerly and then westerly direction 300 feet offshore of and parallel with the eastern shoreline of Palma Sola Bay and the southern shoreline of the causeway for SR 64, then in a southerly direction to a point (approximate latitude 27° 29' 31.6" North, approximate longitude 82° 39' 35.6" West) in the water, and then bearing 305.9° to the line's terminus at a point (approximate latitude 27° 29' 31.6" North, approximate longitude 82° 39' 35.6" West) on the eastern shoreline of the Flamingo Cay development.

d. All waters within 300 feet of shore in the portion of Palma Sola Bay north of SR 64, including within 300 feet of the causeway for SR 64, and all waters north of a line beginning at a point (approximate latitude 27° 29' 59.6" North, approximate longitude 82° 39' 30.7" West) in the water, then

bearing 55.5° for a distance of approximately 1107 feet to a point (approximate latitude 27° 30' 5.9" North, approximate longitude 82° 39' 20.7" West) in the water, then bearing 73.7° for a distance of approximately 1690 feet to a point (approximate latitude 27° 30' 10.8" North, approximate longitude 82° 39' 2.8" West) in the water, then bearing 89.5° for a distance of approximately 1243 feet to the line's terminus at a point (approximate latitude 27° 30' 11.1" North, approximate longitude 82° 38' 49.0" West) in the water.

12. Sarasota Bay (Anna Maria Island and Jewfish Key Area):

a. All waters within 300 feet of the eastern shoreline of Anna Maria Island south of Cortez Road (44th Avenue West) and all shorelines of Leffis Key, excluding those waters south of Leffis Key that are offshore of a line beginning at a point (approximate latitude 27° 27' 3.1" North, approximate longitude 82° 41' 15.9" West) in the water, then bearing 267.4° for a distance of approximately 574 feet to a point (approximate latitude 27° 27' 2.8" North, approximate longitude 82° 41' 22.3" West), then bearing 198.4° for a distance of approximately 125 feet to a point (approximate latitude 27° 27' 1.6" North, approximate longitude 82° 41' 22.7" West), then bearing 158.7° for a distance of approximately 771 feet to a point (approximate latitude 27° 26' 54.5" North, approximate longitude 82° 41' 19.5" West), then bearing 74.4° to the line's terminus at a point (approximate latitude 27° 26' 55.1" North, approximate longitude 82° 41' 17.0" West) in the water. The southern and western boundary is the centerline of the SR 789 Bridge over Longboat Pass.

b. All waters adjacent to Jewfish Key inshore of a line beginning at a point (approximate latitude 27° 26' 44.9" North, approximate longitude 82° 40' 55.2" West) on the northern shoreline of Jewfish Key, then bearing 349.2° for a distance of approximately 252 feet to a point (approximate latitude 27° 26' 47.3" North, approximate longitude 82° 40' 55.8" West) in the water, then bearing 78.5° to a point on the western boundary of the ICW, then running in a southerly direction along the western boundary of the ICW to a point (approximate latitude 27° 26' 22.8" North, approximate longitude 82° 40' 34.4" West) in the water, then bearing 259.4° to the line's terminus at a point (approximate latitude 27° 26' 22.6" North, approximate longitude 82° 40' 35.7" West) on the southeastern shoreline of Jewfish Key.

13. Sarasota Bay (Longboat Key Area): All waters within 300 feet of the eastern shoreline of Longboat Key and all shorelines of the Sister Keys, including all waters of the areas designated under sub-subparagraphs (2)(b)13.a. and b., except as otherwise designated under subparagraph (2)(c)5. The northern boundary is a line bearing 90° from a point (approximate latitude 27° 26' 20.5" North, approximate longitude 82° 40' 50.2" West) on the northeastern shoreline of Longboat Key and the southern boundary is the Sarasota County line.

a. All waters generally between Longboat Key and the Sister Keys, except as otherwise designated under subparagraph (2)(c)5. The northern boundary is a line beginning at a point (approximate latitude 27° 26' 6.7" North, approximate longitude 82° 40' 46.7" West) on the eastern shoreline of Longboat Key, then bearing 30.0° for a distance of approximately 536 feet to a point (approximate latitude 27° 26' 11.3" North, approximate longitude 82° 40' 43.9" West) in the water, then bearing 343.3° for a distance of approximately 267 feet to a point (approximate latitude 27° 26' 13.8" North, approximate longitude 82° 40' 44.8" West) in the water, then bearing 55.6° for a distance of approximately 181 feet to a point (approximate latitude 27° 26' 14.8" North, approximate longitude 82° 40' 43.1" West) in the water, then bearing 91.5° for a distance of approximately 1460 feet to a point (approximate latitude 27° 26' 14.6" North, approximate longitude 82° 40' 26.9" West) in the water, and then bearing 151.0° to the line's terminus at a point on the northwestern shoreline of the Sister Keys. The southern boundary is a line beginning at a point (approximate latitude 27° 25' 41.5" North, approximate longitude 82° 39' 44.0" West) on the southern shoreline of the Sister Keys, then bearing 130.8° for a distance of 489 feet to a point (approximate latitude 27° 25' 38.4" North, approximate longitude 82° 39' 39.9" West) in the water, and then bearing 207.3° to the line's terminus at a point on the eastern shoreline of Longboat Key.

b. All waters adjacent to Longboat Key south and west of a line beginning at a point (approximate latitude 27° 24' 51.2" North, approximate longitude 82° 39' 16.0" West) on the eastern shoreline of Longboat Key, then bearing 90.0° for a distance of approximately 300 feet to a point (approximate latitude 27° 24' 51.2" North, approximate longitude 82° 39' 12.5" West) in the water, then bearing 163.2° for a distance of approximately 1583 feet to a point (approximate latitude 27° 24' 36.1" North, approximate longitude 82° 39' 7.1" West) in the water, then bearing 137.2° for a distance of approximately 5500 feet to a point (approximate latitude 27° 23' 56.8" North, approximate longitude 82° 38' 25.2" West) in the water, then bearing 119.3° for a distance of approximately 2604 feet to a point (approximate latitude 27° 23' 44.4" North, approximate longitude 82° 37' 59.7" West) in the water, then bearing 130.1° for a distance of approximately 1971 feet to a point (approximate latitude 27° 23' 32.0" North, approximate longitude 82° 37' 42.8" West) in the water, then bearing 189.0° to the line's terminus at a point on the Sarasota County line.

14. Sarasota Bay (East Side): All waters within 300 feet of the eastern shoreline of Sarasota Bay and within 300 feet of all shorelines of the small islands in the vicinity of the eastern shoreline, including all waters east of the following line, except as otherwise designated under subparagraph (2)(c)5.: Beginning at a point (approximate latitude 27° 27' 58.5" North, approximate longitude 82° 41' 13.7" West) on the eastern shoreline of Sarasota Bay, then bearing 210.8° for a distance of approximately 321 feet to a point (approximate latitude 27° 27'

55.7" North, approximate longitude 82° 41' 15.5" West) in the water, then bearing 142.2° for a distance of approximately 1569 feet to a point (approximate latitude 27° 27' 43.6" North, approximate longitude 82° 41' 4.6" West) in the water, then bearing 133.3° for a distance of approximately 9058 feet to the line's terminus at a point (approximate latitude 27° 26' 42.9" North, approximate longitude 82° 39' 50.5" West) in the water. The southern boundary is the Sarasota County line.

(c) 25 MPH (All Year)

1. Western Terra Ceia Bay/Flounder Pass Area: All waters of Flounder Pass south of a line bearing 106° from a point (approximate latitude 27° 33' 39.2 38.4" North, approximate longitude 82° 36' 24.5 24.7" West) on the northeastern shoreline of Rattlesnake Key; All waters of Terra Ceia Bay east of a line bearing 203.7° from a point (approximate latitude 27° 32' 55.0 52.2" North, approximate longitude 82° 37' 47.3 49.6" West) on the southeastern shoreline of Terra Ceia Point and west of a line beginning at a point (approximate latitude 27° 32' 34.6 33.3" North, approximate longitude 82° 36' 21.2 22.0" West) on the eastern shoreline of the unnamed mangrove island immediately north of Snead Island and bearing 44° to a point (approximate latitude 27° 33' 5.7 05.0" North, approximate longitude 82° 35' 48.4 48.9" West) in Terra Ceia Bay east of Bird Key, and then bearing 360° to the line's terminus at a point (approximate latitude 27° 33' 33.3 34.8" North, approximate longitude 82° 35' 48.8 48.9" West) on the northern shoreline of Terra Ceia Bay, except as otherwise designated under subparagraph (2)(b)3, (2)(b)4, and sub-subparagraph (2)(b)4.a, (2)(b)2.a.

2. Braden River: Those waters in the main marked channel of the Braden River from the northern boundary of the Slow Speed zone designated under subparagraph (2)(b)8, to a point 300 feet north of the centerline of SR 64 Bridge, and from a point 300 feet south of the centerline of SR 64 Bridge to a point (approximate latitude 27° 29' 33.4" North, approximate longitude 82° 30' 47.0" West) in the river approximately 4600 feet upstream from the SR 64 Bridge.

3. Anna Maria Sound: Those waters in the portions of the following marked channels south and west of the northern boundary of the Slow Speed zone designated in sub-subparagraph (2)(b)9.b.:

a. Those waters in the marked east-west channel immediately south of School Key, east a point (approximate latitude 27° 30' 56.8" North, approximate longitude 82° 42' 34.4" West) in the channel where it enters Anna Maria Sound.

b. Those waters in the marked channel south of 56th Street, east of a point (approximate latitude 27° 30' 27.9" North, approximate longitude 82° 42' 42.1" West) in the channel. The centerline of the channel runs in an easterly direction from said point for a distance of approximately 2000 feet, then runs in a northerly direction until it intersects the channel designated under sub-subparagraph (2)(c)3.a.

c. Those waters in the marked ICW channel north of the southern edge of the SR 64 Bridge.

d. Those waters in the marked east-west channel that runs from the ICW channel to the Kingfish Boat Ramp on the north side of SR 64.

4. Palma Sola Bay: Those waters in the marked channel that runs from Perico Bayou into Palma Sola Bay, south of channel marker "13" (approximate latitude 27° 29' 35.7" North, approximate longitude 82° 40' 6.6" West) and north of the southern boundary of the Slow Speed zone designated under sub-subparagraph (2)(b)11.a.

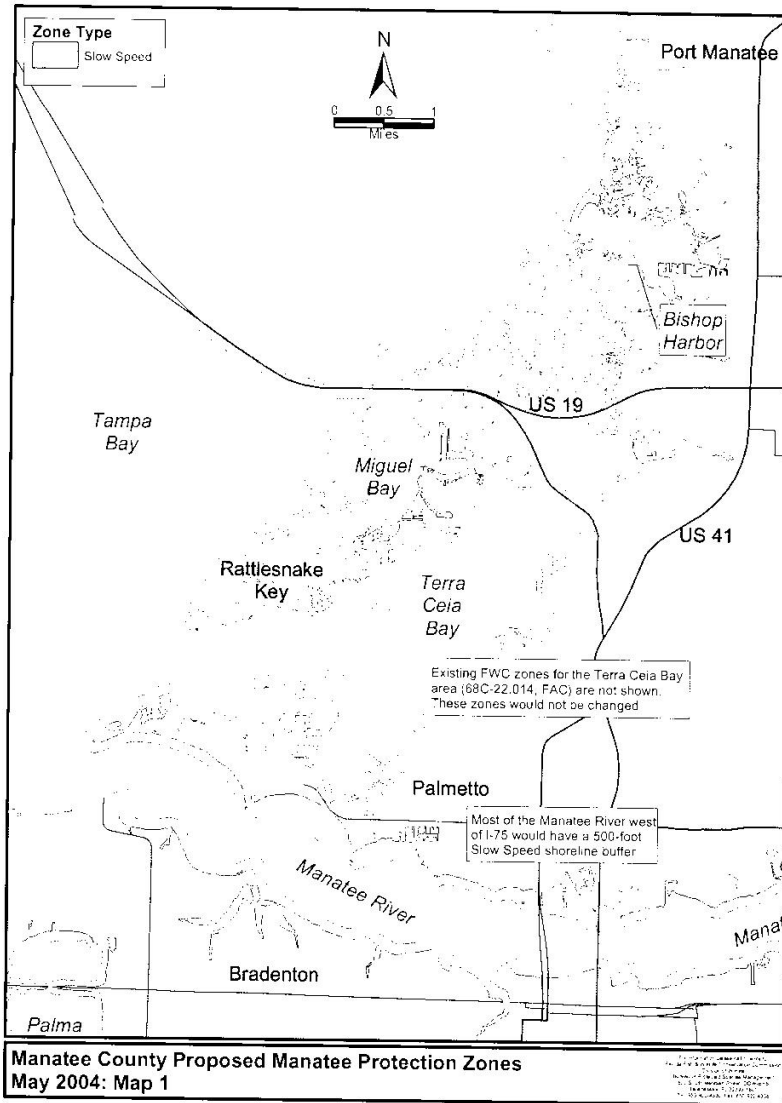
5. Sarasota Bay:

a. Tidy Island Area: Those waters in the marked channel immediately north of Tidy Island and in the marked channel that runs in a southwesterly direction from the vicinity of 103rd Street Court West. The western boundary for both channels is the western boundary of the Slow Speed zone designated under subparagraph(2)(b)14.

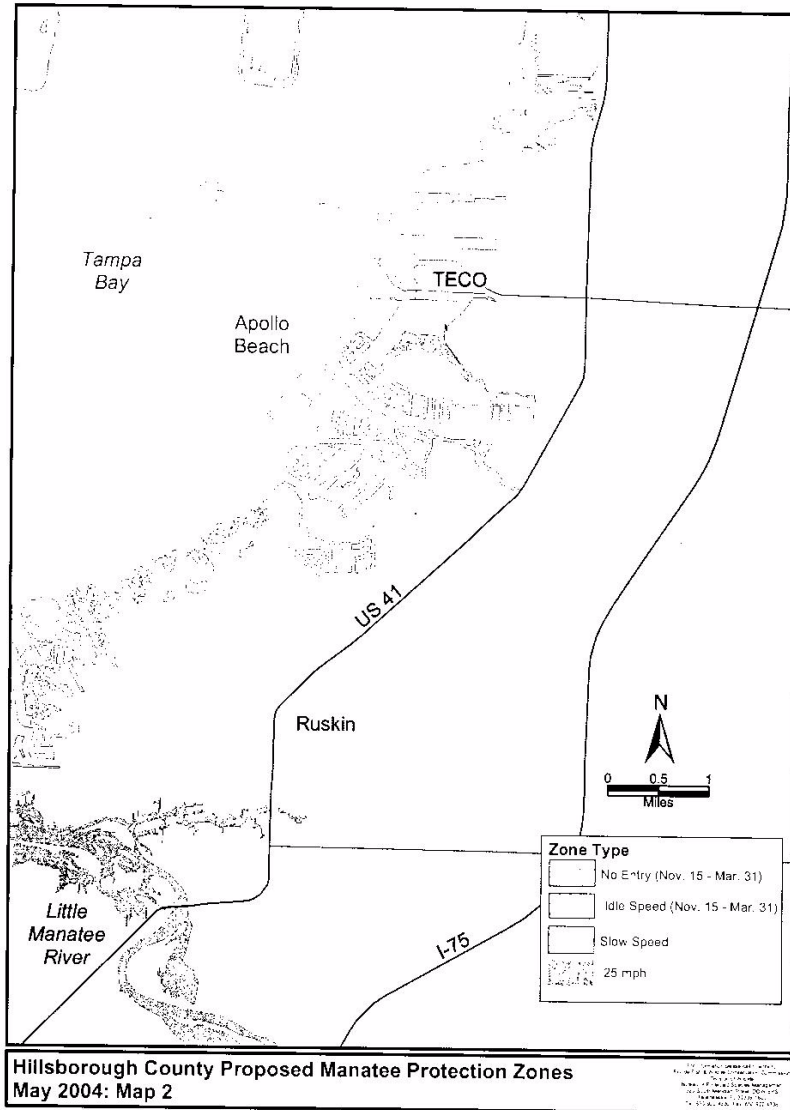
b. Sister Keys Area: Those waters in the marked ICW channel within the Slow Speed zone designated under sub-subparagraph (2)(b)13.a.

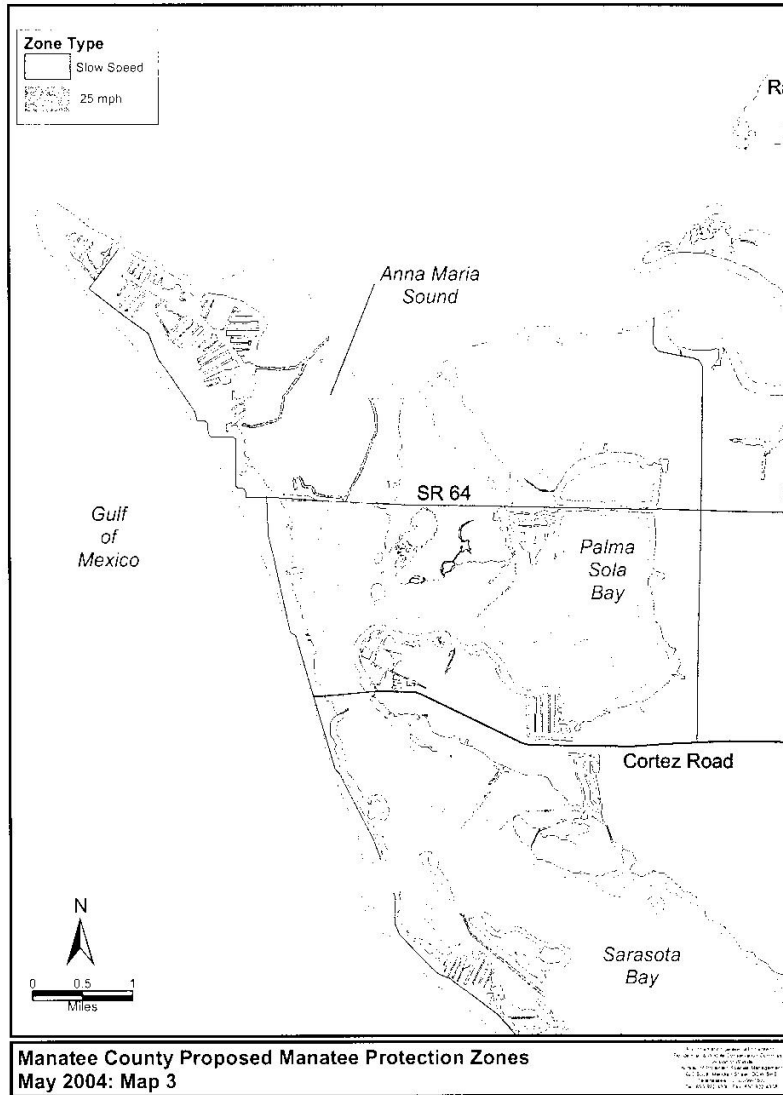
(3) The zones described in subsection 68C-22.014(2), F.A.C., are depicted on the following maps, labeled "Manatee County Manatee Protection Zones." The maps are ~~map~~ is intended to depict as a depiction of the above-described zones. In the event of conflict between the maps and descriptions, the descriptions shall prevail.

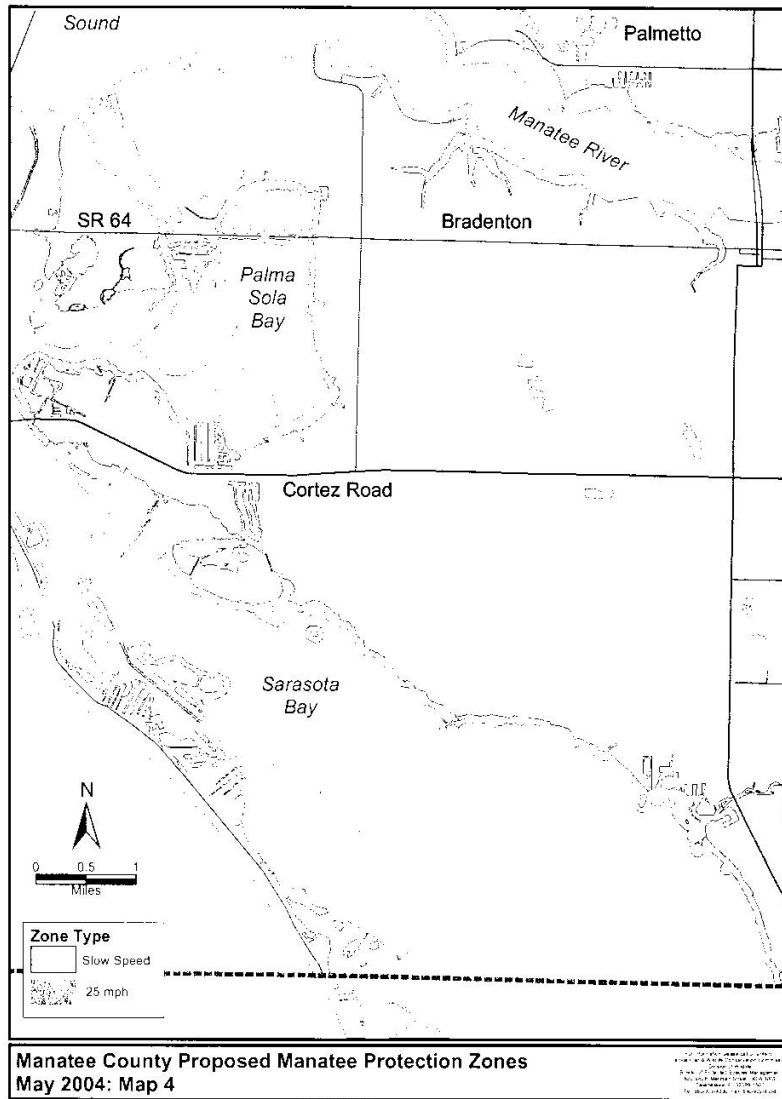
(4) The amendments to Rule 68C-22.014, F.A.C., as approved by the Commission on September 12, 2002, shall take effect as soon as the regulatory markers are posted.











Specific Authority 370.12(2)(g),(n) FS. Law Implemented 370.12(2)(d),(g),(k),(n) FS. History—New 12-12-02, Amended \_\_\_\_\_.

68C-22.016 Pinellas County Zones.

(1) The Commission hereby designates the waters within Pinellas County, as described below, as areas where manatee sightings are frequent and where the best available information supports the conclusion that manatees inhabit these areas on a regular or periodic basis. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In consideration of balancing the rights of fishers, boaters, and water skiers to use the waters of the state for recreational and commercial purposes (as applicable under Section 370.12(2)(k), F.S.) with the need to provide manatee protection, the Commission has examined the need for limited lanes, corridors, or unregulated areas that allow higher speeds through or within regulated areas. Such lanes, corridors, or areas are provided in those locations where the Commission determined that they are consistent with manatee protection needs.

(2) The following seasonal SLOW SPEED (April 1 – November 15) zones are established, which include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) Safety Harbor Area: All waters inshore of a line beginning at a point (approximate latitude 28° 0' 8.0" North, approximate longitude 82° 40' 43.4" West) on the western shoreline of Old Tampa Bay, then bearing 81.1° for a distance of approximately 1642 feet to a point (approximate latitude 28° 0' 10.8" North, approximate longitude 82° 40' 25.3" West) in the water, then bearing 13.9° for a distance of approximately 1242 feet to a point (approximate latitude 28° 0' 22.8" North, approximate longitude 82° 40' 22.2" West) in the water, then bearing 334.5° for a distance of approximately 1054 feet to a point (approximate latitude 28° 0' 32.1" North, approximate longitude 82° 40' 27.4" West) in the water, then bearing 324.2° for a distance of approximately 2911 feet to a point (approximate latitude 28° 0' 55.0" North, approximate longitude 82° 40' 46.8" West) in the water, then bearing 333.8° for a distance of approximately 1973 feet to a point (approximate latitude 28° 1' 12.6" North, approximate longitude 82° 40' 56.7" West) in the water, then bearing 349.1° for a distance of approximately 1645 feet to a point (approximate latitude 28° 1' 28.6" North, approximate longitude 82° 41' 0.4" West) in the water, then bearing 42.7°

for a distance of approximately 1561 feet to a point (approximate latitude 28° 1' 40.0" North, approximate longitude 82° 40' 48.9" West) in the water, then bearing 80.1° for a distance of approximately 2130 feet to a point (approximate latitude 28° 1' 44.0" North, approximate longitude 82° 40' 25.5" West) in the water, then bearing 102.0° for a distance of approximately 905 feet to a point (approximate latitude 28° 1' 42.4" North, approximate longitude 82° 40' 15.6" West) in the water, then bearing 140.5° for a distance of approximately 1280 feet to a point (approximate latitude 28° 1' 32.5" North, approximate longitude 82° 40' 6.3" West) in the water, then bearing 173.2° for a distance of approximately 636 feet to a point (approximate latitude 28° 1' 26.2" North, approximate longitude 82° 40' 5.4" West) in the water, then bearing 191.4° for a distance of approximately 1748 feet to a point (approximate latitude 28° 1' 9.2" North, approximate longitude 82° 40' 8.9" West) in the water, then bearing 202.3° for a distance of approximately 553 feet to a point (approximate latitude 28° 1' 4.2" North, approximate longitude 82° 40' 11.2" West) in the water, then bearing 184.2° for a distance of approximately 1033 feet to a point (approximate latitude 28° 0' 54.0" North, approximate longitude 82° 40' 12.0" West) in the water, then bearing 169.2° for a distance of approximately 702 feet to a point (approximate latitude 28° 0' 47.1" North, approximate longitude 82° 40' 10.3" West) in the water, then bearing 144.1° for a distance of approximately 716 feet to a point (approximate latitude 28° 0' 41.5" North, approximate longitude 82° 40' 5.6" West) in the water, then bearing 165.5° for a distance of approximately 1606 feet to a point (approximate latitude 28° 0' 26.2" North, approximate longitude 82° 40' 0.9" West) in the water, then bearing 175.3° for a distance of approximately 1202 feet to a point (approximate latitude 28° 0' 14.4" North, approximate longitude 82° 39' 59.5" West) in the water, then bearing 89.8° for a distance of approximately 877 feet to the line's terminus at a point on the eastern shoreline of Safety Harbor. The northwestern boundary is the centerline of the SR 580 Bridge.

