

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Agricultural Water Policy**

RULE TITLE: Approved BMPS  
 RULE NO.: 5M-2.003

PURPOSE AND EFFECT: The Department proposes an amendment to incorporate revisions to the manual.

SUBJECT AREA TO BE ADDRESSED: The addition of a Best Management Practice covering the decommissioning of wells.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 403.067(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE A RULE DEVELOPMENT WORKSHOP WILL NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Mark Jennings, Environmental Specialist III, Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, Florida 32399-1650, (850)488-6249, Fax (850)921-2153

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Highway Beautification and Landscape Management  
 RULE CHAPTER NO.: 14-40

RULE TITLE: Highway Landscape Projects  
 RULE NO.: 14-40.003

PURPOSE AND EFFECT: This amendment corrects an error (“payment” to “pavement”) in paragraph 14-40.003(3)(e), F.A.C., and adds new paragraphs (f) and (g).

SUBJECT AREA TO BE ADDRESSED: Paragraph 14-40.003(3)(e), F.A.C., is amended to make an editorial correction and new paragraphs (f) and (g) are added. Paragraph 14-40.003(3)(g), F.A.C., consists of the last two sentences of paragraph (e), which are deleted in (e) and added in the new (g).

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**PART I GENERAL PROVISIONS**

14-40.003 Highway Landscape Projects.

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

(3) Approval Criteria.

(a) through (d) No change.

(e) An abutting private property owner is not required to comply with paragraph (3)(d) of this Rule and may apply for a permit to alter or install landscape materials on the Department’s non limited access right of way directly abutting the owner’s property between the right of way line and the nearest edge of ~~pavement~~ payment through submission of a Permit for Landscaping on State Road Right of Way, Form 850-060-03, Rev. 02/02, which is incorporated herein by reference and is available at any Department District Maintenance Office. Abutting private property owners must submit for approval a landscape plan, maintenance plan, and work zone traffic control plan. ~~Approval will only be granted when it is determined that all plans meet the requirements of this Rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.~~

(f) Non-governmental entities or abutting private property owners seeking approval to install landscaping on the Turnpike right of way shall submit a completed Form 850-060-03 to the District Landscape Manager, Florida’s Turnpike Operations Center, P. O. Box 9828, Fort Lauderdale, Florida 33310, telephone (954)975-4855. The application must be accompanied by a landscape plan, maintenance plan, and work zone traffic control plan.

(g) Approval will only be granted when it is determined that all plans meet the requirements of this Rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.

(4) through (6) No change.

Specific Authority 334.044(2), 337.2505 FS. Law Implemented 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS. History—New 9-22-92, Amended 1-19-99, 4-2-02, \_\_\_\_\_.

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: RULE NO.:

News Media Access to Inmates 33-104.203  
 under Sentence of Death

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for making requests for interviews, and the process for handling interview requests when an execution is stayed and then rescheduled.

SUBJECT AREA TO BE ADDRESSED: News media interviews with death row inmates.

SPECIFIC AUTHORITY: 922.11, 944.09 FS.

LAW IMPLEMENTED: 922.11, 944.23 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-104.203 News Media Access to Inmates Under Sentence of Death.

(1) Regularly scheduled news media interviews with inmates under sentence of death will be permitted each week on Tuesday, Wednesday, and Thursday, between the hours of 1:00 p.m. and 3:00 p.m., and will be contingent upon the consent of the inmate. If a state holiday falls on Tuesday, Wednesday, or Thursday, the warden may set interviews on another day during the week at his discretion. The warden may authorize additional visits if staff are available and the need exists. News media representatives who have made prior arrangements with the Office of Public Affairs ~~warden~~ may be allowed admittance to regularly scheduled news media interviews to the extent that accommodations are available and security risks are not created.

(2) through (4) No change.

(5) In the event of a stay of execution after interviews have taken place, additional group media and one-on-one interviews will not be permitted if the execution is rescheduled within two

weeks of the original execution date. An additional group media and one-on-one interview will be permitted if a new execution date is later than two weeks from the stayed date.

Specific Authority 922.11, 944.09, FS. Law Implemented 944.23, 922.11 FS. History—New 3-10-80, Formerly 33-15.03, 33-15.003, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: RULE NO.:

Inmate Discipline – Review and Final Action 33-601.309

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the warden's responsibility concerning review and remand of disciplinary reports for re-hearings, and to revise the history note to include references to additional sections that are implemented by the rule.

SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.275, 944.28, 944.719, 945.04 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.309 Inmate Discipline – Review and Final Action.

(1) through (3) No change.

(4) The warden or regional director of institutions shall approve, modify downward or disapprove the recommended disciplinary action. The above mentioned or the deputy director of institutions (classification) is authorized to direct a rehearing of the disciplinary report as provided for in Rule 33-601.310, F.A.C. The review shall be limited to the matters contained in the disciplinary report. If new evidence or procedural error is discovered, the warden or regional director shall remand the disciplinary report to the hearing officer or disciplinary team for a rehearing as provided for in Rule 33-601.310, F.A.C. Review of each disciplinary report is the responsibility of the warden or regional director and cannot be delegated to other staff members.

(5) through (6) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.275, 944.28, 944.719, 945.04 FS. History—New 3-12-84, Formerly 33-22.09, Amended 12-30-86, 10-01-95, Formerly 33-22.009, Amended 5-21-00, 2-11-01, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Visiting – Forms  
 RULE NO.: 33-601.737

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise an incorporated form for consistency with rule provisions, and to reflect a change in office assignment.

SUBJECT AREA TO BE ADDRESSED: Inmate Visiting.

SPECIFIC AUTHORITY: 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services ~~the General Counsel~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) through (3) No change.
- (4) DC6-111B, Visitor Information Summary, effective ~~11-18-01~~.
- (5) through (6) No change.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, 9-29-03,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Consumptive Use of Water  
 RULE CHAPTER NO.: 40D-2

PURPOSE AND EFFECT: To develop rules to implement the regulatory portion of the Southern Water Use Caution Area minimum flows and levels which are being developed simultaneously with these rules.

SUBJECT AREA TO BE ADDRESSED: Implementation of the regulatory rules portion of the Southern Water Use Caution Area’s minimum flows and levels which are being developed simultaneously with these rules.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

TIME AND DATE: 1:30 p.m., January 19, 2005

PLACE: Southwest Florida Water Management District’s Bartow Service Office, 170 Century Blvd., Bartow, Florida

WHAT: Workshop to discuss water use permitting rules to implement the recovery strategy for minimum flows and levels for the Southern Water Use Caution Area.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, 1(800)231-6103 (TDD).

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Consumptive Use of Water  
 RULE CHAPTER NO.: 40D-2

PURPOSE AND EFFECT: To establish a service area population estimation methodology for use by water supply utilities in the Southern Water Use Caution Area.

SUBJECT AREA TO BE ADDRESSED: The process and information sources to be used to estimate the permanent, seasonal, commuter, and tourist populations, as applicable, to develop the per capita water use for water supply utilities in the Southern Water Use Caution Area.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, January 12, 2005

PLACE: Southwest Florida Water Management District’s Sarasota Service Office, 6750 Fruitville Road, Sarasota, Florida 34240-9711

WHAT: Workshop regarding the service area population estimation methodology for the Southern Water Use Caution Area.

TIME AND DATE: 9:00 a.