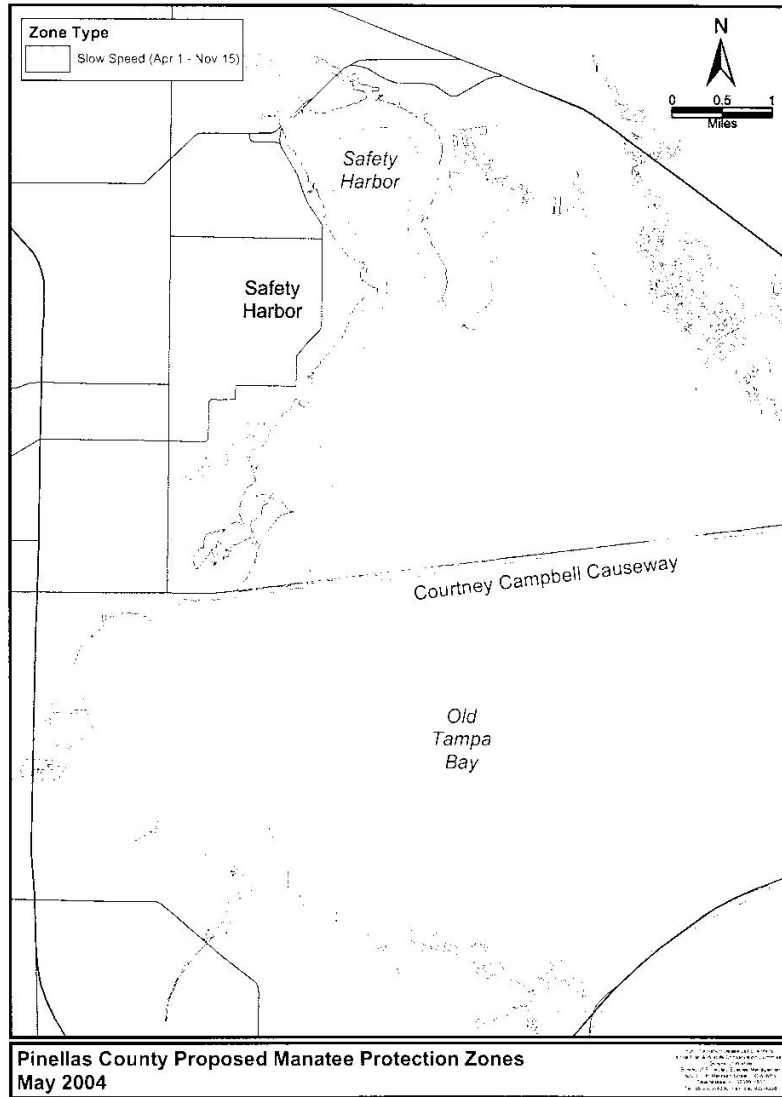
(b) North of Courtney Campbell Causeway: All waters inshore of a line beginning at a point (approximate latitude 27° 57' 46.1" North, approximate longitude 82° 41' 8.4" West) on the northern shoreline of the Courtney Campbell Causeway, then bearing 14.4° for a distance of approximately 2827 feet to a point (approximate latitude 27° 58' 13.2" North, approximate longitude 82° 41' 0.9" West) in the water, then bearing 29.7° for a distance of approximately 1995 feet to a point (approximate latitude 27° 58' 30.4" North, approximate longitude 82° 40' 50.1" West) in the water, then bearing 353.8°

for a distance of approximately 442 feet to a point (approximate latitude 27° 58' 34.8" North, approximate longitude 82° 40' 50.9" West) in the water, then bearing 317.1° for a distance of approximately 927 feet to a point (approximate latitude 27° 58' 41.6" North, approximate longitude 82° 40' 57.9" West) in the water, then bearing 351.7° for a distance of approximately 1164 feet to a point (approximate latitude 27° 58' 52.8" North, approximate longitude 82° 41' 0.1" West) in the water, then bearing 344.8° for a distance of approximately 1677 feet to a point (approximate latitude 27° 59' 8.9" North, approximate longitude 82° 41' 5.0" West) in the water, then bearing 6.5° for a distance of approximately 678 feet to a point (approximate latitude 27° 59' 15.4" North, approximate longitude 82° 41' 4.4" West) in the water, then bearing 36.4° for a distance of approximately 2905 feet to a point (approximate latitude 27° 59' 39.0" North, approximate longitude 82° 40' 45.4" West) in the water, then bearing 38.3° for a distance of approximately 1504 feet to a point (approximate latitude 27° 59' 50.8" North,

approximate longitude 82° 40' 35.3" West) in the water, then bearing 31.0° for a distance of approximately 1363 feet to a point (approximate latitude 28° 0' 2.3" North, approximate longitude 82° 40' 27.5" West) in the water, then bearing 14.7° for a distance of approximately 869 feet to a point (approximate latitude 28° 0' 10.8" North, approximate longitude 82° 40' 25.3" West) in the water, then bearing 261.1° to the line's terminus at a point (approximate latitude 28° 0' 8.0" North, approximate longitude 82° 40' 43.4" West) on the western shoreline of Old Tampa Bay.

(3) The zones described in subsection 68C-22.016(2), F.A.C., are depicted on the following map, labeled "Pinellas County Manatee Protection Zones." The map is intended to depict the above-described zones. In the event of conflict between the map and descriptions, the descriptions shall prevail.

(4) Rule 68C-22.016, F.A.C., as approved by the Commission on \_\_\_\_\_ shall take effect as soon as the regulatory markers are posted.



Specific Authority 370.12(2)(n) FS. Law Implemented 370.12(2)(d),(k),(n) FS. History--New \_\_\_\_\_

68C-22.022 Hillsborough County – Big Bend Zones Established.

Specific Authority 370.021(2) FS. Law Implemented 370.12(2)(i),(j),(n) FS. History--New 12-30-86, Formerly 16N-22.022, 62N-22.022, Repealed \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Frank Montalbano, Director of the Division of Wildlife  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2004

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE TITLE: Effect of Law Enforcement Records on Applications for Licensure  
 RULE NO.: 69B-211.042

PURPOSE AND EFFECT: To discuss amending paragraph 69B-211.042(21)(aa), F.A.C., to insert the words “with intent to defraud” after “passing worthless check(s)” in the list of class A crimes. This is to explicitly conform the rule to case law construing the meaning of “moral turpitude” in the context of writing a bad check; e.g., *The Florida Bar v. Davis*, 361 So2d 159. Also, to insert the new words “passing worthless check(s) without intent to defraud in the list of class B crimes, to avoid creating a gap in the lists by the narrowing of paragraph (21)(aa) with the qualification, “with intent to defraud.”

SUMMARY: Paragraph 69B-211.042(21)(aa), F.A.C., is amended to insert the words “with intent to defraud” after “passing worthless check(s).” Subsection 69B-211.042(22), F.A.C., is amended to add “(i.) passing worthless check(s) without intent to defraud.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS.

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

TIME AND DATE 9:30 a.m., June 22, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Huggins, Chief, Bureau of Agent and Agency Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.042 Effect of Law Enforcement Records on Applications for Licensure.

(1) through (20) No change.

(21) Class “A” Crimes include all those listed in this subsection, where such crimes are felonies, and all are of equal weight notwithstanding from which subparagraph they are drawn. The Department finds that each felony crime listed in this subsection is a crime of moral turpitude.

(a) through (z) No change.

(aa) Passing worthless check(s) with intent to defraud.

(bb) through (ll) No change.

(22) Class “B” Crimes include the following felony crimes:

(a) through (h) No change.

(i) Passing worthless check(s) without intent to defraud.

(23) through (24) No change.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS. History--New 10-17-02, Formerly 4-211.042, Amended \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Huggins, Bureau Chief of Agent and Agency Licensing, Department of Financial Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE TITLES: Actively engaged in Business; Place Suitably  
 RULE NOS.: 69B-221.051

Designated; Accessible to Public 69B-221.060  
 Notice of Change of Address

PURPOSE AND EFFECT: The purposes of the proposed rule development are to define "full-time" employment for temporary bail bond agents and set forth the minimum number of hours per week that the employer must allow the bond agent to work; to adopt a form for notification of changes of address by bail bond agents; to revise requirements pertaining to the suitability of agent offices; and to make corrections to citations to the laws being implemented.

SUMMARY: This rule amendment eliminates the requirement that the entrance to a bail bond agency be "separate and distinct." It also eliminates the requirement that the sign at the entrance to a bail bond agency contains the name of every individually licensed bail bond agent and temporary bail bond agent employed at the location. Also the definition of "full time" is clarified to mean 1,540 hours during 12 months as opposed to 30 hours per week. The rule amendment compels employers of bail bond agents to employ temporary bail bond agents at least 30 hours a week. The amendment also incorporates a notice of change of address form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No substantial regulatory costs are expected to result from the proposed rules.

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: 648.26 FS.

LAW IMPLEMENTED: 626.318(2), 648.25, 648.33, 648.34, 648.355, 648.36, 648.365, 649.387, 648.421, 648.44(6), 648.48 FS.

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

TIME AND DATE: 9:30 a.m., June 23, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jerry Whitmore, Chief, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5600

THE FULL TEXT OF THE PROPOSED RULES IS:

69B-221.051 Actively Engaged in Business; Place Suitably Designated; Accessible to Public.

Every bail bond agent must be actively engaged in the bail bond business; in a building suitably designated as a bail bond agency, which must be maintained open and accessible to the public to render service during reasonable business hours.

(1) No change.

(2) Each bail bond agency and each branch office shall have ~~an a separate and distinct~~ entrance easily accessible to the public and used by the bail bond agent in the regular course of their business dealings with the public. As used in this rule, "accessible to the public means t~~he~~ entrance shall be suitably designated by a sign or other display, readable from a reasonable distance, which provides at a minimum the agency name ~~and the name of every individually licensed bail bond agent, and temporary bail bond agent employed at that agency location.~~ Additionally, if a bail bond agency is located in a building which maintains a uniform office directory on its premises, the directory shall provide at a minimum the current name of that bail bond agency.

(3) No change.

(4)(a) A temporary bail bond agent must be employed ~~at least 30 hours per week, which is considered working~~ full-time and shall be physically accompanied by the supervising bail bond agent or bail bond agent from the same agency as required by Sections 648.25(8) and 648.355(8), Florida Statutes. As used in this rule, the term "full-time" means that the temporary bail bond agent must work at least 1,540 hours during 12 months of employment as a temporary bail bond agent. This will result in an average of slightly less than 30 hours per week. Each employer of a temporary bail bond agent must provide the temporary bail bond agent the opportunity to work at least 30 hours a week during the period of employment and may allow the temporary bail bond agent to work more than 30 hours per week.

(b) through (c) No change.

Specific Authority 648.26, 648.355(1)(e) FS. Law Implemented 648.25, 648.34, 648.355, 648.387 648.44(6) FS. History—Repromulgated 12-24-74, Amended 7-27-78, 12-23-82, Formerly 4-1.04, 4-1.004, Amended 4-14-97, 7-2-98, 1-22-03, \_\_\_\_\_.

69B-221.060 Notice of Change of Address.

Each licensee under Chapter 648, Florida Statutes, shall notify in writing the Department of ~~Financial Services Insurance~~, Bail Bond Section, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0320, insurer, managing general agent and the clerks of each court in which they are registered, of a change of each business address, telephone number, or name of each agency or firm for which they write bonds within ten (10) working days of such change. Each licensee shall use Form DFS-H2-1564, entitled "Bail Bond Agent Notice of Change of Address," which is hereby incorporated and adopted



by reference, to comply with the notice requirements of this rule. This form may be obtained from the address listed above or from the Department's website: [www.fldfs.com](http://www.fldfs.com).

Specific Authority 648.26 FS. Law Implemented 648.421 FS. History--New 12-23-82, Formerly 4-1.17, Amended 9-10-91, Formerly 4-1.017, Amended 4-14-97, 1-22-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jerry Whitmore, Chief, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Glenda Ostreich, Management Review Specialist, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2004

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE TITLE: Subcontractors Requirement Regarding Proof of Coverage

RULE NO.: 69L-6.024

PURPOSE, EFFECT AND SUMMARY: To provide consistency between Sections 440.05(14) and 440.10(1)(c), Florida Statutes. The effect will be that where a subcontractor is a corporation and has an officer or officers who elect to be exempt and has no employees who may recover benefits under Chapter 440, Florida Statutes, the subcontractor shall provide a copy of the certificate of exemption for the exempt officer or officers to the contractor, and is not required to provide the contractor with evidence of workers' compensation insurance. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05(14), 440.10(1)(c) FS.

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

TIME AND DATE: 1:30 p.m., June 21, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Policy Coordinator, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.024 Subcontractors Requirement Regarding Proof of Coverage.

(1) Under Section 440.05(14), Florida Statutes, an officer of a corporation who elects to be exempt from Chapter 440, Florida Statutes, may not recover benefits or compensation under Chapter 440, Florida Statutes, and a carrier may not consider any officer of a corporation who holds a valid certificate of election to be exempt for purposes of determining the appropriate premium for workers' compensation coverage. In order to be consistent with the provisions of Section 440.05(14), Florida Statutes, in instances where a subcontractor is a corporation and has an officer or officers who elect to be exempt, and the subcontractor provides a copy of the officer's or officers' certificate of election to be exempt to a contractor pursuant to Section 440.10(1)(c), Florida Statutes, the subcontractor is not required to also provide evidence of workers' compensation insurance to the contractor if the subcontractor has no employees who may recover benefits under Chapter 440, Florida Statutes, at any time during the life of the contract or project for which evidence of exemption or coverage is required. If a subcontractor hires one or more employees at any time during the life of a contract, that subcontractor must provide the contractor with evidence of workers' compensation insurance before any such employee or employees can perform any work related to that contract.

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05(14), 440.10(1)(c) FS. History--New 1-1-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Brown, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Deputy Division Director, Division of Workers' Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2003

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

#### DEPARTMENT OF STATE

#### Division of Elections

RULE NO.:                    RULE TITLE:  
1S-2.032                    Uniform Primary and General  
   Election Ballot

#### NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.032 published in the F.A.W., Page 1582, Vol. 30, No. 16, on April 16, 2004, has been changed to reflect comments received from the public during the hearing held on May 10, 2004.

Changes were made to Rule 1S-2.032, F.A.C., so that it now reads:

1S-2.032 Uniform Primary and General Election Ballot.

(1) The purpose of this rule is to prescribe a uniform primary and general election ballot design for each certified voting system.

(2) The title shall be printed across the top of an optical scan ballot and on the first ballot screen of a touchscreen ballot in all caps bold.

(a) The title of the presidential preference primary ballot shall read as follows:

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY  
BALLOT  
\_\_\_\_\_  
   PARTY  
\_\_\_\_\_  
   COUNTY, FLORIDA  
\_\_\_\_\_  
   (date) \_\_\_\_\_

(b) The title of the primary ballot shall read as follows:  
OFFICIAL PRIMARY BALLOT

\_\_\_\_\_  
   PARTY  
\_\_\_\_\_  
   COUNTY, FLORIDA  
\_\_\_\_\_  
   (date) \_\_\_\_\_

(c) The title of the general election ballot shall read as follows:

OFFICIAL GENERAL ELECTION BALLOT  
\_\_\_\_\_  
   COUNTY, FLORIDA  
\_\_\_\_\_  
   (date) \_\_\_\_\_


(d) The title of a nonpartisan ballot shall read as follows:  
OFFICIAL NONPARTISAN BALLOT

\_\_\_\_\_  
   COUNTY, FLORIDA  
\_\_\_\_\_  
   (date) \_\_\_\_\_

(3) Ballot instructions shall be printed directly under the title on the front side of an optical scan paper ballot. For a touchscreen ballot, the ballot instructions may appear at any point before the listing of candidates or may be prominently posted in each voting booth.

(a) For optical scan voting systems, the following shall apply:

1. The ballot instructions for those certified voting systems using ovals to be filled in next to the voter’s choice, shall read as follows:

- a.
- TO VOTE, COMPLETELY FILL IN THE OVAL  NEXT TO YOUR CHOICE.
- Use (insert appropriate marking device) ~~only the marking device provided or a number 2 pencil.~~
- If you make a mistake, don’t hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

b. In a general election, if there are write-in candidates, add the following:

- To vote for a candidate whose name is not printed on the ballot, fill in the oval, and write in the candidate’s name on the blank line provided for a write-in candidate.

2. The ballot instructions for those certified voting systems using an arrow to point to the voter’s choice shall read as follows:

- a.
- TO VOTE, COMPLETE THE ARROW → POINTING TO YOUR CHOICE.
- Use (insert appropriate marking device) ~~only the marking device provided or a number 2 pencil.~~
- If you make a mistake, don’t hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

b. In a general election, if there are write-in candidates, add the following:

- To vote for a candidate whose name is not printed on the ballot, complete the arrow, and write in the candidate’s name on the blank line provided for a write-in candidate.

(b) For certified touch screen voting systems the following shall apply:

1. For the Global ES 2001 Blended system, the instructions shall be as follows:

- a.
- Make your selection by touching the screen on the candidate’s name or anywhere in the candidate area or on the Yes or No position until the X appears.
- If you change your mind, touch the candidate’s name or the Yes or No position again to undo the mark.
- Touch NEXT at the bottom right of the screen to move to the next ballot page.
- Touch PREVIOUS at the bottom left of the screen to move back one page.
- Touch CAST BALLOT button on the last ballot screen to record your vote.
- To begin voting, touch START. (This instruction may be modified to instruct the voter to touch NEXT, if necessary, because of the placement of the instructions.)

b. In a general election, if there are write-in candidates, add the following prior to the cast ballot instruction:

- To vote for a candidate whose name is not printed on the ballot, touch WRITE-IN and a touch keyboard will appear. Key in the candidate's name on the keyboard and then touch RECORD WRITE-IN.

2. For the ES&S iVotronic, the instructions shall be as follows:

a.

- Make your selection by touching your choice on the screen until it becomes highlighted.
- If you change your mind, touch the new choice and the highlight will appear on your new choice or if you change your mind, touch the same choice again to undo the highlight, as appropriate.
- Touch NEXT or NEXT PAGE at the bottom right of the screen to move to the next ballot page.
- Touch PREVIOUS or PREVIOUS PAGE at the bottom left of the screen to move back one page.
- Touch REVIEW or REVIEW BALLOT on the last ballot page to review your selections.
- Press the flashing red VOTE button to cast your ballot.

b. In a general election, if there are write-in candidates, add the following prior to the cast ballot instruction:

- To vote for a candidate whose name is not printed on the ballot, touch WRITE-IN and a touch keyboard will appear. Type the candidate's name and then touch ACCEPT.

3. For the Sequoia AVC Edge, the instructions shall be as follows:

- Insert your Voter Card into the bright yellow slot located at the bottom left of the voting machine. Push it all the way in until you feel it "click."
- Touch anywhere in the box that contains the name of your choice. Confirm that a green check mark appears in the circle located in the box in which your choice appears.
- You may change your vote by touching the same selection again. The candidate is unselected and all circles for that contest appear again. You may then make another selection.
- Write-in a qualified candidate, during a General Election only, by touching Write-In on the candidate list. When the on-screen keyboard appears, key in the candidate's name, then touch OK. The write-in candidate's name now appears on the list of candidates.
- Continue to the following page by touching NEXT at the bottom right of the screen. To return to the previous page, touch BACK at the bottom left of the screen.
- Review a summary of all your votes on the REVIEW page. To make a change, touch the office or issue to return to the ballot page for that race.
- Complete your voting by touching the yellow square on the final screen. Your ballot is now cast. Your voter card will eject. Return it to a poll worker.

4. For the Diebold 2003B (Blended) + (Plus Audio), the instructions shall be as follows:

a. Prior to any action by the voter, a screen will be continuously displayed with the title of the election, various system information, and a message prominently displayed instructing the voter to "Insert card to start." Below this message will be a large graphic depicting a hand holding a Voter Access Card, with additional text stating "Please Insert Your Card" above an arrow pointing to the card insertion slot.

b. Upon insertion of the Voter Access Card, another screen appears. If multiple language choices are available, this screen will have buttons for the respective languages. At the top of the screen is a message stating:

"The Ballot Presentation is in English. Please select a language and then click the Start button."

This message changes depending upon the currently pressed language button. At the bottom of this screen is a button with the word "Start". Again, this word changes dependent upon the language button pressed.

If there is only one language, the first screen appearing after the insertion of the Voter Access Card will have a line of text stating: "Instructions to Voters" followed by:

- "To vote for a candidate of your choice, touch the box next to the candidate for whom you desire to vote until a red X appears.
- If you desire to change your vote, re-touch the box selected then touch the box next to the candidate of your choice
- To move forward in the ballot touch the word Next to move back touch the word Previous.
- You may change or Review your ballot until you touch Cast Ballot."

Below this section is a message stating:

"TO BEGIN VOTING, TOUCH THE START BUTTON."

(Note that for multiple language ballots, this instructional screen will appear immediately after pressing the Start button on the language screen. All text will be translated into the appropriate language.)

c. If voting for a write-in candidate is an option within a race, a write-in choice will fall at the end of the candidate list within that race. When the voter touches the write-in choice, a screen appears with the following instructional text above a large touch keyboard on the screen:

- "Write-In Instructions:
- Touch the letters that make up your write-in candidate.
- Touch the "Backspace" key to correct any errors.
- Touch "Record Write-In" to finish your selection."

Below the touch keyboard are two buttons, the "Record Write-In" button and a "Cancel" button.

(4)(a) Following the instructions, the headings, office titles, and candidates shall be listed in the order provided in Section 101.151, F.S. Nonpartisan offices shall appear following the partisan offices and before constitutional

amendments or other issues. Nonpartisan offices shall be preceded by the heading "Nonpartisan" and shall appear in the following order: Justice of the Supreme Court, Judge of a District Court of Appeal, Circuit Judge, County Judge, and School Board Member. Unless otherwise provided by county charter, if a county elects other county officers on a nonpartisan basis, the order of those offices shall be the same as the order in Section 101.151, F.S., for partisan offices and shall follow school board member. Nonpartisan municipal candidates shall be listed following nonpartisan county candidates, followed by nonpartisan special district candidates. Partisan municipal candidates shall be listed following the partisan county candidates, followed by partisan special district candidates. County, municipal, and special district issues shall appear following constitutional amendments.

(b) The headings and office titles shall be in all caps bold. The last name of the candidate shall be in all caps. The first name shall be in upper and lower case.

(5) Under each office title, including joint candidacies, heading shall be printed "(Vote for One)". ~~For joint candidacies, there shall be printed "(Vote for One Pair)".~~ In races where more than one vote is permitted, there shall be printed "(Vote for no more than (enter # to be elected))".

(6) The marking space for a voter to mark a choice shall be as follows:

(a) For ~~Diebold Global~~ Accuvote, on the left of the voter's choice.

(b) For ES&S and Sequoia Optech, on the right of the voter's choice.

(c) For ES&S M-100, 150, ~~and 550, and 650~~ on the left of the voter's choice.

(d) For ~~Diebold Global~~ ES 2001 Blended, on the left of the voter's choice.

(e) For ES&S iVotronic, on the right of the voter's choice.

(f) For Sequoia AVC Edge, on the right of the voter's choice.

(g) For Diebold 2003B (Blended) + (Plus Audio), on the left of the voter's choice.

(7) When required, the appropriate abbreviation of a party name or no party affiliation shall be to the right of the candidate's name, in all caps. The party abbreviation shall be the abbreviation provided to the supervisors on the official certification of candidates for the election. The party abbreviation shall not be enclosed in parentheses. Party abbreviation shall not be included on primary ballots, unless there is a Universal Primary Contest on the ballot as provided in subsection (12).

(8) No candidate race shall appear in more than one column on an optical scan ballot or on more than one screen of a touchscreen ballot. The issue choices of yes and no shall not be split between columns or pages.

(9) On optical scan ballots, when races and/or questions are printed on both sides of the ballot, the words "VOTE BOTH SIDES OF BALLOT" shall be printed on the bottom of the front and back of the ballot in all caps bold.

(10) For counties offering multiple languages on touchscreen ballots, the language choice may appear prior to the first ballot screen.

(11) For constitutional amendments, the number designation, constitutional amendment and Article and Section shall be in all caps bold. The ballot title for an issue shall be in upper and lower case bold. The substance of the issue and the financial impact statement, if provided, shall be in upper and lower case, followed by the choices of YES and NO shall be in all caps bold.

(12) When a primary includes one or more Universal Primary Contests as defined in Rule 1S-2.002, F.A.C., the following shall apply:

(a) The words "Universal Primary Contest" shall appear underneath the office title of the Universal Primary Contest and before the "(Vote for ...)" text.

(b) The names of all candidates for all partisan offices, including candidates for the Universal Primary Contest, shall be displayed with an appropriate abbreviation of party name.

(13) Each supervisor of elections shall determine the font sizes based on the number of candidates and races on the ballot. However, on optical scan ballots no font size shall be smaller than 10 point and on touchscreen ballots, the ballot image displayed to the voter on the screen must measure no less than 10 point. On any ballot, each category shall have consistent font sizes. For example, if one candidate's name is in 10 point type, the names of all candidates on that ballot shall be in 10 point type.

(14)(a) If in any election there are more candidates than will fit in one column or screen, or a candidate's name is so long that the party abbreviation will not fit to the right of the candidate's name, or a candidate's name is too long to fit on one line in the minimum font size, the supervisor of elections shall certify that fact and provide a copy of the proposed ballot to the Division of Elections for approval prior to the printing or distribution of the ballot. The Division shall verify that the facts and circumstances provided by the supervisor require deviation from the rule prior to giving its approval.

(b) Likewise, if circumstances dictate that a supervisor of elections must deviate from the rule in any other respect, the supervisor must certify the facts of the circumstances and obtain the approval of the Division of Elections prior to the printing or distribution of the ballot. The Division shall verify that the facts and circumstances provided by the supervisor require deviation from the rule prior to giving its approval.

(15) All other specifications for ballots must comply with the Florida Election Code.

(16) A primary ballot for the ~~Diebold Global~~ Accuvote voting system shall be substantially in accordance with Form DS-DE 30, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections. A general election ballot for the ~~Diebold Global~~ Accuvote voting system shall be substantially in accordance with Form DS-DE 31, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections.

(17) A primary ballot for ES&S Optech voting system shall be substantially in accordance with Form DS-DE 32, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections. A general election ballot for ES&S Optech voting system shall be substantially in accordance with Form DS-DE 33, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections.

(18) A primary ballot for Sequoia Optech voting system shall be substantially in accordance with Form DS-DE 64, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections. A general election ballot for Sequoia Optech voting system shall be substantially in accordance with Form DS-DE 65, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections.

(19) A primary ballot for ES&S M-100, 150, ~~and 550, and 650~~ voting systems shall be substantially in accordance with Form DS-DE 16, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections. A general election ballot for ES&S M-100, 150, ~~and 550, and 650~~ voting systems shall be substantially in accordance with Form DS-DE 17, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections.

(20) A primary ballot for ~~Diebold Global~~ ES 2001 Blended touchscreen voting system shall be substantially in accordance with Form DS-DE 44, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections. A general election ballot for ~~Diebold Global~~ ES 2001 Blended touchscreen voting system shall be substantially in accordance with Form DS-DE 45, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections.

(21) A primary ballot for ES&S iVotronic touchscreen voting system shall be substantially in accordance with Form DS-DE 22, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections. A general election ballot for ES&S iVotronic touchscreen voting system shall be substantially in accordance with Form DS-DE 23, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections.

(22) A primary ballot for Sequoia AVC Edge touchscreen voting system shall be substantially in accordance with Form DS-DE 46, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections. A general

election ballot for Sequoia AVC Edge touchscreen voting system shall be substantially in accordance with Form DS-DE 47, eff. ~~4/02~~, hereby incorporated by reference and available from the Division of Elections.

(23) A primary ballot for Diebold 2003B (Blended) + (Plus Audio) touchscreen voting system shall be substantially in accordance with Form DS-DE 78, eff. \_\_\_\_\_, hereby incorporated by reference and available from the Division of Elections. A general election ballot for Diebold 2003B Blended + (Plus Audio) touchscreen voting system shall be substantially in accordance with Form DS-DE 79, eff. \_\_\_\_\_, hereby incorporated by reference and available from the Division of Elections.

(24)(23) The ES&S iVotronic audio ballot must provide the following:

(a) Instructions.

1. Language instructions shall be as follows:

a. If English is the only language available, the message "Press the diamond button to begin voting" shall be given.

b. If multiple language choices are available, the following message shall be given: "Please select your ballot language. Select your choice by using the down arrow button. Press the diamond shaped select button to confirm your choice." This message is to be read audibly in each language allowed as a choice until a selection is made.

2. General instructions shall be as follows:

a. "To repeat these instructions press the up arrow. You will be notified at completion. The up and down arrows control your movement from contest to contest and candidate to candidate. To vote a contest you must press the diamond shaped button to enter the candidate or issue selections. Moving up or down through the candidates or issues will bring you back to the contest titles. When you arrive at a contest, the selections for that contest will be repeated to you so that you may review your ballot at any time. If you wish to change your selection, you may do so by moving to your new choice and selecting it by pressing the diamond button.

To begin voting, press the diamond button. End of instructions."

b. After the instructions are given and the diamond button is pressed, the system will read the election title, date, and number of contests on the ballot (election header). Following the election header, the system will read the contest number, office title, vote for statement, and number of candidates.

c. After the diamond button is pressed to enter a contest, the system shall read the candidate number, name of candidate, party designation, if required, and an indication of whether or not the candidate has been selected by the voter.

3. Write-In Instructions: When a voter has selected to write in the name of a candidate, the following message shall be given:

“Use the down arrow button to begin the alpha selection process. Press the diamond button to select a letter. Navigate using the up and down arrow buttons. When complete, arrow down until you reach the return to ballot message at the end of the alphabet. Press the diamond button. The write-in candidate will be read to you. To accept the write-in candidate, press the diamond button.”

4. If the voter tries to overvote a contest, the following message shall be given:

“You have already checked the maximum candidates in this contest. If you wish to select a different candidate in this contest, you must first uncheck a previous selection by moving to that candidate and pressing the diamond button.”

5. At the end of the ballot, the following message shall be read:

“You have reached the end of the ballot. To continue, change or review your ballot, press the diamond button. To review your selections, use the up and down arrow buttons to move through the contest titles to hear your selections. To cast your ballot now, press the vote button located at the top center of the voting terminal.”

6. When a constitutional amendment is on the ballot the message shall read as follows:

“Constitutional amendment number \_\_\_\_\_. Proposing an amendment to Article \_\_\_\_\_, section \_\_\_\_ of the Florida Constitution.”

a. The ballot title will then be read.

b. Following the ballot title, the substance of the amendment shall be read.

c. Following the substance of the amendment, the financial impact statement, if provided, shall be read, followed by the choices of Yes and No shall be given.

(b) All audio ballot instructions and information shall be given without voice inflection which either favors or disfavors any potential selection.

(c) The order of the audio ballot shall be the same as the order of the touchscreen ballot.

(25) The Sequoia AVC Edge audio ballot must provide the following:

(a) Instructions.

1. Language instructions shall be as follows:

If multiple language choices are available, the following message shall be given: “Press the round red select button to begin language selection. Press the triangle shaped green next and yellow back buttons to review language selections and then press the round red select button for your selected language.” This message is to be read audibly in each language allowed as a choice until a selection is made. Once the language is chosen, the system will announce the selection, for example, “English selected.”

2. General instructions shall be as follows:

a. After the selection of the language is complete, or if English is the only language available, the following message of general instructions will be given, “Press the round red select button at any time to exit this recording. Use the triangle shaped green next and yellow back buttons to move back and forth through the choices for each contest. When you hear the desired choice, press the round red select button to select your choice or deselect your choice. For write-in choices, use the triangle shaped green next and yellow back buttons, and the round red select button to spell out the desired choice. Press the square blue help button at any time to hear help instructions.”

b. After the general instructions are heard, then the first contest title information is read. After hearing the contest title, further instructions are available by pressing the blue help button. Upon pressing the blue help button, the following message shall be read, “Use the triangle shaped green next and yellow back buttons to move through the contests and propositions. Press the round red select button to enter a contest and make choices. When you are finished, move to the end of the contest list to the choice “Done Voting” and select that.”

c. After the general instructions and contest help instructions are read, the following message shall be read, “Press the SELECT button to begin voting in the first contest.” After pressing the SELECT button, the following message will be added, “Please wait while the list of choices is read. After the list is read, press the green triangle shaped next button to hear the first choice. Repeat this action until you hear the choice you want then press the round red select button to select your choice.”

d. After the instructions and helps are given, and the red select button is pressed, the system will read the election header information, and then proceed to read the contest number, office title, vote for statement and the number of candidates.

e. After entering a contest, the voter may obtain instructions on the process of making a selection within a contest, by pressing the blue help button. The system shall read, “Use the triangle shaped green next and yellow back buttons to move through the list of candidates. Press the round red select button to make choices or to cancel them. At the end of this list of candidates is a selection to exit to the next contest.” When a contest is fully voted, the system will read, “This contest is fully voted. Press the round red select button to exit this contest and hear the title of the next choice.” If there are additional contests, the next contest title information will be read.

3. Write-in Instructions

a. When a voter has selected to write in the name of a candidate, the following message shall be read, “Use the triangle shaped green next and yellow back buttons to move through the alphabet. Press the round red select button to select

letters and spell the desired name. At the end of the list of letters are numbers, punctuation and choices to enter or cancel your choice.”

b. To review the write-in name entered, the voter shall use the triangle shaped green next and yellow back to get to a message that shall read, “Review this write-in entry.” After pressing the red select button, the following message shall be read, “The write-in entries you have made are...”, after which the write-in letters, entered by the voter, shall be read. After completing the review of name of the write-in candidate, the following message shall be read, “Press the round red select button to confirm the write-in selection.”

4. If the voter tries to overvote a contest, the following message shall be given: “This contest is fully voted. To select this choice you must first deselect the choice you have already made. If you need help, press the square blue help button for instructions for deselecting a choice.”

a. During this review process the contest title information shall be given, along with one of the following messages, “This contest is fully voted.” “This contest is not fully voted.” “No selections have been made in this contest.” Any and all candidates that have been selected shall be read for the voter’s review.

b. After the review is completed, the voter shall press the green next button to complete voting, and the following messages shall be given, “Voting is completed. Press the round red select button if you are done voting. Otherwise use the triangle shaped green next and yellow back buttons to move back to the ballot.”

c. If, after the voter presses the red select button to indicate that voting is done, there are any undervoted contests, the following message shall be given, “You have not made all the choices you are entitled to. To return to the ballot press the left pointing yellow triangular back button. To cast your ballot as it is, press the round red select button.”

d. If the voter has not made any choices on the ballot (a blank ballot), the following message shall be given, “You have not made any selections on this ballot.”

6. At the conclusion of the review process, the following message shall be given, “Press the round red select button when you are finished, this will record your vote. Press the yellow back button to return to the ballot.”

a. After pressing the red select button, the following message shall be given, “Press the round red select button. Your vote is being recorded.”

b. After the vote has been recorded, the following message shall be given, “Thank you for voting.”

7. When a constitutional amendment is on the ballot the message shall read as follows: “Constitutional amendment number \_\_\_\_\_. Proposing an amendment to Article \_\_\_\_\_, section \_\_\_\_\_ of the Florida Constitution.”

a. The ballot title will then be read.

b. Following the ballot title, the substance of the amendment shall be read.

c. Following the substance of the amendment, the financial impact statement, if provided, shall be read, followed by the choices of Yes and No.

(b) All audio ballot instructions and information shall be given without voice inflection which either favors or disfavors any potential selection.

(c) The order of the audio ballot shall be the same as the order of the touchscreen ballot.

(26) The Diebold 2003B (Blended) + (Plus Audio) audio ballot must provide the following:

(a) Instructions.

1. Language instructions shall be as follows:

If multiple language choices are available, the following message shall be given: “Using the attached standard telephone keypad, for English press 1...” This message is repeated in each available language with the prompt to press the correct number corresponding to the languages available. This message repeats until a language choice is made.

2. General instructions shall be as follows:

a. After the language choice is made or if there is only one available language, the following three messages will be presented:

(i) A welcome statement that familiarizes the voter with the voting interface:

“Welcome to the Audio Ballot Voting System. The Audio Ballot uses a standard 12 key telephone type keypad to navigate through the ballot and make voting selections. The 5 key has a raised feature to help you maintain orientation with the keypad. To adjust the volume, use the rotary switch on the headphone cord. Complete instructions are provided to guide you through the audio ballot, please follow them carefully. At the end of the ballot, you will be prompted to cast your ballot or review it.”

(ii) A set of repeatable help instructions that shall be as follows:

“The main navigation keys are the 4, 5, and 6 keys. Pressing the 4 key moves you backward through the ballot to the previous candidate or race. Pressing the 5 key selects or unselects a candidate. Pressing the 6 key moves you forward through the ballot to the next candidate or race. If you want to change your vote, you must first unselect your current choice by moving to the chosen candidate and pressing the 5 key. Other keys will be explained when needed. The 0 key is the help key. If you get confused during the voting process pause and wait for instructions or press the 0 key for help.”

(iii) And a prompt to begin voting:

“If you are voting an audio only ballot please ensure the textured secrecy panel is covering the display. To begin voting, press 6.”

These messages repeat until the 6 key is pressed.

b. After the 6 key is pressed, the election header is read, followed by the header for the first race, the number of candidates and write-ins in the race, a message indicating whether any votes have been cast in the race, and the first candidate's name is read. Then instructions prompt the voter: "To vote for" first candidate name, "Press 5. To advance to the next candidate, press 6." This message repeats until either the 5 or 6 key is pressed.

c. When a selection is made for a candidate, a message informs the voter:

"You have chosen to vote for" name, "To cancel your vote for" name, "press 5". "To advance to the next candidate or selection (or race if the last candidate in the race is selected), press 6." "To return to the previous candidate or selection (or race if the first candidate is selected), press 4."

d. If the voter does not respond or pauses for directions, the race header is repeated to the voter, and a statement declaring either "This race is fully voted" or "You may cast more votes in this race" or "No votes have been cast in this race" is read to the voter.

e. If a voter attempts to exit a race without fully voting the allowed number of candidates, they are prompted to confirm their desire to undervote the race:

"You have chosen to under-vote this race. To confirm, press 9. To continue voting, press 1."

Pressing 9 takes the voter to the next race. Pressing 1 allows the voter to resume voting the undervoted race.

### 3. Write-in Instructions:

a. When a voter has selected to write in the name of a candidate, the following three messages will be presented:

(i) First a welcome message that gives an overview of voting for a write in:

"Please listen carefully to all instructions while voting the write-in candidate. Use the keypad to spell the candidate's name. As you press keys to enter a letter, the system will speak each letter back to you and prompt you to either accept it, delete it, or enter a different letter. Letters are assigned to the keys according to the standard telephone layout."

(ii) Followed by a repeating set of instructions:

"To enter letters of the candidate's name, press keys 2 through 9. Pressing a key multiple times will cycle through the letters assigned to that key. For a space between names, press 1. These instructions will repeat."

(iii) Followed by a prompt that allows the voter to leave the write in portion of the ballot:

"To cancel your write-in vote, press star."

These messages will repeat until the voter either selects a letter or presses star to exit the write in portion of the ballot.

b. As the voter makes letter selections, the system announces:

"You have entered" letters, "To accept" letter, "Press zero." "To delete" letter, "Press star."

c. As each letter is accepted by pressing the zero key, the list of letters entered is presented, then the write-in instructions on how to choose a letter repeat. Then a prompt on how to delete the most recently entered letter is given:

"To delete" letter, "Press star." Then a prompt instructs: "To accept your entries and vote for this write-in candidate, press zero."

d. Pressing zero to accept the write-in vote brings the voter to a confirmation prompt:

"You have chosen to vote for" "Write-in candidate" letters. "To confirm, press 9. To continue entering write-in candidate, press 1." "To cancel your write-in vote, press star." Pressing the star key cancels the write-in vote. Pressing 9 accepts the spelling and takes the voter out of the write-in portion of the ballot.

4. If the voter tries to overvote a contest, the system will sound an error beep and the selection will not be allowed. The system will cycle through the messages: "To advance to the next candidate or selection (or race if the last candidate in the race is selected), press 6." "To return to the previous candidate or selection (or race if the first candidate is selected), press 4." Then the race header is repeated, and a statement declaring "This race is fully voted" is read to the voter. This cycle continues until the voter follows directions and presses either the 6 key to advance, the 4 key to return, or the zero key for help.

5. At the end of the ballot, the following message shall be read:

"You have reached the end of the ballot. To cast your ballot, press 9." "To return to the previous candidate, press 4." When the voter presses 9 to cast the ballot, another confirmation prompt is presented, giving the voter the option to go back and review the ballot from the beginning:

"You have chosen to cast your ballot, to confirm press 9. To review your ballot starting at the first race, press 4."

6. When a constitutional amendment is on the ballot, the message shall read as follows:

"Constitutional amendment number \_\_\_\_\_. Proposing an amendment to Article \_\_\_\_\_, section \_\_\_\_\_ of the Florida Constitution."

a. The ballot title will then be read.

b. Following the ballot title, the substance of the amendment shall be read.

c. Following the substance of the amendment, the fiscal impact statement, if provided, shall be read, followed by the choices of Yes and No.

(b) All audio ballot instructions and information shall be given without voice inflection which either favors or disfavors any potential selection.

(c) The order of the audio ballot shall be the same as the order of the touchscreen ballot.



(27)(24) All forms referenced in this rule may be obtained from the Division of Elections, Room 100, The Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250, (850)245-6200.

Specific Authority 101.151(8) FS. Law Implemented 101.151(8) FS. History--New 6-6-02, Amended 9-8-02, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-4.0021  
RULE TITLE: Florida Teacher Certification Examinations

**NOTICE OF CHANGE**

Notice is hereby given that the following amendment had been made to the proposed rule in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 16, of the April 16, 2004, issue of the Florida Administrative Weekly.

The proposed changes to paragraph (9)(c) were deleted.

(9) Scoring of the subject area specialty examinations.

(c) For subject area specialty examinations listed below, a score earned prior to October 1, 1990, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. Effective October 1, 1990, a passing score for these subject area examinations will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following scores on the April, 1989 test administration:

SUBJECT	SCORE
Art K-12	63 correct items
Elementary Education 1-6	84 correct items
English 6-12	71 on a scale that weights the multiple choice section eighty (80) percent and the essay section twenty (20) percent.
Hearing Impaired K-12	66 correct items
Mathematics 6-12	60 correct items
Music K-12	64 correct items
Primary Education K-3	88 correct items
Social Science 6-12	102 correct items

NAME OF PERSON ORIGINATING PROPOSED RULE: Cornelia Orr, Chief, Assessment and School Performance, Department of Education, 325 W. Gaines St., Room 414, Tallahassee, FL 32399, (850)245-0513

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

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

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-8.028  
RULE TITLE: Reimbursement Premium Formula  
**NOTICE OF CHANGE**

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida that the wording of paragraph (3)(g) of Rule 19-8.028, F.A.C., has changed from the Notice of Proposed Rulemaking published in the April 23, 2004 edition of the Florida Administrative Weekly, Vol. 30, No. 17. The changes to that paragraph from the form in which it was published are indicated below by underlining the newly added language.

(g) For the 2004-2005 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2004 Ratemaking Formula Report to the State Board of Administration of Florida, March 17, 2004, Revised May 11, 2004" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 13, 2004, and revised on May 11, 2004, are hereby adopted and incorporated by reference in Form FHCF-Rates 2004, a two-part form titled "Florida Hurricane Catastrophe Fund Proposed 2004 Rates, March 17, 2004, (Revised May 11, 2004) Layer: \$11 Billion xs \$4.866 Billion" and "Florida Hurricane Catastrophe Fund Proposed 2004 Rates, March 17, 2004, (Revised May 11, 2004) Layer: \$15 Billion xs \$4.5 Billion."

The "Florida Hurricane Catastrophe Fund: 2004 Ratemaking Formula Report to the State Board of Administration of Florida, March 17, 2004" has been revised and is now titled "Florida Hurricane Catastrophe Fund: 2004 Ratemaking Formula Report to the State Board of Administration of Florida, March 17, 2004, Revised May 11, 2004."

The revision to this form consists of the new title page showing the revision date, the removal of all the pages currently filed under Section XIV and replacement of those pages with new pages numbered one through four.

The rates in the "Florida Hurricane Catastrophe Fund Form FHCF-Rates 2004 titled "Florida Hurricane Catastrophe Fund Proposed 2004 Rates, March 17, 2004," have been revised and the form now consists of two parts with the following titles: "Florida Hurricane Catastrophe Fund Proposed 2004 Rates, March 17, 2004 (Revised May 11, 2004) Layer: \$11 Billion xs \$4.866 Billion" and "Florida Hurricane Catastrophe Fund Proposed 2004 Rates, March 17, 2004 (Revised May 11, 2004) Layer: \$15 Billion xs \$4.5 Billion."

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE NOS.: 60DD-3.002  
60DD-3.004  
RULE TITLES: Definitions  
User Responsibilities; Service Level Agreements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 30, No. 12, March 19, 2004 issue of the Florida Administrative Weekly:

60DD-3.002 Definitions.

For the purposes of Rules 60DD-3.001-3.005, Florida Administrative Code, the following terms shall be defined as set forth herein:

- (1) "Business day" means 7:00 a.m. through 6:00 p.m. EST, Monday through Friday, excluding state holidays.
- (2) "Case" means a unique End User problem requiring ETSD Services.
- (3) "Closed case" means all Tier 0 or Tier 1 cases that have been resolved through the ETSD and all cases escalated to Tiers 2, 3 or 4 that have either been resolved or which have been withdrawn.
- (4) "Customer Relationship Manager" means an employee of the State Technology Office assigned to manage the portfolio of one or more Eligible Users.
- (5) "Eligible User" means an entity or organization authorized to utilize ETSD Services.
- (6) "End User" means individuals authorized by an eligible user to received and use ETSD Services.
- (7) "Enterprise Technology Services Desk Services" or "ETSD Services" means those services provided to Eligible Users via the ETSD as agreed by contract between the State Technology Office and the ETSD Service Provider and in Service Level Agreements between State Technology Office and Eligible Users.
- (8) "Enterprise Technology Services Desk" or "ETSD" means the system through which information technology services are provided to eligible users, as described in sections 60DD-3.001-3.005, Florida Administrative Code.
- (9) "Enterprise Technology Services Desk Provider" or "ETSD Service Provider" means the entity that operates the Enterprise Technology Services Desk.
- (10) "Help Desk Professional" or "ETSD Professional" means an individual who opens, attempts to resolve, and closes Tier 1 cases.
- (11) "Knowledge base" means repository of information in an organized and structured format populated with solutions to problems or questions posed by eligible users.
- (12) "Knowledge manager" means an individual who provides support for the resolution of Tier 2 through Tier 4 cases.
- (13) "Product manager" means an individual employed by the State Technology Office who is responsible for contract management, oversight, strategic direction, and decision making regarding Enterprise Technology Services Desk Services.

(14) "Self Service ePortal" means web-enabled support services that provide for the resolution of cases without human interaction.

(15) "Service Level Agreement" means a written agreement, executed by the State Technology Office and the User or End User that describes the ETSD Services that will be provided to the User or End User and the specific responsibilities of the State Technology Office, the ETSD Provider, and the User or End User.

(16) "Tier" means the designation of cases, as Tier 0 through Tier 4, with Tier 0 indicating those Cases resolved without the necessity of human interaction between the End User and Tier 1 indicating those Cases that require human support but can be resolved without the input of a Knowledge Manager. Tiers 2 through 4 refer to increasing levels of input and support from the Knowledge Manager in order to resolve the Case.

(17) "User" means an Eligible User that elects to use ETSD Services and that enters into a Service Level Agreement.

Specific Authority 282.102(16), 282.23(2), 287.057(24)(d) FS. Law Implemented 282.102(3)-(10),(17), 282.23, 282.3032, 287.57(24) FS. History--New \_\_\_\_\_.

60DD-3.004 User Responsibilities; Service Level Agreements.

All users shall:

- (1) Enter into a Service Level Agreement which shall address:
  - (a) The term of the agreement;
  - (b) The Eligible User's obligation to supply all information needed to support, maintain, and implement ETSD services;
  - (c) Periodic review of information supplied by Eligible User;
  - (d) Service Level Agreement ~~Provider~~ obligations;
  - (e) Procedures relating to changes to any hardware or software that affect technology resources supported by the ETSD
  - (f) Methods for Eligible User to contact Service Provider, including Self Service ePortal, ~~access with prompt to allow ease to be opened~~, telephone contact, voice mail contact, electronic mail contact and facsimile contact;
  - (g) ETSD call procedures;
  - (h) Cost of service;
  - (i) Service level performance standards;
  - ~~(m)(j)~~ Recourse if service level performance standards are not achieved;
  - (k) Procedures for regularly assessing User satisfaction;
  - (l) Case closing procedures;
  - (m) Procedures for operational status reports;
  - (n) Emergency procedures;

(o) Any other matters agreed between the State Technology Office ETSD Service Provider and the Eligible User.

(2) Manage and monitor End User utilization of ETSD Services to identify and increase utilization of Tier 1 and Self Service ePortal services for Tier 1 eases;

(3) Provide support for Cases that are escalated to Eligible Users Tier 2 or for Cases that are escalated to Tier 3;

(4) Update or add to the Knowledge Base with current data;

(5) Assume the responsibility for all charges related to toll, remote access, or remote connectivity ~~charges relating~~ to access to the ETSD;

(6) Install and configure workstation software necessary for End User and Eligible User to access the ETSD Tier 2 or Tier 3 support.

Specific Authority 282.102 (16), 282.23(2), 287.057(24)(d) FS. Law Implemented 282.102(3)-(10),(17), 282.23, 282.3032, 287.57(24) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NO.: 61A-7.009  
 RULE TITLE: Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages

**NOTICE OF WITHDRAWAL**

Notice is hereby given, pursuant to Section 120.54(3)(d)1, F.S., that the above referenced proposed rule, published in Vol. 29, No. 44, October 10, 2003, issue of the Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-22.006  
 RULE TITLE: Demonstrating Compliance

**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. 29, No. 35, August 29, 2003, issue of the Florida Administrative Weekly.

Based on comments received from the Joint Administrative Procedures Committee, the Board has voted to change the last line of the rule to read as follows:

In addition, the Board ~~shall may~~ use attendance information submitted by the provider to determine whether licensees can demonstrate compliance.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carrie Flynn, Acting Executive Director, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.0065  
 RULE TITLE: Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 16, April 16, 2004, issue of the Florida Administrative Weekly. Based on Comments from the Joint Administrative Procedures Committee, the rule now reads as follows:

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse’s duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show proof to the Board of the absence and the spouse’s military status.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite #A, Gainesville, Florida 32607

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-3.003  
 RULE TITLE: Curriculum Requirements for Clinical Laboratory

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 18, April 30, 2004, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-7.0035  
RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and Government Facilities

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 17, April 23, 2004, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-6.0035  
RULE TITLE: Physician Assistant Licensure Renewal and Reactivation

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 44, of the October 31, 2003, issue of the Florida Administrative Weekly (FAW). The change is in response to additional comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board previously published a Notice of Change in Vol. 30, No. 10, of the March 10, 2004, FAW. The Board, at its meeting held on May 14, 2004, in Jacksonville, Florida, voted to make an additional change to the rule to address the additional concerns of JAPC. The change is as follows:

Subsection (7)(a) shall now read as follows:

(a) The delinquent status licensee must apply for active or inactive license status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent licensee to become active or inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE NO.: 69B-211.042  
RULE TITLE: Effect of Law Enforcement Records on Applications for Licensure

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 30, No. 7, February 13, 2004, of the Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE NO.: 69L-6.024  
RULE TITLE: Subcontractors Requirement Regarding Proof of Coverage

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 30, No. 7, February 13, 2004, of the Florida Administrative Weekly, has been withdrawn.

**Section IV  
Emergency Rules**

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

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

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 538, POKER FACE  
RULE NO.: 53ER04-27

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 538, "POKER FACE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-27 Instant Game Number 538, POKER FACE.

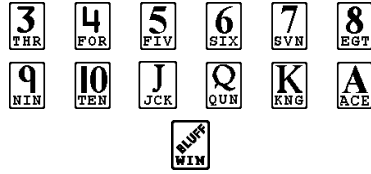
(1) Name of Game. Instant Game Number 538, "POKER FACE."

(2) Price. POKER FACE lottery tickets sell for \$1.00 per ticket.

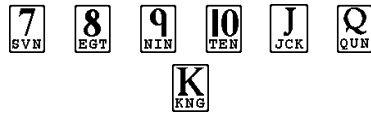
(3) POKER FACE lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning POKER FACE lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the

validity of any POKER FACE lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

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



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



(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$3.00	\$4.00	\$5.00
TICKET	ONE	TWO	THREE	FOUR	FIVE
\$10.00	\$20.00	\$25.00	\$50.00	\$100	\$250
TEN	TWENTY	THY FIVE	FIFTY	ONE HUN	TWOHUNFTY
\$1,000					
ONE THO					

(7) The legends are as follows:

PLAYER 1    PLAYER 2    PLAYER 3    PLAYER 4    PLAYER 5    PLAYER 6    DEALER'S CARD

(8) Determination of Prizewinners. There are six player's cards on a ticket. Players may win on one or more player's cards per ticket. The value assigned to Aces is 11, and the value assigned to Jacks, Queens, and Kings is 10.

(a) A ticket having a card in the player's card play area that is higher than the card in the "DEALER'S CARD" play area shall entitle the claimant to the corresponding prize shown for that player's card. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, and \$1,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a POKER FACE lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) A ticket having a "Bluff Card" (Bluff Card) in the player's card play area shall entitle the claimant to a prize of \$25.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 538 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	15.00	672,000
\$2	\$2	25.00	403,200
\$4	\$4	100.00	100,800
\$2 + \$3	\$5	100.00	100,800
\$5	\$5	100.00	100,800
\$10	\$10	300.00	33,600
(\$1 x 2) + (\$2 x 4)	\$10	300.00	33,600
\$2 + \$3 + (\$5 x 4)	\$25	1,000.00	10,080
\$5 + (\$10 x 2)	\$25	2,000.00	5,040
\$25 (BLUFF CARD)	\$25	339.62	29,680
(\$5 x 2) + (\$10 x 4)	\$50	2,571.43	3,920
\$25 x 2	\$50	2,400.00	4,200
\$50	\$50	3,272.73	3,080
\$25 x 4	\$100	403,200.00	25
(\$10 x 2) + (\$20 x 4)	\$100	403,200.00	25
\$100	\$100	504,000.00	20
\$250	\$250	672,000.00	15
\$1,000	\$1,000	916,363.64	11

(10) The estimated overall odds of winning some prize in Instant Game Number 538 are 1 in 4.02. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 538, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a POKER FACE lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for POKER FACE lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 5-14-04.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: May 14, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 542, SOLID GOLD  
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 542, "SOLID GOLD," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-28 Instant Game Number 542, SOLID GOLD.

(1) Name of Game. Instant Game Number 542, "SOLID GOLD."

(2) Price. SOLID GOLD lottery tickets sell for \$2.00 per ticket.

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

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

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> TWELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN
<b>19</b> NINTN	<b>20</b> TENTY				



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> TWELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN
<b>19</b> NINTN	<b>20</b> TENTY				

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$25.00</b>
TICKET	ONE	TWO	FIVE	TEN	THY FIVE
<b>\$50.00</b>	<b>\$100</b>	<b>\$1,000</b>	<b>\$2,000</b>	<b>\$20,000</b>	
FIFTY	ONE HUN	ONE THO	TWO THO	THY THO	

(7) The legends are as follows:

YOUR NUMBERS      WINNING NUMBERS

(8) Determination of Prizewinners. A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000, \$2,000 and \$20,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a SOLID GOLD lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 542 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS
TICKET	\$2 TICKET	1 IN	PER POOL
\$2	\$2	10.00	1,008,000
\$2 x 2	\$4	37.50	268,800
\$1 + (\$2 x 2)	\$5	21.43	470,400
\$5	\$5	37.50	268,800
\$1 + (\$2 x 2) + \$5	\$10	37.50	268,800
(\$1 x 8) + \$2	\$10	75.00	134,400
\$10	\$10	75.00	134,400
\$5 x 5	\$25	150.00	67,200
(\$5 x 2) + (\$10 x 4)	\$50	150.00	67,200
\$10 x 5	\$50	1,200.00	8,400
\$50 (BAR)	\$50	1,200.00	8,400
\$10 x 10	\$100	600.00	16,800
(\$25 x 2) + \$50 (BAR)	\$100	50,400.00	200
\$100	\$100	50,400.00	200
(\$25 x 6) + \$50 (BAR)	\$200	50,400.00	200
\$100 x 10	\$1,000	672,000.00	15
\$1,000	\$1,000	2,520,000.00	4
\$2,000 x 10	\$20,000	2,520,000.00	4
\$20,000	\$20,000	5,040,000.00	2
	\$20,000	5,040,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 542 are 1 in 3.70. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 542, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a SOLID GOLD lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for SOLID GOLD lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 5-14-04.

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

EFFECTIVE DATE: May 14, 2004

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Acceptable Variance of Examiners 64B5ER04-3 (64B5-2.017)  
 RULE NO.:  
 SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Board of Dentistry has already initiated rulemaking procedures to modify its examination scoring. This is to recognize that litigation and current theories of psychometric evaluation suggest that the Board’s present evaluation is more restrictive than is reasonable to assure demonstration of minimum clinical competence to practice dentistry with reasonable skill and safety. The rule will not be in effect until a short time after the semiannual examination in June.

The Board recognizes that such timing could pose a hardship on otherwise qualified candidates and deprive the growing consumer population of needed dental health care access. It has been the Board’s intent to encourage rather than discourage qualified dentists including those who may have successfully

practiced in other states but who must pass the Florida exam to come to Florida. By not applying this newer less restrictive standard to the June, 2004 examination, the effect would be to increase costs and set unreasonable impediments to carrying out the legislative goals to provide less restrictive regulation while assuring quality care.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Board will administer its semi-annual dental clinical examination June 7, 2004, which is sooner than the rule, currently in the rulemaking process, can be filed for adoption and become effective.

SUMMARY OF THE RULE: The emergency rule amendment establishes a specific procedure for discarding uncorroborated high and low scores and critical difference scores to allow for consistent scoring in examiner ratings.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE EMERGENCY RULE IS:

64B5ER04-3 (64B5-2.017) Acceptable Variance of Examiners.

(1) All clinical gradings by examiners are to be made independently. Each clinical procedure shall be graded by three (3) examiners. However, a score of 0 and 1 that is not corroborated by another score of either 0 or 1 will be discarded and will not be used in averaging. A critical difference score, which means there is one score that is either pass or fail while the other two scores are in the opposite pass/fail category, will be discarded and will not be used in averaging. On the clinical examinations described in Rules 64B5-2.013 and 64B5-2.019, F.A.C., the three independent grades shall be averaged to determine an applicant’s final grade on each procedure of the clinical examination. On the clinical portion of the dental hygiene examination described in Rule 64B5-2.0135, F.A.C., the three independent grades shall be utilized in a system of corroborated errors to determine an applicant’s final grade on each procedure of the clinical portion. The corroborated errors grading system requires that at least two (2) of the independent examiners must agree on the presence of the error before the error may be used in calculating an applicant’s grade.

(2) through (3) No change.

Specific Authority 466.004(3), 466.006(4)(b)5. FS. Law Implemented 466.006(4) FS. History—New 12-10-79, Amended 6-22-80, 4-20-81, 5-24-82, 12-6-82, 5-24-83, 5-2-84, 5-19-85, Formerly 21G-2.17, 21G-2.017, 61F5-2.017, 59Q-2.017, Amended 5-17-04.

THIS RULE SHALL TAKE EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: May 17, 2004

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

**DEPARTMENT OF LAW ENFORCEMENT**

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Michael Corby, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received. The petition requested a waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Subsection 11B-20.0014(2)(g), F.A.C., requires certain certifications for instructors. On May 6, 2004, the Criminal Justice Standards and Training Commission granted a waiver to Michael Corby in a final order, OGC File No.: VAR 2004-03.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Jeffery Taylor, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received.

The petition requested a waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Paragraph 11B-20.0014(2)(g), F.A.C., requires certain certifications for instructors. On May 6, 2004, the Criminal Justice Standards and Training Commission granted a waiver to Jeffery Taylor in a final order, OGC File No.: VAR 2004-03.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Brian Autry, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received.

The petition requested a waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Paragraph 11B-20.0014(2)(g), F.A.C., requires certain certifications for instructors. On May 6, 2004, the Criminal Justice Standards and Training Commission granted a waiver to Brian Autry in a final order, OGC File No.: VAR 2004-03.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Kimberley Collins, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received.

The petition requested a waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Paragraph 11B-20.0014(2)(g), F.A.C., requires certain certifications for instructors. On May 6, 2004, the Criminal Justice Standards and Training Commission granted a waiver to Kimberley Collins in a final order, OGC File No.: VAR 2004-03.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Brian Autry, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received.

The petition requested a waiver of Rule 11B-20.0018, F.A.C., pursuant to Section 120.542, F.S. Rule 11B-20.0018, F.A.C., requires certain certifications for instructors. On May 6, 2004, the Criminal Justice Standards and Training Commission granted a waiver to Michael Viena in a final order, OGC File No.: VAR 2004-04.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Nick Sciarro, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received.

The petition requested a waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Paragraph 11B-20.0014(2)(g), F.A.C., requires certain certifications for instructors. On May 6, 2004, the Criminal Justice Standards and Training Commission granted a waiver to Nick Sciarro in a final order, OGC File No.: VAR 2004-03.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.



The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Boyd Johnson, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received.

The petition requested a waiver of paragraph 11B-27.00213(4)(b), F.A.C., pursuant to Section 120.542, F.S. Paragraph 11B-27.00213(4)(b), F.A.C., allows an officer to be on a Temporary Employment Authorization only once in his or her life. On May 6, 2004, the Criminal Justice Standards and Training Commission denied a variance or waiver to Boyd Johnson in a final order, OGC File No.: VAR 2004-02.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Clifton Duy, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received.

The petition requested a waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Paragraph 11B-20.0014(2)(g), F.A.C., requires certain certifications for instructors. On May 6, 2004, the Criminal Justice Standards and Training Commission granted a waiver to Clifton Duy in a final order, OGC File No.: VAR 2004-03.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Thomas Marsh, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received.

The petition requested a waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Paragraph 11B-20.0014(2)(g), F.A.C., requires certain certifications for instructors. On May 6, 2004, the Criminal Justice Standards and Training Commission granted a waiver to Thomas Marsh in a final order, OGC File No.: VAR 2004-03.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Nadyra Ingram, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received.

The petition requested a waiver of paragraph 11B-20.0014(2)(g), F.A.C., pursuant to Section 120.542, F.S. Paragraph 11B-20.0014(2)(g), F.A.C., requires certain certifications for instructors. On May 6, 2004, the Criminal Justice Standards and Training Commission granted a waiver to Nadyra Ingram in a final order, OGC File No.: VAR 2004-03.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Bryan Bice, on April 20, 2004. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 30, No. 18, dated April 30, 2004. No public comment was received.

The petition requested a waiver of Rule 11B-20.0017, F.A.C., pursuant to Section 120.542, F.S. Rule 11B-20.0017, F.A.C., requires certain certifications for instructors. On May 6, 2004, the Criminal Justice Standards and Training Commission granted a waiver to Bryan Bice in a final order, OGC File No.: VAR 2004-03.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

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

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

#### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on May 7, 2004, South Florida Water Management District (District) received a petition for waiver from the City of Weston, Application No. 04-0507-2 for utilization of Works or Lands of the District known as the C-11 Canal, Broward County for guardrail replacement, new gates, fencing, asphalt and landscaping within the north right of way of C-11 at Weston Road and Bonaventure Boulevard, Weston, FL, Broward County, Sections 29, Township 50 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4),(6) and paragraph

40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank, and within equipment staging areas within Works or Lands of the District. A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: 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 May 14, 2004, South Florida Water Management District (District) received a petition for waiver from Florida Power and Light Company, Application Number 04-0325-3M for issuance of a Modification to Right of Way Occupancy Permit Number 10659, for utilization of Works or Lands of the District known as the C-9 Canal, Broward County, for relocation of an existing aerial crossing with pole to a point 20' easterly of its present location to accommodate Broward County's construction of an additional bridge crossing at Flamingo Road, Section 35, Township 51 South, Range 40 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of above-ground permanent and/or semi-permanent facilities within 100 feet of a bridge or pile-supported utility crossing within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: 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.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on May 7, 2004, the Division of Hotels and Restaurants received a Petition for Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Barb's Yum Yum Shop. They are requesting a variance to have no bathroom facility attached to their establishment and use the adjacent restaurant's bathroom facilities instead (Petition VW 2004-043).

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.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that Petition for Waiver or Variance filed on behalf of Joni J. Harrison for paragraph 64B4-3.003(3)(b), Florida Administrative Code, is Granted. Notice of the Petition for Variance was published in Vol. 30, No. 4, of the January 23, 2004, Florida Administrative Weekly.

The person to be contacted regarding this is: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Medicine hereby gives notice that it has received a petition filed on May 10, 2004, by Rafael Gottenger, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Physical Therapy Practice hereby gives notice that it has received a petition, filed on May 13, 2004, from Claudia Patricia Herrera Rojas seeking a variance or waiver of paragraph 64B17-3.001(5)(b), Florida Administrative Code, with respect to the minimum 60 general education requirement.

Comments on this petition should be filed with: Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399.

The Board of Psychology hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed by Nicole Robichaux-Keene, Psy.D. The Board reviewed the petition at its meeting held on April 16, 2004, in Tampa, Florida. The Board's Final Order, filed in this cause on May 13, 2004, answers the Petitioner's question in the negative. She may not count the hours for which she is paid as a nurse practitioner toward the 2,000 hours of required post-doctoral supervised experience, required by Rule 64B19-11.005, F.A.C. A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Cathy Guyer, Ph.D. The Petitioner was seeking a waiver or variance from paragraph 64B19-11.001(4)(c), F.A.C. The Notice of Petition for Waiver or Variance was published in Vol. 30, No. 14, of the April 2, 2004, Florida Administrative Weekly. The Board considered the Petition at its meeting held on April 16, 2004, in Tampa, Florida. The Board's Order, filed on May 12, 2004, granted the petition for waiver or variance finding that the underlying purpose of the statute has been met, and that the Petitioner has demonstrated that application of the rule would violate the principles of fairness and impose a substantial hardship on her.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

#### **FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on May 17, 2004, Florida Housing Finance Corporation received a Petition for waiver of subsection 67-48.002(111), Florida Administrative Code, from Emerald Dunes Apartments, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that the applicant entity shall be the recipient of housing credits and cannot be changed until after a final housing credit allocation has been issued.

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.

NOTICE IS HEREBY GIVEN that on May 17, 2004, Florida Housing Finance Corporation received a Petition for waiver of subsection 67-48.002(111), Florida Administrative Code, from Lakeside Commons, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that the applicant entity shall be the recipient of housing credits and cannot be changed until after a final housing credit allocation has been issued.

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.

NOTICE IS HEREBY GIVEN that on May 18, 2004, Florida Housing Finance Corporation received a Petition for Waiver/Variance of subsection 9I-28.006(7), Florida Administrative Code, from Liberty Center, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that deferred interest is ineligible for forgiveness.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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

### **DEPARTMENT OF STATE**

The **Department of State, Division of Historical Resources** announces a Historic Marker Conference Call.

DATE AND TIME: Tuesday, June 15, 2004, 10:00 (EDT)

PLACE: Room 409, R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review historical marker applications.

A copy of the agenda may be obtained by writing: Florida State Historical Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough St., Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

---

#### DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

---

The Annual Report Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, June 9, 2004, 10:00 a.m.

PLACE: Call (850)414-3300 for information on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850) 414-3300.

---

The Women's Hall of Fame Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, June 9, 2004, 3:00 p.m.

PLACE: Call (850)414-3300 for information on participation  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

---

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off-Highway Vehicle Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Tuesday, June 22, 2004, 10:00 a.m. – 3:00 p.m. (EST)

PLACE: Resource Management Building, Rooms 136A & B, St. John's River Water Management District, Palatka Headquarters, 4049 Reid Street (Hwy 100), Palatka, FL 32178-1429, 1(800)451-7106

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Boulevard/C25, Tallahassee, FL 32399-1650, (850)414-9852.

---

The **Private Investigation, Recovery and Security Advisory Council** announce a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 16, 2004, 9:00 a.m.

PLACE: Diamond Head Beach Resort, 2000 Estero Blvd., Ft. Myers Beach, Florida, (239)765-7654

DATE AND TIME: Thursday, December 9, 2004, 9:00 a.m.

PLACE: Ramada Inn, 2900 North Monroe Street, Tallahassee, Florida, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by writing: Department of Agriculture and Consumer Services, Division of Licensing, Attention: April Howard, Post Office Box 6687, Tallahassee, Florida 32314-6687.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice. Telephone: (850)488-6982

**DEPARTMENT OF EDUCATION**

The State of Florida, **Department of Education, Education Practices Commission** announces an Administrator Hearing Panel to which all persons are invited.

Administrator Hearing

DATE AND TIME: June 4, 2004, 9:00 a.m.

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Administrator Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based. Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel to which all persons are invited.

Teacher Hearing

DATE AND TIME: June 4, 2004, 9:00 a.m.

PLACE: Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made.

The record will include the testimony and evidence upon which the appeal is to be based. Additional information may be obtained by writing to the Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days

prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Tuesday, June 8, 2004, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Audit and Finance Committee.

A copy of the agenda and call-in phone number may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030

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: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD NO. (561)297-2130.

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: June 10, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, DeSantis Center #102, Boca Raton Campus, Boca Raton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Finalist Presentation meeting to review three chosen Finalists for Florida's Art in State Buildings Program, BR-609/688 College of Business/DeSantis Center

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, AD Bldg., Rm. 392, Boca Raton, Florida 33431, (561)297-1064, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

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 Patty Singer, (561)297-1064, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

The **Foundation for Florida’s Community Colleges Investment Committee** announces two meetings by conference call to which all persons are invited.

DATES AND TIMES: June 1, 2004, 8:30 a.m. – 10:00 a.m.; June 8, 2004, 2:00 p.m. – 4:00 p.m.

PLACE: The dial-in number will be (850)921-5320, Suncom 291-5320

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Foundation for Florida’s Community Colleges Investment Committee Board Members.

NOTE: If you need special services to attend the meeting or need additional information, write: Ms. Sharon Jones at the Division of Community Colleges, 325 West Gaines Street, Suite 1314, Tallahassee, Florida 32399-0400.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

PLACE: The Marriott Bay Point Resort Village, 4200 Marriott Drive, Panama City Beach, Florida 32408, (850)236-6053

DATE AND TIMES: June 13, 2004

1:00 p.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC

3:00 p.m. – Meeting of the Structural Technical Advisory Committee

DATE AND TIME: June 14, 2004, 9:00 a.m.

Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Stock Exchange Restaurant, 125 Basin Street, Daytona Beach; Sutra Lounge, 109 S. W. 2nd Avenue, Fort Lauderdale; Premiere Cinema at Orlando Fashion Square, 3201 East Colonial Drive, Orlando; Regal Cinemas at Gulf Coast Town Center, Ben Hill Griffin Parkway, Ft. Myers; Southland Mall Regal 16 Cinemas, US 1, Caribbean Boulevard, Miami; The Loop, John Young Parkway, Kissimmee; Cobb Lakeside 18, Lakeside Village, Lakeland; Club Deep, 621 Washington Avenue, Miami Beach; City of Lake Mary Fire Department, 911 Wallace Road, Lake Mary; Anna Maria City Hall, 1005 Gulf Drive, Anna Maria; Health and Life Sciences Building, Florida International University, University Park, Miami.

DATE AND TIMES: June 14, 2004

8:00 a.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC

10:00a.m. – Meeting of the Plumbing Technical Advisory Committee.

2:00 p.m. – Meeting of the Fire Technical Advisory Committee.

2:00 p.m. – Meeting of the Accessibility Technical Advisory Committee.

4:00 p.m. – Meeting of the Educational Technical Advisory Committee.

DATE AND TIMES: June 15, 2004

8:30 a.m. – Meeting of the Plenary Session of the Florida Building Commission.

Review and approval of April 20, 2004 Meeting Minutes, review and update Commission Workplan; Chair’s Discussion Issues and Recommendations.

9:00 a.m. – Consideration of requests for waiver from accessibility code requirements: Stock Exchange Restaurant, 125 Basin Street, Daytona Beach; Sutra Lounge, 109 S. W. 2nd Avenue, Fort Lauderdale; Premiere Cinema at Orlando Fashion Square, 3201 East Colonial Drive, Orlando; Regal Cinemas at Gulf Coast Town Center, Ben Hill Griffin Parkway, Ft. Myers; Southland Mall Regal 16 Cinemas, US 1, Caribbean Boulevard, Miami; The Loop, John Young Parkway, Kissimmee; Cobb Lakeside 18, Lakeside Village, Lakeland; Club Deep, 621 Washington Avenue, Miami Beach; City of Lake Mary Fire Department, 911 Wallace Road, Lake Mary; Anna Maria City Hall, 1005 Gulf Drive, Anna Maria; Health and Life Sciences Building, Florida International University, University Park, Miami.

9:30 a.m. – Rule Development Workshop on Chapter 9B-1, F.A.C., Manufactured Buildings

9:35 a.m. – Review Building Code Legislation

9:50 a.m. – Legal Reports and consideration of Petitions for Declaratory Statement:

Second Hearing:

DCA03-DEC-325 by Art Kamm, PE, KAMM Consulting Inc.

DCA04-DEC-040 by Ralph Ward, Sarasota County

DCA04-DEC-051 by Al Roettger, Broward Hurricane Wrol-UP

DCA04-DEC-066 by Lisa Blackstone of Close It!

DCA04-DEC-067 by John K. McCall, PhD, PE

DCA04-DEC-069 by Robert H. Boyer, Palm Beach County

DCA04-DEC-070 by Jimmy Worley, Ruffin Building Systems

First Hearing:

DCA04-DEC-072 by James M. Fowler, National Engineering Corp.

DCA04-DEC-074 by Gil Hyatt, Gil Hyatt Construction

DCA04-DEC-077 by Charles W. Edwards, Building Code Solutions

DCA04-DEC-090 by Jack E. Mitchell, Mitchell & Associates

DCA04-DEC-099 by Jack E. Mitchell, Mitchell & Associates

DCA04-DEC-108 by James G. Dular, Tamtech Services Inc.

DCA04-DEC-109 by George A. Hegedus, P.E., Structural Systems, Inc.

DCA04-DEC-110 by C. W. Macomber, Palm Beach County

DCA04-DEC-116 by C. W. Macomber, Palm Beach County

DCA04-DEC-117 by Dennis Braddy, Fenestration Manufacturers Association

10:30 a.m. – Consideration of Applications for Product and Entity Approval

11:10 a.m. – Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Education TAC Report; Fire TAC Report; Plumbing TAC Report; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

11:20 p.m. – Receive public comment.

11:30 a.m. – Commission Member Comments and Issues.

DATE AND TIME: June 15, 2004

1:30 p.m. – State Product Approval Application Validation Training Workshop.

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, website: [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, 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).

---

The **Florida Building Commission** announces a meeting and workshop of Alternative Plans Review and Inspections Workgroup to which all persons are invited.

DATE AND TIME: June 17, 2004

9:30 a.m. – Workshop on Alternative Plans Review and Inspections by Private Providers

PLACE: Hilton Ocala, 3600 S. W. 36th Avenue, Ocala, Florida 34474, (352)854-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to continue work on issues with the system of private inspections that need to be clarified or modified.

A copy of the workshop agenda may be obtained from: Florida Building Commission website: [www.floridabuilding.org](http://www.floridabuilding.org).

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Ms. Barbara Bryant, Department of Community Affairs, (850)487-1824, at least ten days before the workshop.

If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

---

The **Department of Community Affairs** announces the final meeting of the Affordable Housing Study Commission for its 2003-2004 study year, to which all interested persons are invited.

DATES AND TIME: June 16, 2004, 1:00 p.m. – 5:00 p.m.; June 17, 2004, 8:00 a.m. – 1:00 p.m. or until all business is concluded, whichever is earlier (A Public Comment period will take place Thursday, June 17, 2004, 8:00 a.m. – 8:30 a.m.)

PLACE: Sheraton Suites-Orlando Airport, 7550 Augusta National Drive, Orlando, Florida, (407)240-5555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting will be for the Commission to consider its final recommendations for the 2003-2004 study year and the topic: Housing the extremely low-income (>30% AMI) with a special emphasis on farmworker housing.

Please contact Brenda Smith if you would like to make a presentation to the Commission. Due to time constraints, presentations before the Commission should be limited to no more than six minutes; however, printed support materials are welcome and can be distributed at the meeting.

Any person requiring special accommodations due to disability or physical impairment should contact Brenda Smith, (850)922-1832, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained from: Brenda Smith, Affordable Housing Study Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1832.

---

#### DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend:

DATE AND TIME: June 15, 2004, 1:00 p.m. – Open

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case agenda can be obtained by calling Brenda Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, Post Office Box 1489, Tallahassee, Florida 32302.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

---

**DEPARTMENT OF TRANSPORTATION**

The **Florida Wildflower Advisory Council** and the Florida Wildflower Foundation announce a meeting to which all persons are invited.

DATE AND TIME: Wednesday June 23, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Marion County Extension Office, 2232 N. E. Jacksonville Road, Ocala, Florida 34470

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Council meeting to develop operating procedures between the Council and Foundation. Establish memberships and review contracted research.

For information please contact: Mr. Jeff Caster, State Transportation Landscape Architect, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)410-5892, jeff.caster@dot.state.fl.us.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jeff Caster, (850)410-5892, prior to the meeting.

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 29, 2004, 1:30 p.m. – 3:30 p.m.

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide a recommendation regarding the Green Mountain Scenic Highway Designation Application.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven days prior to the meeting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)410-5894, e-mail: mariano.berrios@dot.state.fl.us, Fax (850)410-5808.

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

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

**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the Florida Hurricane Catastrophe Fund, which is administered by the **State Board of Administration**, of a meeting of the State Board of Administration to which all persons are invited.

DATE AND TIME: June 8, 2004, 9:00 a.m. (EDT) – conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide permission for the Florida Hurricane Catastrophe Fund (“Fund”) to file Rule 19-8.028, F.A.C., Reimbursement Premium Formula, for adoption. In addition, other general business of the Fund may be addressed.

Anyone wishing a copy of any of the Rule or incorporated forms should contact: Patti Elsbernd, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1346.

**DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review progress of research in relation to the Harvesting Program and to finalize budget for FY 2004-05.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone at (863)499-2510.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 16, 2004, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Building C, Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).



A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida, 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

The **Florida Parole Commission** and the Florida Parole Commission Qualifications Committee announce that a public meeting will be held by telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 9:00 a.m.

PLACE: Via Telephone Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and approve the advertisement for the Parole Commissioner vacancy, and to schedule and approve future meetings to discuss and conduct required selection activities.

Any person who decides to appeal a decision of the Florida Parole Commission or the Florida Parole Commission Qualifications Committee with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, Attention: Mr. David Dawkins, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450, (850)488-3417, Suncom 278-3417. To hear the telephone conference you may call (850) 410-0964, Suncom 210-0964.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency by sending the notice not later than five working days prior to the proceeding to the address given on the notice.

#### **EXECUTIVE OFFICE OF THE GOVERNOR**

The **Florida Sports Foundation** announces its quarterly Board of Directors meeting to which all persons are invited.

DATE AND TIME: Friday, June 18, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Sanibel Harbour Resort & Spa, 17260 Harbour Pointe Drive, Fort Myers, Florida 33908

Please make note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

#### **DEPARTMENT OF CORRECTIONS**

The **Florida Corrections Commission** announces the following public meeting to which all interested persons are invited to participate:

DATE AND TIME: Friday, June 4, 2004, 9:00 a.m. – 3:00 p.m.

PLACE: Florida Department of Corrections, 2601 Blair Stone Rd., Classroom B (Second Floor), Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will discuss issues to be included in the 2004 Annual Report.

A copy of the agenda may be obtained by writing: Mr. John Fuller, Executive Director, Florida Corrections Commission, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 or call (850)413-9330.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

#### **WATER MANAGEMENT DISTRICTS**

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: June 8, 2004, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

PURPOSE: Public hearing in accordance with Section 373.59, F.S., concerning the proposed purchase of the Jack Land/Yellow Jacket Addition Tract, 539 acres in Dixie County, Florida.

DATE AND TIME: June 8, 2004, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Suwannee River Water Management District** announces a public workshop for rule development for Chapter 40B-4, Florida Administrative Code (F.A.C.), Environmental Resource and Works of the District Permits, to which all persons are invited.

DATE AND TIME: June 11, 2004, 9:00 a.m.

PLACE: Suwannee River Water Management District, Suwannee Room, 9225 County Road 49, Live Oak, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshop is to take public comment on proposed amendments to Chapter 40B-4, F.A.C. The proposed rule will substantively amend many sections of Chapter 40B-4, F.A.C. Topics include changes to Works of the District permitting rules, permit durations, conditions for issuance and requirements for permit exemptions.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE WORKSHOP AGENDA IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, C.R. 49, Live Oak, Florida 32060, (386)362-1001, 1(800)226-1066 (FL only), e-mail: [welch\\_l@srwmd.state.fl.us](mailto:welch_l@srwmd.state.fl.us), facsimile (386)362-1056.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT DISTRICT HEADQUARTERS UPON REQUEST.

The **St. Johns River Water Management District** announces the following Projects and Land Committee Meetings and Tour which may be conducted by means of or in conjunction with communications technology. All persons are invited.

DATES AND TIMES: Thursday, June 3, 2004, 6:00 p.m. – Projects and Land Committee public meeting; Friday, June 4, 2004, 8:00 a.m. – Projects and Land Committee business meeting followed by a tour of pertinent projects and/or properties

PLACE: June 3, 2004 – Alachua County Administration Building, 12 S. E. First Street, 2nd Floor, Room 209, Gainesville, FL; June 4, 2004 – Sweetwater Inn, 625 East University Avenue, Gainesville, FL 32601

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting regarding District Programs and Projects.

Business meeting to consider Governing Board Project and Lands Committee agenda items. Tour to visit relevant projects and properties. An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Sonia Blake, Water Resources Department, (386)312-2330.

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, June 8, 2004, 8:45 a.m. at the St. Johns River Water Management District office located on Highway 100 West, Palatka, Florida. In the event of a declared emergency or

emergency conditions, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

The **St. Johns River Water Management District** announces the following public meetings and hearings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

MEETING OF GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, June 8, 2004, 8:15 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, June 8, 2004, 8:45 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance & Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, June 8, 2004, 1:00 p.m.\*

\*This meeting may continue at 8:00 a.m. on the next consecutive day if not completed June 8, 2004.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at the St. Johns River Water Management District website: [www.sjrwmd.com](http://www.sjrwmd.com) or by calling (386)329-4500.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing by contacting: Ann Freeman, (386)329-4101.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited:

GOVERNING/BASIN BOARD MEMBERS SITE VISITS

DATE AND TIMES: Friday, June 4, 2004, 9:00 a.m. and 1:00 p.m.

PLACE: Board members will meet at SWFWMD, Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL (at 9:00 a.m.) and be transported to the site locations

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of the Edward Medard Park structure and reservoir, Turkey Creek Road, Tampa, followed by a tour of the Tampa Bay Regional Reservoir Construction Site, 12707 S. County Road 39, Lithia, at 1:00 p.m.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact: 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

ENVIRONMENTAL ADVISORY COMMITTEE

DATE AND TIME: Wednesday, June 9, 2004, 4:00 p.m.

PLACE: Sarasota Service Office, 6750 Fruitville Road, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community and Legislative Affairs Department, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, FAX (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: June 3, 2004, 9:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business 2 Business Event Format to spotlight vendors in the construction and construction trades, from the Belle Glade and Northern District Region. Audience members will include District personnel and government employees with upcoming business opportunities.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: 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, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Sandra Hammerstein or Frank Hayden, Procurement Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6612, West Palm Beach, FL 33406, (561)682-2847.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 9, 2004, 2:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to discuss regional issues impacting South Florida including transportation.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306.

The Regional Business Alliance is comprised of business leaders from Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties, including members of the South Florida Regional Planning Council and Tri-County Commuter Rail Authority.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above. If you require special accommodations because

of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATES AND TIMES: Thursday, June 10, 2004, 8:30 a.m. – completed

PLACE: B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001), to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District et al*, United States District Court, Southern District of Florida, Case No. 88-1886-Civ-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, T. Williams; Executive Director H. Dean; District attorneys S. Wood, S. Glazier, D. MacLaughlin, S. Echemendia, M. Dorta, and Kirk Burns.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Paula Moree, Deputy District Clerk, Office of District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115 West Palm Beach, FL 33406, (561)682-6447.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: June 9, 2004 and/or June 10, 2004, 8:50 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

A copy of the agenda may be obtained at the (1) District Website ( <http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ruth Clements, Department Director, Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220 West Palm Beach, FL 33406, (561)682-6271.

Part of the East Coast Buffer Project comprised of two parcels referred to as SFWMD Tract Nos. W9-300-930 and W9-303-960, consisting of approximately 1,288.70 acres and lying in Sections 19 & 30, Township 52 South, Range 39 East within Miami-Dade County, Florida.

Part of the Water Conservation Area project comprised of two parcels referred to as SFWMD Tract Nos. 27-100-050 and 27-100-051 consisting of approximately 240 acres, and lying in Sections 01 and 32, Townships 52 and 53 South, Ranges 35 and 37 East in Miami-Dade County, Florida.

Part of the Avatar Properties Component Area of the Kissimmee River Pool "A" Project Area comprised of nineteen parcels referred to as SFWMD Tract Nos. 19-100-003, 19-100-056, 19-100-074, 19-100-079, 19-100-089, 19-100-092, 19-100-093, 19-100-099, 19-100-109, 19-100-110, 19-100-111, 19-100-112, 19-100-114, 19-100-115, 19-100-116, 19-100-117, 19-100-118, 19-100-119 and 19-100-122 consisting of approximately 41 acres, and lying in Sections 07 and 12, Township 32 South, Ranges 31 and 32 East in Polk County, Florida.

Part of the Kissimmee River project comprised of sixteen parcels referred to as SFWMD Tract Nos. 19-103-559, 19-103-560, 19-103-561, 19-103-562, 19-103-563, 19-103-565, 19-103-566, 19-103-567, 19-103-665, 19-103-666, 19-103-667, 19-103-668, 19-103-669, 19-103-670, 19-103-671 and 19-103-672 consisting of approximately 15 acres and lying in Sections 21, 22 and 27, Township 36 South, Range 33 East; five parcels referred to as SFWMD Tract Nos. 19-103-248, 19-103-249, 19-103-432, 19-103-267 and 19-103-433, consisting of approximately 816 acres and lying in Sections 33, 34 and 35, Township 35 South, Range 33 East, within Okeechobee County, Florida.

Part of the Kissimmee River project comprised of one parcel referred to as SFWMD Tract No. 19-102-140 consisting of approximately 300 acres, lying in Sections 9 and 10, Township 35 South, Range 32 East in Highlands County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract Nos. 18-200-005 and 18-200-007, consisting of a total of approximately 700 acres, all in Sections 28 through 32, Township 27 South, Range 30 East and in Osceola County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of one parcel referred to as SFWMD Tract No. 18-201-004, consisting of a total of approximately 18 acres, all in Section 1, Township 28 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of five parcels referred to as SFWMD Tract Nos. 18-011-002 through 18-011-006, consisting of a total of approximately 5 acres, all in Sections 24 and 25, Township 30 South, Range 30 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of ten parcels referred to as SFWMD Tract Nos. 18-001-052 through 18-001-060, 18-001-139 and 18-001-140 consisting of a total of approximately 50 acres, all in Section 3, Township 31 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-004-088, 18-004-089, 18-004-090 and 18-004-091, consisting of a total of approximately 905 acres, all in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two hundred and twenty-four parcels referred to as SFWMD Tract Nos. 18-500-001 through 18-500-566 and one hundred twelve parcels referred to as SFWMD Tract Nos. 18-600-001 through 18-600-178, all in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of two parcels referred to as SFWMD Tract No. 18-021-002 and 18-021-007, consisting of a total of approximately 17 acres, in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-029-001, 18-030-001, 18-116-002 and 18-116-004, consisting of a total of approximately 200 acres, all in Sections 1 and 12, Township 29 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee Chain of Lakes project comprised of four parcels referred to as SFWMD Tract Nos. 18-029-003, 18-030-003, 18-116-005 and 18-031-002, consisting of a total of approximately 360 acres, all in Sections 1 and 12, Township 29 South, Range 29 East and in Polk County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-101-065 and 19-101-066, consisting of a total of approximately 45 acres, all in Sections 12 and 13, Township 34 South, Range 31 East in Okeechobee County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-101-055 and 19-101-056, consisting of a total of approximately 220 acres, in Sections 12 and 13, Township 34 South, Range 31 East in Okeechobee County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-102-157 and 19-102-158, consisting of a total of approximately 600 acres, in Sections 25 and 36, Township 35 South, Range 31 East, and in Sections 30 and 31, Township 35 South, Range 32 East, all in Highlands County, Florida.

Part of the Kissimmee River project comprised of two parcels referred to as SFWMD Tract Nos. 19-103-271 and 19-103-434, consisting of a total of approximately 1,900 acres, in Sections 01, 02, 03, 04 and 05, Township 36 South, Range 33 East, all in Okeechobee County, Florida.

---

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: June 6, 2004, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting – Regular Monthly Meeting.

PLACE: SFWMD Headquarters, 3301 Gun Club Road, B1 Auditorium, West Palm Beach, FL 33406

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6115 West Palm Beach, FL 33406, (561)682-6447.

---

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIMES: Wednesday, June 9, 2004, 9:00 a.m.; Thursday, June 10, 2004 – completed

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit Committee/Human Resources Committee to discuss and consider District business including regulatory and non-regulatory matters.

PLACE: Wednesday – Okeechobee County School Board, Freshman Campus Auditorium, 610 S. W. 2nd Avenue, Okeechobee, FL 34974; Thursday – SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 6115, 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 Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130 West Palm Beach, FL 33406, (561)686-6371.

#### DEPARTMENT OF ELDER AFFAIRS

The State of Florida, **Long Term Care Ombudsman Council** announces the dates, times and locations of the monthly meetings for each of the 17 local Long Term Care Ombudsman Councils that are going to be held for the remainder of the year 2004; and to which all interested persons are invited.

The Northwest Florida LTCOC: Dannie Boyd, Coordinator, (850)595-8013, Fax (850)595-8016

DATES AND TIME: May 27, 2004; June 24, 2004; July 29, 2004; August 26, 2004; September 30, 2004; October 28, 2004; November 18, 2004; December 16, 2004, 8:30 a.m. (The Open Session of each meeting will be held prior to the Closed Session; for the general public to have a set time to attend.)

PLACE: 3300 N. Pace Blvd., 1st Floor Conference Room, Pensacola, FL 32505

The Florida Panhandle LTCOC: Janice Harvey, Coordinator, (850)921-4703, Fax (850)921-4804

DATES AND TIME: May 19, 2004; June 16, 2004; July 21, 2004; August 18, 2004; September 15, 2004; October 20, 2004; November 17, 2004; December 15, 2004, 10:30 a.m. (Eastern Time)/ 9:30 a.m. (Central Time)

PLACE: Department of Environmental Protection (DEP), Room #153/154, 3700 Commonwealth Blvd., Carr Bldg., Tallahassee, FL

The North Central Florida LTCOC: Jody Dolsberry, Coordinator, (352)995-5015, Fax (352)334-1695

DATE AND TIME: May 18, 2004, 12:30 a.m.

PLACE: District Administration Conference Room, Tacachale, 1621 N. E. Waldo Road, Bldg. 3, Gainesville, FL

DATES AND TIME: Third Thursday of every month: JUNE 17, 2004; JULY 15, 2004; AUGUST 19, 2004; SEPTEMBER 16, 2004; OCTOBER 21, 2004; NOVEMBER 18, 2004; DECEMBER 16, 2004, 12:30 pm (unless otherwise notified)

PLACE: Hospice of North Central Florida, 4200 N. W. 97th Blvd., Gainesville, FL 32606

Withlacoochee Area LTCOC: Maureen Anderson, Coordinator, (352)620-3088, Fax (352)732-1797

DATES AND TIME: May 18, 2004; June 10, 2004; July 8, 2004; August 12, 2004; September 9, 2004; October 14, 2004; November 4, 2004; December 9, 2004, Please call the Coordinator for the times of each listed meeting (These dates are subject to change, so please contact the Coordinator prior to meeting)

PLACE: Lake Sumter Community College, 1405 County Rd. #526A, Sumterville, FL 33585

The First Coast LTCOC: Gloria Nebrich, Coordinator, (904)723-2058, Fax (904)727-3651

DATES AND TIME: May 18, 2004; June 22, 2004; July 27, 2004; August 24, 2004; September 28, 2004; October 26, 2004; November 23, 2004; December – TBA, 10:00 a.m. – 3:00 p.m.

PLACE: Roberts Bldg Auditorium, 5920 Arlington Expressway, Jacksonville, FL 32211

First Coast South LTCOC: Linda Cattanaach, Coordinator, (386)226-7846, Fax (386)226-7849

DATES AND TIME: Second Tuesday of every month: May 18, 2004; June 8, 2004; July 14, 2004; August 10, 2004; September 14, 2004; October 12, 2004, 12:00 Noon (The Open Meeting will start at Noon and the Closed meeting follows)

On these dates the meetings will be held in the Conference Room at the Council on Aging, 160 N. Beach Street, Daytona Beach, FL 32114. (unless otherwise indicated) The location for the meetings scheduled for NOVEMBER 9, 2004 & DECEMBER 14, 2004 is To Be Announced.

The Mid and South Pinellas LTCOC: Betty Cambor, Coordinator, (727)588-6912, Fax (727)588-3648

DATES AND TIME: May 20, 2004; June 17, 2004; July 15, 2004; August 19, 2004; September 16, 2004; October 21, 2004; November 18, 2004; December 16, 2004, All public sessions will start at 1:00 p.m.

Mary Grizzle building, 113-51 Ulmerton Rd., Conference Room 309A, Largo, FL 33778.

The Pasco and North Pinellas LTCOC: Diane Carpenter, Coordinator, (727)834-3127, Fax (727)816-1385

DATES AND TIME: June 10, 2004; July 8, 2004; August 12, 2004; September 9, 2004; October 14, 2004; November 4, 2004; December 9, 2004, 9:00 a.m. – 3:00 pm.

PLACE: 7601 Little Road, Suite 150A, Council Square, New Port Richey, FL 34654

The West Central Florida LTCOC: Natalie Clanzly, Coordinator, (813)558-5592, Fax (813)558-5598

DATES AND TIME: May 18, 2004; June 15, 2004 July 20, 2004; August 17, 2004; September 21, 2004; October 19, 2004; November 16, 2004; December 7, 2004 (Please be sure to call the office and get the correct scheduled time of each meeting and room number)

PLACE: Florida Department of Children and Family Services, 9393 North Florida Ave., Tampa, FL 33612

South Central Florida LTCOC: William Teague, Coordinator, (863)413-2764, Fax (863)413-2766

DATES AND TIME: May 17, 2004; June 21, 2004; July 19, 2004; August 16, 2004; September 20, 2004; October 18, 2004; November 15, 2004; December 20, 2004; 9:30 a.m. – 12:00 Noon

PLACE: Rath Senior Conexions and Education Center, 1350 East Main Street, Suite 200, Bartow, FL 33830

East Central Florida LTCOC: Kim Shaw, Coordinator, (407)228-7752, Fax (407)228-7754

DATES AND TIME: June 3, 2004; July 1, 2004; August 5, 2004; September 2, 2004; October 7, 2004; November 4, 2004; December 2, 2004; 12:00 Noon – 1:30 p.m.

PLACE: 988 Woodcock Road, (in the downstairs boardroom), Orlando, FL 32803

The Southwest Florida LTCOC: Clare Caldwell-Horton, Coordinator, (239)338-1493, Fax (239)338-1671

DATES AND TIME: First Tuesday of each month: June 1, 2004; July 6, 2004; August 3, 2004; September 7, 2004; October 5, 2004; November 2, 2004; December 7, 2004; 9:30 a.m. (Closed Sessions – 9:30 a.m.; Open Session – 11:00 a.m.)

PLACE: Charlotte City Development Authority, Conference Room, Charlotte City Airport (Please call the office for any directions you may need)

The Palm Beach County LTCOC: Briana Hagquist, Coordinator, (561)837-5038, Fax (561)650-6885

DATES AND TIME: June 21, 2004; July 19, 2004; August 16, 2004; September 20, 2004; October 18, 2004; November 15, 2004; December 13, 2004; 11:30 a.m. – Open Session; Closed Session will follow after a short break

PLACE: 111 S. Sapodilla Ave., Conference Room #1, West Palm Beach, FL 33401

The Treasure Coast LTCOC: Linda Slattery, Coordinator, (772)595-1385, Fax (772)467-3051

DATES AND TIME: June 14, 2004; July 12, 2004; August 9, 2004; September 13, 2004; October 11, 2004; November 8, 2004; December 13, 2004; 10:00 a.m. – Open Session

PLACE: 2415 S. 29th Street, Fort Pierce, FL 34981

The Broward County LTCOC: Toni Ricke, Coordinator, (954)747-7919, Fax (954)747-7920

DATES AND TIME: June 8, 2004; July 13, 2004; August 10, 2004; September 14, 2004; October 12, 2004; November 9, 2004; December 13, 2004; 1:30 p.m. – Open Session and the Closed Session will follow

PLACE: 7771 West Oakland Park Blvd, Suite 123, Sunrise, FL 33351

South Dade and the Florida Keys LTCOC: Debbi Sokolow, Coordinator, (305)671-7245, Fax (305)671-7247

DATES AND TIME: June 15, 2004; July 20, 2004; August 17, 2004; September 21, 2004; October 19, 2004; November 16, 2004; December 21, 2004; 1:15 p.m. – Open Session

PLACE: 7300 N. Kendall Drive, Suite 780, Miami, FL 33156

The North Dade LTCOC: Ramon Keppis, Coordinator, (305)626-6102, Fax (305)626-6103

DATES AND TIME: June 10, 2004; July 8, 2004; August 12, 2004; September 9, 2004, 10:00 a.m. – 1:00 p.m. (Please call and check with this office for additional dates and times regarding further and/or all meetings, as this information is subject to change)

PLACE: Miami Beach Chamber of Commerce, 1920 Meridian Avenue, 3rd Floor, Miami, FL 33193

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues related to the Long Term Care Ombudsman Program.

If any should require additional information regarding these meetings, please call the numbers listed in each of these paragraphs or fax your inquiry using the fax numbers that are also listed.

---

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Funeral Directors and Embalmers** announces the following meeting, to be held by telephone conference, to which all persons are invited to attend.

DATE AND TIME: June 4, 2004, 10:05 a.m. (EST)

PLACE: Via telephone conference, 1(800)416-4132 toll free (outside of Tallahassee), (850)922-7892 (Direct), Suncom 292-7892

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, agenda available upon request.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St. Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)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 Professional Engineers** and Florida Engineers Management Corporation announces a conference call to which all persons are invited:

MEETING: To conduct the business of the FEMC Board and the FBPE Unlicensed Activity Program Committee

DATE AND TIME: Friday, June 4, 2004, 10:00 a.m. – conclusion of meeting

PLACE: Conference Call Number 1(800)659-8294

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update to the Florida Engineers Corporation on the progress of the selection of FEMC/President which also serves as FBPE/Executive Director and general business of the Unlicensed Activity Program Committee.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Carrie Flynn, (850)521-0500.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The **Department of Health** announces a meeting of the Technical Review and Advisory Panel to which all persons are invited.

DATE AND TIME: June 8, 2004, 11:00 a.m. – 1:55 p.m.

PLACE: Conference Call meeting number is (850)922-2903 or Suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Water and Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed telephone conference call meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, June 10, 2004, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, FL, Meet Me Number (850)921-6433.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Orthotists and Prosthetists** will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Tuesday, June 8, 2004, 8:30 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee, FL, Meet Me Number (850)488-0979

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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



A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/Orth&Pros/por\\_home.html](http://www.doh.state.fl.us/mqa/Orth&Pros/por_home.html).

Pursuant to Section 381.90, F.S., the Florida **Health Information Systems Council** will hold a joint telephone conference call and meeting.

DATE AND TIME: June 7, 2004, 2:00 p.m. – 4:00 p.m.

PLACE: Telephone No. (850)487-8587 or Sunocm 277-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To facilitate the identification, collection, standardization, sharing and coordination of health-related data among federal, state, local, and private entities.

Note: The following location has been reserved to provide the option to participants to assemble at a common site for the meeting/conference call: Department of Health, 4052 Bald Cypress Way, Room 225Q, Tallahassee, FL 32399

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The members of the **Child Welfare Education Committee** announces a public meeting to which all interested persons are invited:

DATE AND TIME: June 3, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: The Tampa Airport Marriott, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Child Welfare Education and Training

For additional information please contact: Charlotte Hicks or Jill Soderberg, Office of Education and Training, (850)414-6865 or Suncom 994-6865.

The Florida **Department of Children and Family Services**, District 13, announces a meeting for public hearing regarding the application for redesignation as a Baker Act Receiving Facility and Crisis Stabilization Unit for adults at The Centers, formerly known as Marion-Citrus Mental Health Center, to which all persons are invited.

DATE AND TIME: June 4, 2004, 8:30 a.m. – 10:30 a.m.

PLACE: Department of Children and Family Services, 1601 West Gulf Atlantic Highway, Conference Room 2003, Wildwood, FL 34785

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation, complaints, and comments regarding the application for redesignation by The Centers.

Written comments may be sent in advance to: Ronald Graham 1601 West Gulf Atlantic Highway Wildwood, FL 34785.

Person needing special accommodations to participate in this proceeding should contact the department no later than March 5, 2004 by calling (352)330-2177, Ext. 6273.

The Northwest Florida Community Based Care Alliance and the **Department of Children and Family Services**, Subdistrict 2A, announce a meeting to which all persons are invited. The Alliance encompasses: Bay, Gulf, Washington, Holmes, Calhoun and Jackson counties.

DATE AND TIME: Thursday, June 17, 2004, 2:00 p.m. (CST)

PLACE: W.T. Neal Civic Center, 17773 North Pear Street, Blountstown, FL 32424, (850)674-4500

GENERAL SUBJECT MATTER TO BE CONSIDERED: General quarterly meeting to discuss child welfare for Subdistrict 2A.

A copy of the agenda can be obtained by calling: Anissa Pitti, Department of Children and Family Services, (850)922-0408 or Suncom 292-0408.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Anissa Pitti) at least 2 working days prior to the meeting at (850)922-0408 or 1(800)226-6223 (TDD).

#### FLORIDA HOUSING FINANCE CORPORATION

Notice is hereby given that the **Florida Housing Finance Corporation** (“Florida Housing”) will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”) to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Wickham Park Apartments, a 216-unit multifamily residential rental development to be located on the southeast corner of Wickham Road and Parkway Drive, Melbourne, Brevard County, Florida 32935. The prospective owner of the proposed development is Wickham Park LLC, c/o The Richman Group of Florida, 580 Village Boulevard, #120, West Palm Beach, Florida 33409, or such successor in interest in which The Richman Group of Florida, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$12,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Clarcona Groves, a 264-unit multifamily residential rental development to be located at the northwest intersection of Clarcona-Ocoee Road and Pine Hills Road, Orlando, Orange County, Florida 32810. The prospective owner of the proposed development is Mango Grove LLC, c/o The Richman Group of Florida, 580 Village Boulevard, #120, West Palm Beach, Florida 33409, or such successor in interest in which The Richman Group of Florida, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$13,700,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Madison Greene Apartments, a 264-unit multifamily residential rental development to be located at 2411 North Hiawasse Road, Orlando, Orange County, Florida 32818. The prospective owner of the proposed development is MGA Housing LLC, c/o The Richman Group of Florida, 580 Village Boulevard, #120, West Palm Beach, Florida 33409, or such successor in interest in which The Richman Group of Florida, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$13,200,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

---

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Heron Pond Apartments Phase II, a 155-unit multifamily residential rental development to be located on the north side of Village Lakes Boulevard at the intersection of Village Lakes Boulevard and Williams Avenue, Lehigh Acres, Lee County, Florida 33936. The prospective owner of the proposed development is Heron Pond Apartments II Ltd., c/o Carlisle Development Group LLC, 2950 SW 27th Avenue, Suite 200, Miami, Florida 33133, or such successor in interest in which Carlisle Development Group LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$8,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

---

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Alabaster Gardens, a 147-unit multifamily residential rental development to be located at 929 Massachusetts Avenue, Pensacola, Escambia County, Florida 32505. The prospective owner of the proposed development is Alabaster Gardens Ltd., c/o Carlisle Development Group LLC and Circle Inc., 2950 SW 27th Avenue, Suite 200, Miami, Florida 33133, or such successor in interest in which Carlisle Development Group LLC and Circle Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$7,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)  
PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Charlotte Crossing Apartments, a 200-unit multifamily residential rental development to be located on the east and west side of Rio De Janeiro Avenue, about 300 feet north of the intersection of Sandhill Boulevard and Rio De Janeiro Avenue, and on the east and west side of San Cristobal Avenue about 300 feet north of the intersection of San Cristobal Avenue and Sandhill Boulevard as one continuous parcel, Punta Gorda Isles, Charlotte County, Florida 33983. The prospective owner of the proposed development is Charlotte Crossing Ltd., c/o Carlisle Development Group LLC, 2950 SW 27th Avenue, Suite 200, Miami, Florida 33133, or such successor in interest in which Carlisle Development Group LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$9,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)  
PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

DeLand Gardens, a 250-unit multifamily residential rental development to be located at 300 Sunflower Circle, DeLand, Volusia County, Florida 32724. The prospective owner of the proposed development is DeLand Gardens Associates Ltd., LLLP, c/o Carlisle Development Group LLC and DeLand Gardens Development LLC, 2950 SW 27th Avenue, Suite 200, Miami, Florida 33133, or such successor in interest in which Carlisle Development Group LLC and DeLand Gardens Development LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$13,200,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

---

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Hadley Gardens, a 151-unit multifamily residential rental development to be located at 3031 NW 19th Avenue, Miami, Miami-Dade County, Florida 33142. The prospective owner of the proposed development is Hadley Gardens Ltd., c/o Greater Miami Neighborhoods Inc, 300 NW 12th Avenue, Miami, Florida 33128, or such successor in interest in which Greater Miami Neighborhoods Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$7,900,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

---

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Villa Capri Apartments, a 360-unit multifamily residential rental development to be located at 14500 SW 280th Street, Miami, Miami-Dade County, Florida 33032. The prospective owner of the proposed development is Villa Capri Associates Ltd., c/o Cornerstone Group Development LLC and Naranja Princeton CDC, 2121 Ponce de Leon Boulevard, Penthouse, Coral Gables, Florida 33134, or such successor in interest in which Cornerstone Group Development LLC and Naranja Princeton CDC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$20,120,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Vista Trace Apartments, a 216-unit multifamily residential rental development to be located at 28435 South Dixie Highway, Homestead, Miami-Dade County, Florida 33033. The prospective owner of the proposed development is Vista Trace Associates Ltd., c/o Cornerstone Group Development LLC, 2121 Ponce de Leon Boulevard, Penthouse, Coral Gables, Florida 33134, or such successor in interest in which Cornerstone Group Development LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$11,720,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Fisherman's Landing, a 260-unit multifamily residential rental development to be located at 4630 Williams Road, Tampa, Hillsborough County, Florida 33610. The prospective owner of the proposed development is Fisherman's Landing Associates Ltd., c/o Cornerstone Group Development LLC, 2121 Ponce de Leon Boulevard, Penthouse, Coral Gables, Florida 33134, or such successor in interest in which Cornerstone Group Development LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$12,410,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

The Outrigger Apartments, a 184-unit multifamily residential rental development in which the clubhouse for this scattered site development is to be located at 1001 Shoreview Drive, Orlando, Orange County, Florida 32807. The prospective owner of the proposed development is Creative Choice Homes XXXV Ltd., c/o Creative Choice Homes Inc., 4243-D Northlake Boulevard, Palm Beach Gardens, Florida 33410, or such successor in interest in which Creative Choice Homes Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$9,200,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Arrowhead Landing, a 160-unit multifamily residential rental development to be located at 623 East Baldwin Road, Panama City, Bay County, Florida 32405. The prospective owner of the proposed development is ActivAdult Community LLC, c/o Panhandle Senior Housing LLC and Sunningdale Corporation, 565 Metroplace South, #470, Dublin, Ohio 43017, or such successor in interest in which Panhandle Senior Housing LLC and Sunningdale Corporation, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$7,040,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Waterview Pointe, a 230-unit multifamily residential rental development to be located at 5027 South Orange Blossom Trail, Orlando, Orange County, Florida 32839. The prospective owner of the proposed development is Creative Choice Homes XXXVII Ltd., c/o Creative Choice Homes Inc., 4243-D Northlake Boulevard, Palm Beach Gardens, Florida 33410, or such successor in interest in which Creative Choice Homes Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$11,050,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Fox Creek Apartments, a 201-unit multifamily residential rental development to be located on the south side of County Road 220 and the east side of Highway 21 (Blanding Boulevard), approximately 2800 feet southeast of the intersection of County Road 220 and highway 21 (Blanding Boulevard), Middleburg, Clay County, Florida 32067. The prospective owner of the proposed development is Fox Creek LLC, c/o Regency Development Associates Inc., 1103 West Hibiscus Boulevard, Suite 408, Melbourne, Florida 32901, or such successor in interest in which Regency Development Associates Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$10,800,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by



5:00pm (EDT), Monday, June 7, 2004, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

---

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)  
PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Sugarfoot Trails, a 174-unit multifamily residential rental development to be located at the southwest intersection of SW 46th Avenue and SW 69th Terrace, Gainesville, Alachua County, Florida 32608. The prospective owner of the proposed development is Sugarfoot Trails LLC, c/o Regency Development Associates Inc., 1103 West Hibiscus Boulevard, Suite 408, Melbourne, Florida 32901, or such successor in interest in which Regency Development Associates Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$9,600,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

---

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)  
PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Nautilus Cove Apartments Phase II, a 96-unit multifamily residential rental development to be located on the north side of US 98, northeast of the intersection of US 98 and Nautilus Street, Panama City Beach, Bay County, Florida 32407. The prospective owner of the proposed development is Gulf Boulevard Partners II Ltd., c/o Sandspur Housing Partners Ltd., 1551 Sandspur Road, Maitland, Florida 32751, or such successor in interest in which Sandspur Housing Partners Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$5,365,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Enterprise Cove Apartments Phase II, a 104-unit multifamily residential rental development to be located on the east side of Enterprise Road, northeast of the intersection of Diplomat Drive and Enterprise Road, Orange City, Volusia County, Florida 32713. The prospective owner of the proposed development is Enterprise Cove Partners II Ltd., c/o Sandspur Housing Partners Ltd., 1551 Sandspur Road, Maitland, Florida 32751, or such successor in interest in which Sandspur Housing Partners Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$5,990,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

RiverView Club Apartments Phase II, a 96-unit multifamily residential rental development to be located on the east side of North US Highway 1, southeast of the intersection of North US Highway 1 and Naco Road, Ft. Pierce, St. Lucie County, Florida 34946. The prospective owner of the proposed development is RiverView Club Partners II Ltd., c/o Sandspur Housing Partners Ltd., 1551 Sandspur Road, Maitland, Florida 32751, or such successor in interest in which Sandspur Housing Partners Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$5,415,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, June 8, 2004, 10:00 a.m. (EDT)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition of land and new construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Rivercrest Apartments, a 168-unit multifamily residential rental development to be located on the east side of US 301, northeast of the intersection of US 301 and Tucker Jones Road, Riverview, Hillsborough County, Florida 33569. The prospective owner of the proposed development is Rivercrest Partners Ltd., c/o Sandspur Housing Partners Ltd., 1551 Sandspur Road, Maitland, Florida 32751, or such successor in interest in which Sandspur Housing Partners Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The total tax-exempt bond amount is not to exceed \$9,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (EDT), Monday, June 7, 2004, and should be

addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

The **Florida Housing Finance Corporation** announces a meeting of the Board of Directors to which all interested parties are invited:

DATE AND TIME: June 18, 2004, 9:00 a.m. – adjourned

Fiscal Committee

Guarantee Committee

Universal Cycle Committee

Multifamily Revenue Bond Committee

Board Meeting

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board.
2. Consider, review, and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.
3. Consider, review, and take action on matters brought to the Universal Cycle Committee and to consider recommendations made by the Universal Cycle Committee to the Board.
4. Consider, review, and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.

5. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
6. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
7. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
8. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
9. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
10. Consideration of policy issues concerning ongoing and upcoming Single-family Bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
11. Consideration of all necessary actions with regard to the Multifamily Bond Program.
12. Consideration of approval of underwriters for inclusion on approved master list and teams.
13. Consideration of all necessary actions with regard to the HOME Rental Program.
14. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
15. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
16. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
17. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
18. Consideration of all necessary actions with regard to the Home Ownership Programs.
19. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
20. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
21. Consideration of workouts or modifications for existing projects funded by the Corporation.
22. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
23. Consideration of funding additional reserves for the Guarantee Fund.

24. Consideration of audit issues.
25. Evaluation of Professional and Consultant performance.
26. Such other matters as may be included on the Agenda for the June 18, 2004, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

---

**FLORIDA HEALTHY KIDS CORPORATION**

The **Florida Healthy Kids Corporation** announces its Board of Directors Meeting to which all persons are invited to attend.

DATE AND TIME: May 28, 2004, 10:00 a.m.

PLACE: Raymond Sittig Hall, 301 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Please contact Amber Floyd, (850)224-5437, floyda@healthykids.org, to confirm your attendance and for additional meeting information.

---

**COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT**

The **Council for Education Policy, Research and Improvement** announces a public Council meeting.

DATE AND TIME: Tuesday, June 8, 2004, 7:00 p.m. – 9:00 p.m.

PLACE: Wyndham Harbour Island Hotel, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council discussion on current assignments. May continue Council/Committee work on June 9, 2004, 8:00 a.m. – 11:30 a.m. at the same location.

For further information contact: Council office, (850)488-7894.

---

---

---

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: June 9, 2004, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

---

**FLORIDA SELF-INSURERS GUARANTY ASSOCIATION**

The **Florida Self-Insurers Guaranty Association, Inc.** announces a telephone conference meeting of the Finance Committee of its Board of Directors which all interested persons are invited to attend.

DATE AND TIME: Wednesday, June 9, 2004, 9:30 a.m.

PLACE: Florida Hotel and Motel Association Building, 200 W. College Avenue, Suite 115, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Brian Gee, Executive Director, (850)222-1882.

---

The **Florida Self-Insurers Guaranty Association, Inc.** announces a telephone conference meeting of its Board of Directors which all interested persons are invited to attend.

DATE AND TIME: Wednesday, June 9, 2004, 10:00 a.m.

PLACE: Florida Hotel and Motel Association Building, 200 W. College Avenue, Suite 115, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, 200 W. College Avenue, Suite 115, Tallahassee, Florida 32301, (850)222-1882.

---

**JUSTICE ADMINISTRATIVE COMMISSION**

The **Justice Administrative Commission** will hold a teleconference call to which all interested persons are invited.

DATE AND TIME: June 15, 2004, 2:00 p.m.

PLACE: Contact the Justice Administrative Commission, (850)488-2415, to obtain the conference call number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission meeting.

In conjunction with the Americans with Disabilities Act, please call (850)488-2415, if special accommodations are needed. For TDD service, please use the Dual Party Relay System, 1(800)955-8771.

---

**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all interested parties are invited:

Board of Governors' Quarterly Meeting

DATE AND TIME: Wednesday, July 28, 2004, 9:00 a.m.

PLACE: Hyatt Regency Pier Sixty Six, 2301 S. E. 17th Street Causeway, Ft. Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 301.

---

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on May 12, 2004, from Structural Systems, Inc. regarding the appropriate exposure category of a structure under Section 1606.1.8, Florida Building Code, Building Volume (2001 as amended 7/1/03).

It has been assigned the number DCA04-DEC-109.

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.

---

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on May 12, 2004, from Palm Beach County, Building Division regarding Section 706.3, Florida Building Code, Plumbing Volume (2001, as amended 7/1/2003) and the application of offset closet flanges for use in connecting a water closet to a sanitary drainage pipe.

It has been assigned the number DCA04-DEC110.

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.

---

**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that, on May 18, 2004, the Florida Department of Transportation issued a Declaratory Statement regarding the Petition of Agricultural Land Services, Inc., seeking a Declaratory Statement regarding Section 316.302(2)(e), Florida Statutes. The Petition was received by the Department on March 12, 2004. The Department published its notice of receipt of the Petition for Declaratory Statement in the March 26, 2004, edition of the Florida Administrative Weekly. Section 316.302(2)(e), Florida Statutes, exempts motor vehicles from portions of Section 316.302(1), Florida Statutes, if the motor vehicles operate in intrastate commerce while transporting agricultural products, including horticultural or forestry products from farm or harvest place to the first place of processing or storage, or from farm or harvest directly to market. The Department's Declaratory Statement, issued in DOT Case No. 04-040, finds that sod, and the farming thereof, is exempt, as an agricultural product from the application of Section 316.302(2)(e), Florida Statutes.

A copy of the Department's order may be obtained from: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

For additional information, contact: James C. Myers, (850)414-5393.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Charles W. Widerman, Petitioner, Harbour Beach Resort Condominium Association, Inc. Docket Number 2004022485.

The Petitioner request a declaratory statement as to whether association complied with Section 718.1255, Florida Statutes, prior to filing a judicial complaint in which the court rendered a final judgment and awarded attorney's fees against petitioner. A copy of the Petition for Declaratory Statement, Docket Number 2004022485, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 N. Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

## Section XI Notices Regarding Bids, Proposals and Purchasing

### DEPARTMENT OF EDUCATION

Sealed bids, addressed to the Florida Department of Education and marked "Sealed Bid," will be received in the offices of the Commissioner of Education no later than 5:00 p.m. (EDT), June 3, 2004.

Bids shall include proposals for furnishing instructional materials effective April 1, 2005, for a period of six years in the areas of 6-12 Drama, 9-12 Humanities, 6-12 Journalism, 6-12 Speech and Debate, and K-12 Social Studies. A detailed list of the selection criteria may be obtained by accessing the Instructional Materials Office website at <http://www.firn.edu/doe/instrmat/home0015.htm>. The bid shall state the lowest wholesale price at which the materials will be furnished, f.o.b. to the Florida depository of the bidder.

Official minimum standards and specifications for paper, printing, binding, binderboard, and cover fabric have been adopted by the Department of Education and are available for inspection in Room 444 Turlington Building.

Each bidder shall furnish specimen copies of all materials submitted for adoption at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the state instructional materials committee and copies furnished to district superintendents as provided in Section 1006.33, Florida Statutes.

Contracts must be executed and required bonds submitted within 30 calendar days after receipt of the contract.

The Department of Education reserves the right to reject any or all bids.

### REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: 04L-181, W/O #687063, Bryan Hall, Replace/Repair Low Sloped Roofing, estimated budget: \$160,000-\$200,000, to be opened July 6, 2004, at 2:00 p.m. Local Time. Scope of work: The work includes the removal of the entire clay tile roof system on the areas shown on the building. This includes the existing clay tile and membrane felts down to the existing wood deck, removal of flashing, partial replacement and preparation for painting of existing wood soffit, outriggers and trim for painting. Ludowici clay tile are scheduled to be used for the replacement. Specifications and Plans are available in Central Purchasing, Elmore Hall, Radio Road, Gainesville, FL 32611, Telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held June 16, 2004, at 9:30 a.m. in the Physical Plant Division, Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. Roofing Contractor's main office

must be located within two hours drive of Gainesville. All questions should be directed to Sonia Coleman, Purchasing Assistant, UF Purchasing (352)392-1331. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

### NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that Professional Consulting Services in the discipline of campus master planning will be required for the project listed below:

Project Number: 513

Project and Location: 2005 Campus Master Plan Update, University of South Florida, Tampa, Florida.

This project consists of campus master planning services to update the University of South Florida Tampa Campus 10 Year Master Plan. The services will include:

1. Assistance in confirmation of a projected facilities program for future enrollment accommodation. These facilities will include research, academic, student life, support, housing, parking, infrastructure, utilities, athletics, recreation, parking, and others to be determined in terms of capacity, density, cost, visibility, availability of infrastructure, pedestrian and vehicular access, etc.
2. Development of a final comprehensive 2005 Tampa Campus Master Plan Update document which fulfills statutory requirements, including determination of impacts to the LOS of services/roadways, potential public hearings, and assistance to USF in providing information for updating the Development Agreement with the host municipality.

The 10 Year Master Plan will be updated in accordance with Section 1013.30, Florida Statute, and Rule Chapter 6C-21, Florida Administrative Code. The required Elements include Future Land Use, Transportation, Housing, General Infrastructure, Conservation, Recreation and Open Space, Intergovernmental Coordination, and Capital Improvements. Ten optional elements and a long-range plan are also included. The successful consultant must demonstrate experience in campus planning, including resolution of parking and traffic issues, as well as familiarity with statutory and administrative rule requirements. Consultants must demonstrate the ability to assess the impacts of university facilities development on campus and public facilities/services. Major components that may be included in the services consist of stormwater capacity/conveyance/management, chilled water capacity/conveyance, traffic/transportation/parking and campus wayfinding/signage studies. The University is seeking consultants with experience in campus master planning, local government comprehensive planning and concurrency management.

The selected firm shall provide comprehensive consulting services for the referenced project. Any proposed Sub-consultants, as required by the Primary Consultant firm to meet project scope requirements, shall be identified by the generic discipline on the USF PQS form, but shall not be identified specifically by firm name, unless services are provided within the primary consulting firm. Sub-consultant firms shall be recommended after selection, at the time of contract negotiations, for the University's approval.

Selection of finalists for interview will be made on the basis of professional qualifications of the proposed design team members, including experience and ability to meet the project requirements and the goals and objectives of the University's strategic plan, past experience; design ability; volume of work; and distance from project. The distance factor for this project shall provide a maximum of a one point difference in scoring location between in-state and out-of-state applicants. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services.

The selected firm will be required to provide computer-generated drawings according to the standards of the University of South Florida. Blanket professional liability insurance will not be required for this project. Project development, including professional services, is contingent upon availability of funds. Additional Campus Master Plan Update services for the University of South Florida campuses and additional Master Plan related services may be added to the contract scope for this project subject to the availability of funds and need.

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application shall have attached:

1. A completed USF "Professional Qualifications Supplement for Campus Master Planning" dated April, 2004 and any additional information within the proposal limits as described in the PQS General Instructions. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit seven (7) copies of the above requested data, bound in the order listed above. Letter of application shall be addressed to: Barbara Donerly, RA, Division Head of Planning and Programming, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550.

Applications, which do not comply with the above instructions or do not include the requested data, may be disqualified. Application materials will not be returned and become part of the public record.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Kathy Bennett, Program Assistant – Contracts, Facilities Planning and Construction, University of South Florida, FPC 110, 4202 East Fowler Avenue, Tampa, FL 33620-7550, Phone (813)974-3098 (813)974-2625, Fax (813)974-3542.

Submittals must be received in the University of South Florida, Facilities Planning and Construction Office, FPC 110 by 2:00 p.m., Eastern Time, on Friday, June 25, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered. Interested firms are invited to attend a pre-submittal meeting at the University of South Florida, Tampa Campus, to be held at 2:00 p.m., Eastern Time on Tuesday, June 8, 2004 at the Marshall Center Conference Room 296, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal or written communication shall take place between the short listed applicants and other University of South Florida employees or representatives. Any questions or requests for project information after the pre-submittal meeting must be in writing to the above named persons at the address listed. The Selection Committee may reject all proposals and stop the selection process at any time.



## NOTICE TO PROFESSIONAL CONSULTANTS

Florida Atlantic University, on behalf of its Board of Trustees, announces that professional services are required in the following discipline(s):

## ARCHITECTURE.

Project(s): Campus Service for Minor Projects

Project(s) Location: Florida Atlantic University, All campuses.

Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming year. The consultants receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional campus service professionals under contract during the same time period. Three (3) firms will be selected for contract under this discipline for the upcoming fiscal year.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm. Design ability will be considered as a selection category.

Attach to each letter of application:

1. The most recent version of the FAU "Professional Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Facilities Planning Department, Florida Atlantic

University, Attention to Keyla Thamsten, 777 Glades Road, Bldg. CO-69, Room #107, Boca Raton, Florida 33431 (561)297-3039. Professional Qualification Supplement forms are available on the Florida Atlantic University Division of the University Architect web pages at <http://uavp.fau.edu/fp>

Submittals must be received in the Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. T-10, Room #9, Boca Raton, Florida 33431, by 5:00 p.m., local time, on June 29, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered.

## CALL FOR BIDS:

Made by the "University of North Florida Board of Trustees, a public body corporate"

PROJECT NAME, NUMBER AND LOCATION: ITB # 04-29 University Center – Building 43, Second Floor Addition, University of North Florida, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224.

GENERAL SCOPE: Adding a second floor to a portion of Building 43, University of North Florida

QUALIFICATIONS: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: Tuesday, June 29, 2004, 2:00 p.m.

PLACE: University of North Florida, Building Six Conference Room, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224 at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual, which may be obtained or examined at the office of the:

ARCHITECT/ENGINEER: Junck & Walker Architect/Planners, Inc., 8111 Old Kings Road South, Jacksonville, Florida 32217, (904)731-4033.

MINORITY PROGRAM: Bidders are encouraged to utilize Minority Business Enterprises certified by the Commission on Minority Economic and Business Development (formerly certification done by Department of Management Services.)

PRE-SOLICITATION/PRE-BID MEETING: The Bidder is required to attend the pre-solicitation/pre-bid meeting. Minority Business Enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: Thursday, June 17, 2004 at 2:00 p.m.

PLACE: University of North Florida, Building 6, Conference Room, 4567 St. Johns Bluff Road, Jacksonville, Florida 32224

DEPOSIT: A deposit of \$75.00 per Project Manual and drawings is required with a limit of three (3) sets per General Contractor or Prime Bidder.

REFUND: The deposit shall only be refunded to those General Contractors, Prime Bidders, who after having examined the drawings and specifications:

- a. submit a bona fide bid, or
- b. provide written evidence that they have submitted bids as subcontractors for plumbing, heating/ventilating/air conditioning or electrical work.

And who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of Bidding Documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$75.00 per set for the printing and handling cost.

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor 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.

NOTICE TO CONSTRUCTION MANAGERS  
READVERTISEMENT

New College of Florida announces that continuing construction management services are required for the following discipline: Construction Manager. Projects included in the scope of this agreement will be specific projects for new construction, renovations, alterations, and/or additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for services is \$100,000 or less. Individual projects that exceed \$100,000 will require performance and payment bonds. Continuing Service contracts for these projects provide that the construction manager will be available on an as-needed basis for the duration of the contract. Award of contract is for an initial period of one (1) year with an Owner's option to renew for up to two (2) additional years. The construction managers receiving the award will not have an exclusive contract to perform services for these projects. New College of Florida may have additional continuing service construction managers under contract during the same time period. Continuing Service projects shall include projects that are negotiated individually with a specific construction manager and may include projects that are awarded based upon competitive proposals from the Continuing Service construction managers under contract. Firms desiring to provide construction management services shall submit a letter of application and a completed "New College of Florida Construction Manager Qualifications Supplement". Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages

must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. Attach to each letter of application:

- 1. The "New College of Florida Construction Manager Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
- 2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board.

An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application.

Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The New College of Florida Construction Manager Qualifications Supplement may be obtained by contacting: Ken Perlowski, Director, Facilities Planning and Construction, New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243-2197, Phone (941)359-4690, or Fax (941)359-4239.

Four (4) bound copies of the above required proposal data shall be submitted to: Ken Perlowski, Director, Facilities Planning and Construction, New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243-2197. Submittals must be received at the above campus address (PHS104) by 4:00 p.m., local time, on Friday, June 18, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

The selected firm or firms will be required to be registered with MyFloridaMarketPlace before a contract can be executed. However, they will be exempt from the one percent fee.

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 3:00 p.m., local time, on June 23, 2004 for the purpose of selecting a supplier to provide Armored Car Service per the bid specifications for:

Armored Car Service  
Bid #04-946-681

The purpose and intent of this invitation to bid is to select a contractor to provide armored car service for administrative and school cafeterias, county wide, and to secure firm, net pricing for the contract period as specified herein.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department  
Walter Pownall Service Center  
11111 So. Belcher Road  
Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

J. HOWARD HINESLEY SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	JANE GALLUCCI CHAIRMAN
	MARK C. LINDEMANN DIRECTOR, PURCHASING

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 3:00 p.m., local time, on June 24, 2004 for the purpose of selecting a supplier to provide Convection Steam Boilers: Clean & Service per the bid specifications for:

Convection Steam Boilers: Clean & Service  
Bid #04-931-680

The purpose and intent of this invitation to bid, is to establish a contract with an experienced, qualified and factory authorized contractor to provide all labor, personnel, equipment, materials, and parts to clean and service kitchen convection steamers with gas or electric boiler shells, on an as needed basis, in accordance with each Manufacturer's cleaning specifications, and to secure firm, net pricing, materials discount(s) and labor rates for the contract period as specified herein. At a minimum, cleaning and service shall be conducted at least once per year at all locations. Some locations may require additional service and will be charged at established bid pricing. See Attachment "A", pages 18-22 for a list of locations requiring service.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department  
Walter Pownall Service Center  
11111 So. Belcher Road  
Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

J. HOWARD HINESLEY SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	JANE GALLUCCI CHAIRMAN
	MARK C. LINDEMANN DIRECTOR, PURCHASING

TAMPA BAY REVIEW FOR PUBLICATION: June 4, 2004 and June 11, 2004

LEGAL NOTICE

Pursuant to the (Florida) State Requirements for Educational Facilities (SREF), Heery International, Inc., as Total Program Manager (TPM) for the School Board of Monroe County, Florida, is requesting qualifications proposals from Design Firms who are interested in providing professional Architect-Engineer services to Heery for Remodeling, Renovations, Additions and New Construction to the following Monroe County District Schools:

- Key Largo School (PK-8)
- Plantation Key School (PK-8)
- Marathon High School (7-12)
- Stanley Switlik Elementary School
- Sugarloaf School (PK-8)
- Gerald Adams Elementary School
- Poinciana Elementary School
- Sigsbee Elementary School
- Glynn Archer Elementary School/Reynolds Annex
- Horace O'Bryant Middle School

Submittal Requirements –

Applicant must be a licensed Architect in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application. Firms with whom Architect may sub-consult Engineering services must be appropriately licensed in the area of engineering contracted, in the State of Florida.

Interested firms are requested to submit an application with the following information:

1. A letter of interest detailing the Firm's Qualifications, including an indication of which types of project, remodeling/renovation or new construction, the firm is requesting consideration for, and, if the firm is interested in working on multiple projects.

- 2. Information outlined in the Submittal Package
  - Resumes of key individuals
  - Firm’s and individuals’ project experience on the project types selected
  - References
  - State of Florida corporate and professional registration certificates
  - Proof of general and professional liability insurance
- 3. Affidavits
  - Public Entity Crimes Statement
  - Statement confirming receipt of Heery International’s Design Services Agreement, and acceptance of form and language of such Agreement

Mail or Deliver Submission as follows:

Submit one (1) original and six (6) copies containing all of the requested information by 4:00 p.m., local time, Monday, June 14, 2004 to Heery International, Inc., 4300 W. Cypress Street, Suite 820, Tampa, Florida 33607.

Mark Outside of Envelope:

PROFESSIONAL SERVICES FOR DESIGN OF REMODELING, RENOVATIONS, ADDITIONS, NEW CONSTRUCTION – MONROE COUNTY SCHOOLS / TPM PROGRAM.

Heery International will evaluate the RFQ’s in the manner as described in the RFQ Information Packet.

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 nor 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 or real property to a 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, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list. Heery International, Inc., reserves the right to accept or reject any/or all proposals, to award one or more contracts to any selected firm, and to waive any/or all technicalities for award in the best interest of the program and the School Board of Monroe County.

The RFQ Information Packet, additional project information, and the weights associated with each qualification and evaluation criteria can be obtained by contacting Terry Taylor, Florida Area Manager, Heery International, Inc., 4300 W. Cypress Street, Suite 820, Tampa, Florida 33607, Telephone: (813)875-9656.

The above Legal Notice shall be run in The Citizen / Key West on May 16, 2004, May 23, 2004 and May 30, 2004.

The above Legal Notice shall be run in the Florida Administrative Weekly on May 21, 2004 and May 28, 2004.

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

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

**REGIONAL PLANNING COUNCILS**

Notice to Professional Consultants

Southwest Florida Regional Planning Council (SWFRPC) announces that professional services are required in the following discipline(s):

- Architecture/Engineering
- Construction

PROJECT: Design/build for remodeling/renovating to 3,500 +/- square feet of office space and parking area repair/resurfacing for SWFRPC at 1926 Victoria Street, Fort Myers, FL.

DESCRIPTION OF WORK: Work anticipated under this Project may consist of, but not be limited to, the following: Parking lot repair/surfacing, minor façade repairs, interior design, remodeling, renovation, and alterations or additions to 3,500 +/- square feet of office space for the day to day operations and anticipated future needs of the SWFRPC.

There will be no pre-solicitation/pre-bid meeting; however, interested firms are invited to view current building plans at the SWFRPC office by appointment and to arrange a site visit. The Point of Contact is Mr. David Burr, Executive Director, SWFRPC, (239)656-7720, Ext. 223.

Requests for clarification regarding specifications should be submitted by June 8, 2004.

**INSTRUCTIONS:**

Submit in sealed envelope:

1. Letter of Interest detailing the firm’s qualification to meet the above referenced project requirements.
2. Résumés of proposed staff and staff organizations.
3. Proposed project schedules, past experience and two examples of similar projects completed by the firm.
4. References from three prior clients within the last five years.
5. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.
6. Project cost.

RESPONSE DUE DATE: 4:00 p.m., June 18, 2004, Local Time, to:

Southwest Florida Regional Planning Council  
 4980 Bayline Drive, 4th Floor  
 North Fort Myers, FL 33917-3909

The SWFRPC reserves the right to reject any and all proposals, to waive any and all information or irregularities, and to accept or reject all or any part of the proposal as they may deem to be in the best interest of the citizens of the South Florida Region and as they may affect this project. The provisions contained in the Consultant's Competitive Negotiations Act of Florida, Section 287.055, Fla. Stat., will be followed.

This Notice to Consultants is also posted on the SWFRPC website at [www.swfrpc.org](http://www.swfrpc.org). Please check the website for responses to requests for clarifications.

**REGIONAL TRANSPORTATION AUTHORITY**

JOINT DEVELOPMENT PROJECT AT  
 TRI-RAIL BOCA RATON INTERMODAL FACILITY  
 REQUEST FOR PROPOSAL NO. 03-614

CONTEXT: The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, is the regional public transportation entity in the southeast region of Florida, delegated overall authority by the State Legislature to coordinate, develop and operate a regional transportation system. Among the responsibilities of the SFRTA is operation of Tri-Rail, a seventy-two (72) mile commuter rail system with eighteen (18) stations in the tri-county area of Miami-Dade, Broward and Palm Beach Counties.

JOINT DEVELOPMENT SITE: SFRTA is pleased to invite Proposals for the lease and development of a portion of certain real property owned and/or occupied by SFRTA, which is adjacent to the planned Tri-Rail Boca Raton Station in the City of Boca Raton (the "Project Site"). The Project Site consists of approximately 2.37 acres and is part of a larger tract (approximately 6.6 acres) which is planned to include the Tri-Rail Boca Raton Station (the "Intermodal Facility"). The Project Site is located within the Boca Technology Center just west of I-95 and south of Yamato Road along the South Florida Rail Corridor. In 2003, the City of Boca Raton (the "City") approved the Conditional Use designation of an Intermodal Transportation Node, and granted Master Plan approval for the entire site. The Intermodal Facility is planned to become the cornerstone of the City's Transportation Demand Management Policy.

PURPOSE: The purpose of this Request for Proposal ("RFP") is to solicit Proposals from Proposers who are capable of promptly developing, managing and operating the offered site consistent with SFRTA's Joint Development Policy and Goals. SFRTA will accept Proposals from experienced Proposers with a track record of successfully undertaking, completing and

operating projects of similar scope, cost and complexity. Proposals must conform to the approved Conceptual Master Plan for the Project Site.

REQUESTS FOR PROPOSAL DOCUMENTS should be directed to Robert Becker, Senior Contract Specialist, South Florida Regional Transportation Authority (SFRTA), 800 NW 33rd Street, Suite 100, Pompano Beach, FL 33064, PH: (954)788-7909. The cost of the solicitation document is Five-Hundred Dollars (\$500.00) and is non-refundable. Checks or money orders, made payable to "SFRTA", should be forwarded to the above address. Solicitation documents will be made available on or about May 24, 2004.

A PRE-PROPOSAL CONFERENCE will be held in the SFRTA Board Room at the address above, on June 2, 2004 at 10:00 a.m. Attendance is not mandatory, but is highly recommended.

RECEIPT OF SEALED PROPOSALS: All Proposals must be received in a sealed envelope no later than 5:00 P.M. on June 29, 2004, at the SFRTA office in Pompano Beach. SFRTA reserves the right to postpone, accept, or reject any and all Proposals in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders.

FEDERAL FUNDING: This Project is funded in part by a grant from the Federal Transit Administration. All applicable Federal Regulations shall apply.

**DEPARTMENT OF CORRECTIONS**

NOTICE TO PROFESSIONAL CONSULTANTS  
 REQUEST FOR QUALIFICATIONS  
 PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
 ENGINEERING SERVICES

The State of Florida, Department of Corrections, Bureau of Purchasing, announces that Professional Services are required from Engineering firms for the project listed below. Applications from qualified firms are to be sent to the attention of Lynda McCallum, Bureau of Purchasing, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The selected firm will be required to perform its services on an accelerated schedule.

**INSTRUCTIONS**

Any firm desiring to provide professional services for this project shall apply for consideration by submitting the following documents in a sealed envelope:

1. A Letter of Interest, indicating within the body of the letter the firm's specific abilities respective to the particular project's requirements and office location(s) from which the firm will be doing the work.
2. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated July 2000) with current data.

3. A reproduction of the firm’s current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter.
4. Attach a current copy of the SF 254 for the office(s) who will be performing the work.
5. Evidence of professional liability insurance in the amount of at least \$500,000.
6. Describe scope of work to be assigned to any sub-consultant.
7. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
8. Names, addresses and phone numbers of at least three (3) other clients for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm’s project manager and specific services provided in each case.
9. If desired, additional examples of similar projects completed by persons to be assigned to this project, references and any other supporting information.

Submit five (5) copies of the required information above, with one packet containing an original Letter of Interest. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, (“Consultants’ Competitive Negotiation Act”).

**SELECTION PROCESS**

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this RFQ. Interviews of all ranked respondents may or may not be required, at the direction of the Committee. Under the authority delegated to the Secretary of the Department of Corrections by Florida Statute 287.055, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to a single firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. The selected firm will be notified after approval by the Secretary and all applicants will receive copies of this information.

Response Date: June 18, 2004 by 4:00 p.m. Late submittals will not be opened or considered.

**PROJECT:** Scope of work is for Professional Engineering Services to design the site work and utilities for two prototype work camps. Services include design, environmental permitting, bidding and construction administration.

**PROJECT LOCATION:** Taylor Correctional Institution, Perry, Florida and Regional Medical Center, Lake Butler, Florida.

Branford shall be utilized as the project site from which the Department will calculate distance to the Engineer’s office location for selection purposes.

**PROJECT NUMBER:** To Be Determined  
**ESTIMATED CONSTRUCTION COST:** \$4,970,000  
**PROJECT ADMINISTRATOR:** Terry Knepper, P.E., DEE, (850)410-4095

**WATER MANAGEMENT DISTRICTS**

**REQUESTS FOR QUALIFICIATIONS FOR C.R. 229  
 BRIDGE MITIGATION/LAKE ROWELL TRACT  
 HYDROLOGICAL RESTORATION  
 RFQ NO. 03/04-043RM**

The Suwannee River Water Management District (DISTRICT) announces its interest in selecting a qualified licensed Florida Professional Engineering Firm (FIRM) for the purpose of obtaining consulting services for preparation of a plan to mitigate wetland impacts by restoring hydrological impacts on DISTRICT property.

**PROJECT TITLE:** Consulting services for C.R. 229 Bridge Mitigation/Lake Rowell Tract Hydrological Restoration.

**PROJECT NUMBER:** RFQ 03/04-043RM

**PROJECT SCOPE:** Collect data and create a computer model to predict the extent of floodplain wetland enhancement by removing/breaching a berm confining a creek. Develop a report using the results as mitigation to secure permits for proposed wetland impacts due to a bridge replacement by the Florida Department of Transportation. Develop construction plans and methods for altering the berm. FIRM must have expertise in the areas of surveying, hydrological and hydraulic modeling, geographic information systems (GIS), and wetland identification and restoration. FIRM must have a demonstrated proficiency in working within the federal, state, regional and local regulatory environment.

**PROJECT LOCATION:** A 500-acre DISTRICT-owned tract southeast of Lake Rowell, near Starke, in Bradford County, Florida.

**REQUEST FOR QUALIFICATIONS DOCUMENTS:** Any individual or firm desiring to submit a Statement of Qualifications on this project may obtain a copy of the Request for Qualification (RFQ) by logging onto the DISTRICT website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com) or by contacting:

Linda Welch, Administrative Assistant  
 Department of Resource Management  
 Suwannee River Water Management District  
 9225 County Road 49  
 Live Oak, Florida 32060

Phone: (386)362-1001 or 1(800)226-1066 (Toll free, Florida only)

**DATE AND TIME:** Sealed responses to the RFQ will be received until 4:00 p.m. on June 25, 2004, at the Suwannee River Water Management District, 9225 County Road 49, Live

Oak, Florida 32060. All submittals shall be clearly marked "RFQ 03/04-043RM, C.R. 229 Bridge Mitigation/Lake Rowell Tract Hydrological Restoration." Faxed submittals will not be accepted.

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT FOR PROFESSIONAL MECHANICAL/ELECTRICAL/PLUMBING SERVICES FOR CONTINUING AREA CONTRACTS AREA 2**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from mechanical, electrical, and plumbing engineering firms to provide professional services in Area 2, counties of Dixie, Franklin, Gadsden, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla, and other counties as may be determined necessary by the owner.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Facilities Management and Building Construction." [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The Florida Automobile Joint Underwriting Association (FAJUA) will accept competitive sealed proposals from CPA firms with expertise in audit services for the fiscal year ending September 30, 2004. A copy of the RFP may be obtained from Lisa Stoutamire at 1425 Piedmont Drive, East #201A, Tallahassee, FL, (850)681-2003 or [lstoutamire@fajua.org](mailto:lstoutamire@fajua.org). Anticipated Release Date of the RFP: May 28, 2004  
Proposals Due: Tuesday, June 15, 2004, 5:00 p.m.

**CITY OF ARCADIA**

**REQUEST FOR PROPOSALS**

The City of Arcadia is soliciting proposals and/or letters of interest for professional consulting services to administer a Community Development Block Grant (CDBG) from the Small Cities CDBG Program in the area of Housing. The deadline for proposals will be June 11, 2004, at 2:00 p.m. EST. Administrative services will cover all aspects of grant administration from grant award to close-out. Various administrative functions will include, but not be limited to,

environmental assessment, requests for funds, project oversight, and monitoring of project. Proposals will be evaluated and ranked by City staff based upon total of 100 points as follows: (1) Experience administering CDBG grants – 25 points (2) Availability/Management of staff involved with this project – 25 points (3) Ability to commence services and complete services within time parameters – 20 points (4) Past reference local governments – 15 points (5) Familiarity with State and Federal CDBG Regulations – 10 points (6) Minority Business Enterprise – 5 points.

The proposal response should be submitted in a sealed envelope addressed to: Edward J. Strube, City Administrator, P. O. Box 351, Arcadia, FL 34265, (863)494-4114. The exterior of the envelope should contain the following information: CDBG request for proposal, City of Arcadia, along with name and address of the firm or person submitting the proposal.

Three copies of your response must be furnished on or before the deadline. One must be marked as the original and the others may be copies. At least the original response to the RFP must contain an original, manual signature of an authorized representative of the responding firm or individual.

The City reserves the right to reject any or all proposals. The City accepts no responsibility for expense of preparing or delivering proposals to the City. Proposals not reaching the City by the deadline will not be opened and will not be eligible for evaluation.

Equal Opportunity Employer  
Dedicated to Fair Housing Opportunities  
Drug Free Workplace.

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL**

**Invitation to Negotiate (ITN)**

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability an Invitation to Negotiate (ITN). Copies of the ITN can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing FDDC at 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301; or calling at (850)488-4180, 1(800)580-7801 (Toll Free), 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future ITNs or RFPs, please visit our website ([www.fddc.org](http://www.fddc.org)) and click on the "RFPs" button near the top of the page, then click on the "sign up" button and follow the directions.

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this Invitation to Negotiate (ITN #2004-CM-1400) is to provide opportunities for public and private sector agencies, institutions, direct care solicitors and other interested individuals to conduct a project offering entrepreneurial training and business plan development to

individuals with developmental disabilities. The focus of the project will be on the identification and creation of very small businesses, known as micro-enterprises.

FDDC has set aside federal funds for a period not to exceed three (3) years for fiscal support of this ITN. Interested parties can see ITN #2004-CM-1400 for specific information related to funding amounts.

The deadline for submitting written questions and letters of intent for this Micro Enterprise Training ITN is June 30, 2004 by 4:00 p.m. (EDT). In order for your proposal to be considered, your letter of intent must be received by the above referenced deadline. All answers to written questions will be posted on the FDDC website on or before July 15, 2004. The deadline for submitting proposals for this ITN is August 16, 2004 by 2:00 p.m. (EDT).

**FLORIDA LEGISLATURE**

Notice of Invitation to Negotiate  
ITN Document Number: 817

The Florida Legislature seeks to negotiate with an individual or firm to provide executive support for the activities of the Article V Technology Board. The Article V Technology Board is created in section 29 of SB 2962 which relates to implementation of the 1998 revision to Article V of the State Constitution. The Board is charged with various responsibilities that will ultimately result in recommendations to the Legislature on strategies to achieve integration of the various information systems used by the courts and related entities.

The individual or firm selected will be responsible for providing executive direction for all support activities provided to the board. Such support services will include assistance in the following activities: (1) developing a charter and business plan for the board, (2) overseeing technical consultants that may be engaged by the board, (3) analyzing existing integration strategies in use by court-related entities, (4) identifying new alternative approaches to achieve integration, (5) administering the board's budget, (6) assisting in development of recommendations, (7) preparing reports for board consideration and for subsequent public dissemination, (8) facilitating public meetings of the board, (9) conducting research on behalf of the board, (10) maintaining regular communications with the Legislature and stakeholders, and (11) responding to public inquiries.

The individual or firm selected will have a solid background in information systems technology or executive level management. At a minimum, the individual or firm selected will have at least five years experience in information systems or executive level management. Ideally, the individual or firm selected will have successful experience working for state or local government, a Legislative committee, a statewide

association, or similar entity in an executive capacity and 2 years of relevant information technology management experience.

The primary work will be conducted in Tallahassee but will require occasional travel. The engagement is expected to last approximately two years. Payment for services is negotiable based on experience and qualifications.

For more information and to submit resume or responses, please refer to web address <http://www.leg.state.fl.us/itn817>. Deadline for submission is June 11, 2004 by 5:00 p.m.

**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.: BLIM-0704-009  
DATE RECEIVED: 5/14/2004  
DEVELOPMENT NAME: SOLIVITA EAST & WEST (POINCIANA)  
DEVELOPER/AGENT: Avatar Properties, Inc.  
DEVELOPMENT TYPE: 28-24.023, 28-24.024, 28-24.031, F.A.C.  
LOCAL GOVERNMENT: Polk County

DCA Final Order No.: DCA04-OR-104  
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In re: CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS ADOPTED BY CITY OF KEY WEST ORDINANCE NO. 04-07

**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2003), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The City of Key West is a designated area of critical state concern.
2. On April 12, 2004, the Department received for review City of Key West Ordinance No. 04-07, which was adopted by the City of Key West City Commission on April 6, 2004 ("Ord.



04-07”). Ord. 04-07 amends Section 86-9, Definition of Terms, of the Key West Land Development Regulations. Ord. 04-07 adds and defines the term “Assisted Living Facilities.”

3. Ord. 04-07 is consistent with the City’s Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2003).

7. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2003) and Rule 28-36.001, Fla. Admin. Code.

8. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 04-07 are land development regulations.

9. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the “Principles”). § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Fla. Admin. Code.

10. Ord. 04-07 promotes and furthers the following Principles in subsection 28-36.003(1):

(a) To strengthen local government capabilities for managing land use and development.

12. Ord. 04-07 is not inconsistent with the remaining Principles. Ord. 04-07 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-07 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, “PETITION FOR ADMINISTRATIVE PROCEEDINGS” WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of May, 2004.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
The Honorable Jimmy Weekley  
Mayor, City of Key West  
P. O. Box 1409  
Key West, Florida 33041

Cheryl Smith  
Clerk to the City Commission  
P. O. Box 1409  
Key West, Florida 33041

Robert Tischenkel  
City Attorney  
P. O. Box 1409  
Key West, FL 33041

DCA Final Order No.: DCA04-OR-107

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF GROVELAND LAND DEVELOPMENT REGULATIONS ADOPTED BY CITY OF GROVELAND ORDINANCE NO. 2004-03-11

FINAL ORDER

The Department of Community Affairs (“Department”) hereby issues its Final Order, pursuant to Sections 380.05(6) and (11), Fla. Stat., (2002), approving City of Groveland Ordinance No. 2004-03-11, as set forth below.

FINDINGS OF FACT

1. The Green Swamp Area is a statutorily designated area of critical state concern, and the City of Groveland is a local government within the Green Swamp Area.

2. On May 6, 2004, the Department received for review City of Groveland Ordinance No. 2004-03-11 (“Ordinance”), which was adopted by the City Council of the City of Groveland. The Ordinance was adopted on May 3, 2004. The Ordinance creates Chapter XVIII: Architectural Requirements of the City of Groveland Land Development Regulations. This amendment sets out architectural design requirements for developments within the City.

3. The Ordinance is consistent with the City’s Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Green Swamp Area of Critical State Concern. Sections 380.05(6) and (11), Fla. Stat.

5. The City of Groveland is a local government located partially within the Green Swamp Area of Critical State Concern. Section 380.0551, Fla. Stat. and Rule Chapter 28-26, Fla. Admin. Code.

6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulation adopted by the Ordinance is a land development regulation.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff’d, 740 So. 2d 1209 (Fla. 3d DCA 1999). The principles for guiding development in the Green Swamp Area of Critical State Concern are set forth in Rule 28-26.003, Fla. Admin. Code. (“Principles”).

8. The Ordinance is consistent with the Principles in Rule 28-26.003, Fla. Admin. Code.

WHEREFORE, IT IS ORDERED that Ordinance No. 2004-03-11 is found to be consistent with the Principles for Guiding Development of the Green Swamp Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, AICP Director  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this \_\_\_\_ day of May, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:  
The Honorable Doris Thompson  
Mayor, City of Groveland  
156 S. Lake Avenue  
Groveland, FL 34736

Jason Yarborough  
City Manager  
City of Groveland  
156 S. Lake Avenue  
Groveland, FL 34736

Teresa Greenham  
Urban & Regional Planners, Inc.  
2001 Old U.S. Highway 441, Ste. 1  
Mount Dora, FL 32757

**DEPARTMENT OF LAW ENFORCEMENT**

**SAFE AND DRUG-FREE COMMUNITIES PROGRAM  
FOR VIOLENCE AND SUBSTANCE ABUSE  
PREVENTION NOTICE OF FUNDING AVAILABILITY**

The Florida Office of Drug Control (ODC) announces the release of a Notice of Funding Availability (NOFA) via the Drug-Free Communities Program for violence and substance abuse prevention.

Anticipated Funding Available: \$2,841,909

Estimated Awards: 65

Maximum Award Amount: \$45,000

Targeted Population: School-age-youth, ages 5- to 19-years-of-age

Instructions and Application available at: [www.myflorida.com/drugcontrol](http://www.myflorida.com/drugcontrol)

Submission: Applications must be received by Friday, July 2, 2004, not later than 5:00 p.m. (EST)

Eligible applicants located within the State of Florida include: not-for-profit organizations; state, county, and municipal governments; law enforcement agencies; and local education agencies

Applications must be prepared in conformance with the instructions. The ODC reserves the right to reject any or all sub-grant applications received or to cancel this NOFA when to do so would be in the best interest of the State of Florida. The ODC may waive minor irregularities in the sub-grant applications received where such are merely a matter of form and not substance and the correction of such are not prejudicial to other applicants.

Questions or other inquiries regarding this NOFA should be directed to the Drug-Free Communities Program in the Office of Drug Control, to [drugfreecommunities@fdle.state.fl.us](mailto:drugfreecommunities@fdle.state.fl.us) or (850)487-8440. For general information, please visit [www.myflorida.com/drugcontrol](http://www.myflorida.com/drugcontrol).

**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, UM (United Motors), intends to allow the establishment of Discount Scooters as a dealership for the sale of UM motorcycles, at 408 N. Howard Avenue, Tampa (Hillsborough County), Florida 33606, on or after December 10, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Discount Scooters are dealer operator(s): Brooke S. Gentile, 408 N. Howard Ave. #6, Tampa, FL 33606; principal investor(s): Brooke S. & Tyde J. Gentile, 408 N. Howard Ave. #6, Tampa, FL 33606.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Juan Villegas, President, United Motors of America, Inc., 8801 N. W. 23rd St., Miami, FL 33172.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that STR, Inc. Motorsports Division intends to allow the establishment of Lake Nissan d/b/a Premium Auto Sales as a dealership for the sale of KYMCO motorcycles at 9726 US Hwy. 441, Leesburg (Lake County), Florida 34788 on or after May 13, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Lake Nissan d/b/a Premium Auto Sales are dealer operator(s) and principal investor(s): Milan Bakich, 9726 US Hwy. 441, Leesburg, FL 34788.

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, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce Ramsey, Director of Sales/Marketing, STR, Inc. Motorsports Division, 1770 Campton Road, Inman, SC 29349.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

---

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, STR, Inc. Motorsports Division, intends to allow the establishment of Vespa of Central Florida, LLC d/b/a Vespa Orlando as a dealership for the sale of KYMCO motorcycles, at 930 Orange Ave., Winter Park (Orange County), Florida 32789, on or after April 14, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Vespa of Central Florida, LLC d/b/a Vespa Orlando are dealer operator(s) and principal investor(s): Bruce Albertson, 521 Lake Catherine Dr., Maitland, FL 32751.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce Ramsey, Director of Sales/Marketing, STR, Inc. Motorsports Division, 1770 Campton Rd., Inman, SC 29349.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

---

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Bajaj USA LLC, intends to allow the establishment of Mojo Powersports Inc. d/b/a Mojo Scooters d/b/a Gekgo Scooters as a Service Only Facility for the servicing of Bajaj motorcycles, at 101 First Avenue, S. W., Largo (Pinellas County), Florida 33770, on or after May 17, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Mojo Powersports Inc. d/b/a Mojo Scooters d/b/a Gekgo Scooters are dealer operator(s) and principal investor(s): Peter M. Spoto, 100 Squire Ct., Dunedin, FL 34698.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Albert Kolvites, Managing Member, Bajaj USA LLC, 526 Eccles Avenue, South San Francisco, CA 94080-1905.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

---

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

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

**STATE BOARD OF ADMINISTRATION**

NOTICE

NOTICE IS HEREBY GIVEN by the State Board of Administration ("the Board") of its estimate of the borrowing capacity and the projected year-end (as of December 31, 2004) fund balance for the Florida Hurricane Catastrophe Fund ("the Fund"), in compliance with the requirements of Section 215.555(4)(c)2., Florida Statutes. This estimate is as of April 26, 2004. The projected year-end balance on December 31, 2004, is estimated to be \$6.150 billion, assuming no losses to be reimbursed. The Fund's estimated borrowing capacity, defined as the maximum amount that the Board is able to raise through the issuance of revenue bonds under Section 215.555(6), Florida Statutes, pursuant to the limitations in Section 215.555(4), Florida Statutes, is \$8.850 billion. This estimate is for tax-exempt debt. During the 2004 legislative session, the Legislature enacted changes to Section 215.555, Florida Statutes, and provided an upper limit on the Board's potential liability to reimburse participating insurers for losses sustained by hurricane damage. This limit is \$15 billion for a contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003. Therefore, the Board's obligation is to raise up to \$8.850 billion, rather than the total capacity determined by using all of the available 6 percent emergency assessment capability.

This estimate is based on the Board's good faith assessment of the current global market conditions and is net of required debt service reserve funds and the costs of issuing the bonds. These conditions may or may not be the same if and when the Board determines that it is necessary to seek the issuance of revenue bonds. The Board's estimate is also based upon projected year-end reimbursement premiums. Emergency assessments are based on data available as of this estimate. This estimate is provided to comply with the requirements of Section 215.555(4)(c)2., Florida Statutes, and should only be relied upon after careful consideration of all relevant assumptions and reservations, including those set forth below.

Assumptions:

1) The Board assumes that both the annual reimbursement premiums and the 6% emergency assessment described in Section 215.555(6)(b)2., Florida Statutes, will be used as the revenue source to service the debt and to provide debt service coverage.

2) The debt service coverage ratio is assumed to be 1.98. This means that the revenue stream available to service the debt is 1.98 times the amount actually needed to service the debt. The debt service coverage ratio is sensitive to actual reimbursement premiums collected during the year. Changes in deductible distributions and other factors that impact actual reimbursement premiums may impact the coverage ratio.

3) The Board has assumed interest rates reflecting market conditions on April 26, 2004. Many factors will impact the interest rates that will ultimately be used when the Board determines that bonds must be issued. It is impossible to predict with any certainty what those rates will be.

4) In accordance with the requirements of Section 215.555(6)(a)2., Florida Statutes, the Board has completed the bond validation process. The circuit court hearing held on November 12, 1996, resulted in a favorable ruling. The validation was then immediately appealed to the Florida Supreme Court. The Florida Supreme Court ruled on September 18, 1997, that the bonds are valid.

5) In response to the private letter ruling received in March 1998, and renewed on June 13, 2003, the Internal Revenue Service ruled that interest on the bonds issued under Section 215.555(6), Florida Statutes, is exempt from federal taxation.

Reservations:

1) Since no bonds have ever been issued on behalf of the Fund, there are a number of uncertainties. Among these are the following: the financial condition of the insurance industry at the time of a catastrophic loss, the stability of the revenue stream and potential litigation.

2) A more general uncertainty is the condition of the financial markets at the time the bonds are issued and the degree of familiarity of potential investors with the Fund.

3) Another general uncertainty is the ability of the capital markets to absorb a bond issue of this magnitude at the time of the bond issuance.

As of April 26, 2004, the Board's good faith estimate of its bonding capacity is \$8.850 billion to reach the current statutory upper limit of \$15 billion (based on the Board's projected year-end balance of \$6.150 billion). The Board recognizes the importance of this estimate and is committed to make every effort to assure its ability to issue up to \$8.850 billion, in bonds if and when the necessity arises.

**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 May 26, 2004 application filing date for Other Beds and Programs batching cycle:

County: St. Johns District: 4  
 Date Filed: 4/30/2004 LOI #: N0404022  
 Facility/Project: Hospice of the Palm Coast, Inc.  
 Applicant: Hospice of the Palm Coast, Inc.  
 Project Description: Establish a hospice program

County: Duval District: 4  
 Date Filed: 5/7/2004 LOI #: N0404023  
 Facility/Project: Life Care Hospice, Inc.  
 Applicant: Life Care Hospice, Inc.  
 Project Description: Establish a hospice program

County: Orange District: 7  
 Date Filed: 5/7/2004 LOI #: N0404024  
 Facility/Project: Life Care Hospice, Inc.  
 Applicant: Life Care Hospice, Inc.  
 Project Description: Establish a hospice program

County: Orange District: 7  
 Date Filed: 5/11/2004 LOI #: N0404025  
 Facility/Project: Wuesthoff Health Services, Inc.  
 Applicant: Wuesthoff Health Services, Inc.  
 Project Description: Establish a hospice program

County: Osceola District: 7  
 Date Filed: 4/30/2004 LOI #: N0404026  
 Facility/Project: Hospice of the Palm Coast, Inc.  
 Applicant: Hospice of the Palm Coast, Inc.  
 Project Description: Establish a hospice program

County: Dade District: 11  
 Date Filed: 4/30/2004 LOI #: N0404027  
 Facility/Project: Hospice of the Palm Coast, Inc.  
 Applicant: Hospice of the Palm Coast, Inc.  
 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 June 30, 2004, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on June 11, 2004.

**CERTIFICATE OF NEED  
 EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Manatee District: 6  
 ID # 0300036 Decision: Issue Date: 5/12/2004  
 Facility/Project: Manatee Memorial Hospital  
 Applicant: Manatee Memorial Hospital, L.P.  
 Project Description: Delicense 21 child/adolescent psychiatric beds  
 Proposed Project Cost: \$0

County: Manatee District: 6  
 ID # 0300037 Decision: Issue Date: 5/12/2004  
 Facility/Project: Manatee Memorial Hospital  
 Applicant: Manatee Memorial Hospital, L.P.  
 Project Description: Delicense 151 acute care beds  
 Proposed Project Cost: \$0

**DEPARTMENT OF MANAGEMENT SERVICES**

The State Technology Office, Wireless 911 Board announces the following Rural County Grant Awards, awarded May 7, 2004:

COUNTY	AWARD AMOUNT
Calhoun County	\$112,500.00
Glades County	\$110,455.00
Gulf County	\$121,900.00
Washington County	\$152,535.00
Grant Award Total	\$497,390.00

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted the second draft of a policy for review and comment on MyFlorida.com at: [http://www.djj.state.fl.us/djj/djjservices/administration/policies\\_procedures/policyreview.shtml](http://www.djj.state.fl.us/djj/djjservices/administration/policies_procedures/policyreview.shtml) (note new Website location).

Contract Management and Program Monitoring (department-wide policy type B) – establishes procedures requiring that Contract Management procedures shall ensure that contractual services were delivered in accordance with the contracts' terms and conditions of prior to the approving of invoices for payment. Program Monitoring procedures shall ensure that quality services are provided, that Department standards are maintained, and Department policies, related statutes, and rules are followed. This is the second of two - 20 working day review and comment periods. The closure date for submission of comments on this policy is June 25, 2004. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

**DEPARTMENT OF HEALTH**

On May 14, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jose A. Lopez, M.D., license number ME 82423. 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.

**NOTICE OF THE POSTING OF INTENDED AWARDS FOR RURAL EMERGENCY MEDICAL SERVICES MATCHING GRANTS (90% GRANTS)**

AGENCY: Florida Department of Health, Bureau of Emergency Medical Services

GRANT TITLE: Florida Emergency Medical Services Matching Grant Program

The list of intended grant recipients and those which did not receive the required score for receipt is posted outside of Conference Room 335N, third floor of the state office building at 4025 Esplanade Way, Tallahassee, Florida 32311-7829 and on the Internet at <http://www.doh.state.fl.us/ems/>.

The list also will be provided by mail, e-mail, or facsimile by making a request directed to: State EMS Matching Grant Administrator, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, or telephone (850)245-4440, Extension 2737.

Any entity whose substantial interests have been affected by this decision may file a petition for an administrative hearing as provided in Sections 120.569 and 120.57, F.S. The petition must be in writing and conform to the requirements of Rules 28-106.201 or 28-106.301, F.A.C., as applicable.

Mediation pursuant to Section 120.573, F.S., is not available for this action. A written petition must be filed within twenty-one (21) days of the date of award posting. The term "filed" means received by the Agency Clerk, Department of

Health, 4052 Bald Cypress Way, Bin #A02, Tallahassee, FL 32399-1703. Written petitions may be hand-delivered to the Agency Clerk, 2585 Merchants Row Blvd., Prather Building, Suite 110, Tallahassee, FL. Failure to file a written petition within 21 days of posting constitutes a waiver of hearing rights. If you have any questions regarding the procedure, contact an attorney.

P. O. QT0020

**DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Rule 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., June 18, 2004):

**APPLICATION TO MERGE**

Constituent Institutions: Coquina Bank, Ormond Beach, Florida and Cypress Bank, Palm Coast, Florida  
Resulting Institution: Cypress Bank  
Received: May 12, 2004

The Office of Financial Regulation 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.dbf.state.fl.us/banking/cu\\_expansion.html](http://www.dbf.state.fl.us/banking/cu_expansion.html).

**EXPANDED FIELD OF MEMBERSHIP**

Name and Address of Applicant: First Florida Credit Union, 500 West 1st Street, Jacksonville, Florida 32202  
Expansion Includes: Geographic Area  
Received: May 18, 2004



**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN May 10, 2004  
and May 14, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

5E-14.103	5/13/04	6/2/04	30/7	30/16
5E-14.142	5/13/04	6/2/04	30/7	30/16

**Division of Forestry**

5I-4.002	5/11/04	5/31/04	29/34	30/13
5I-4.003	5/11/04	5/31/04	29/34	30/13
5I-4.005	5/11/04	5/31/04	29/34	30/13
5I-4.006	5/11/04	5/31/04	29/34	30/13
5I-4.007	5/11/04	5/31/04	29/34	
5I-4.008	5/11/04	5/31/04	29/34	30/13
5I-4.011	5/11/04	5/31/04	29/34	

**DEPARTMENT OF EDUCATION**

**University of Florida**

6C1-1.0102	5/10/04	5/30/04	Newspaper	
6C1-1.200	5/10/04	5/30/04	Newspaper	
6C1-2.003	5/10/04	5/30/04	Newspaper	
6C1-2.019	5/10/04	5/30/04	Newspaper	
6C1-3.009	5/10/04	5/30/04	Newspaper	
6C1-3.022	5/10/04	5/30/04	Newspaper	
6C1-3.0372	5/10/04	5/30/04	Newspaper	
6C1-3.0376	5/10/04	5/30/04	Newspaper	
6C1-3.045	5/10/04	5/30/04	Newspaper	
6C1-3.046	5/10/04	5/30/04	Newspaper	
6C1-3.049	5/10/04	5/30/04	Newspaper	
6C1-3.050	5/10/04	5/30/04	Newspaper	
6C1-3.051	5/10/04	5/30/04	Newspaper	
6C1-3.054	5/10/04	5/30/04	Newspaper	
6C1-3.057	5/10/04	5/30/04	Newspaper	
6C1-3.059	5/10/04	5/30/04	Newspaper	
6C1-3.062	5/10/04	5/30/04	Newspaper	
6C1-4.004	5/10/04	5/30/04	Newspaper	
6C1-4.009	5/10/04	5/30/04	Newspaper	
6C1-4.012	5/10/04	5/30/04	Newspaper	
6C1-4.016	5/10/04	5/30/04	Newspaper	
6C1-4.031	5/10/04	5/30/04	Newspaper	
6C1-4.032	5/10/04	5/30/04	Newspaper	
6C1-5.0763	5/10/04	5/30/04	Newspaper	
6C1-6.013	5/10/04	5/30/04	Newspaper	
6C1-7.0561	5/10/04	5/30/04	Newspaper	
6C1-7.0562	5/10/04	5/30/04	Newspaper	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

**DEPARTMENT OF CORRECTIONS**

33-601.606	5/11/04	5/31/04	30/13	
------------	---------	---------	-------	--

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid Program Office**

59G-4.280	5/11/04	5/31/04	30/8	
-----------	---------	---------	------	--

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

61J1-6.001	5/12/04	6/1/04	29/44	30/11
61J1-7.005	5/12/04	6/1/04	29/44	

**State Athletic Commission**

61K1-1.001	5/12/04	6/1/04	30/6	
61K1-1.002	5/12/04	6/1/04	30/6	
61K1-1.0023	5/12/04	6/1/04	30/6	
61K1-1.0024	5/12/04	6/1/04	30/6	
61K1-1.0025	5/12/04	6/1/04	30/6	
61K1-1.0026	5/12/04	6/1/04	30/6	
61K1-1.0027	5/12/04	6/1/04	30/6	
61K1-1.0028	5/12/04	6/1/04	30/6	
61K1-1.0035	5/12/04	6/1/04	30/6	
61K1-1.0055	5/12/04	6/1/04	30/6	
61K1-1.006	5/12/04	6/1/04	30/6	
61K1-1.007	5/12/04	6/1/04	30/6	
61K1-1.008	5/12/04	6/1/04	30/6	
61K1-1.009	5/12/04	6/1/04	30/6	
61K1-1.010	5/12/04	6/1/04	30/6	
61K1-1.011	5/12/04	6/1/04	30/6	
61K1-1.012	5/12/04	6/1/04	30/6	
61K1-1.017	5/12/04	6/1/04	30/6	
61K1-1.018	5/12/04	6/1/04	30/6	
61K1-1.019	5/12/04	6/1/04	30/6	
61K1-1.023	5/12/04	6/1/04	30/6	
61K1-1.024	5/12/04	6/1/04	30/6	
61K1-1.030	5/12/04	6/1/04	30/6	
61K1-1.035	5/12/04	6/1/04	30/6	
61K1-1.037	5/12/04	6/1/04	30/6	
61K1-1.040	5/12/04	6/1/04	30/6	
61K1-1.042	5/12/04	6/1/04	30/6	
61K1-1.050	5/12/04	6/1/04	30/6	
61K1-1.070	5/12/04	6/1/04	30/6	
61K1-1.080	5/12/04	6/1/04	30/6	
61K1-2.001	5/12/04	6/1/04	30/7	
61K1-2.002	5/12/04	6/1/04	30/7	
61K1-2.0023	5/12/04	6/1/04	30/7	
61K1-2.0024	5/12/04	6/1/04	30/7	
61K1-2.0025	5/12/04	6/1/04	30/7	
61K1-2.0026	5/12/04	6/1/04	30/7	
61K1-2.0027	5/12/04	6/1/04	30/7	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
61K1-2.0028	5/12/04	6/1/04	30/7		<b>DEPARTMENT OF HEALTH</b>				
61K1-2.003	5/12/04	6/1/04	30/7		<b>Board of Acupuncture</b>				
61K1-2.0035	5/12/04	6/1/04	30/7		64B1-4.0012	5/11/04	5/31/04	30/15	
61K1-2.004	5/12/04	6/1/04	30/7		64B1-6.002	5/11/04	5/31/04	30/15	
61K1-2.0043	5/12/04	6/1/04	30/7		64B1-6.007	5/11/04	5/31/04	30/15	
61K1-2.005	5/12/04	6/1/04	30/7		64B1-9.006	5/11/04	5/31/04	30/15	
61K1-2.006	5/12/04	6/1/04	30/7		<b>Board of Dentistry</b>				
61K1-2.007	5/12/04	6/1/04	30/7		64B5-12.013	5/11/04	5/31/04	30/14	
61K1-2.008	5/12/04	6/1/04	30/7		64B5-12.016	5/11/04	5/31/04	30/14	
61K1-2.009	5/12/04	6/1/04	30/7		64B5-17.015	5/11/04	5/31/04	30/14	
61K1-2.010	5/12/04	6/1/04	30/7		<b>Board of Psychology</b>				
61K1-2.011	5/12/04	6/1/04	30/7		64B19-13.003	5/14/04	6/3/04	30/12	
61K1-2.012	5/12/04	6/1/04	30/7		<b>Board of Respiratory Care</b>				
61K1-2.013	5/12/04	6/1/04	30/7		64B32-5.006	5/11/04	5/31/04	30/15	
61K1-2.016	5/12/04	6/1/04	30/7		64B32-5.007	5/11/04	5/31/04	30/15	
61K1-2.017	5/12/04	6/1/04	30/7		64B32-5.008	5/11/04	5/31/04	30/15	
61K1-2.018	5/12/04	6/1/04	30/7		64B32-6.004	5/11/04	5/31/04	30/15	
61K1-2.019	5/12/04	6/1/04	30/7						
61K1-2.023	5/12/04	6/1/04	30/7						
61K1-2.024	5/12/04	6/1/04	30/7						
61K1-2.030	5/12/04	6/1/04	30/7						
61K1-2.035	5/12/04	6/1/04	30/7						
61K1-2.037	5/12/04	6/1/04	30/7						
61K1-2.040	5/12/04	6/1/04	30/7						
61K1-2.042	5/12/04	6/1/04	30/7						
61K1-2.050	5/12/04	6/1/04	30/7						
61K1-2.070	5/12/04	6/1/04	30/7						
61K1-2.080	5/12/04	6/1/04	30/7						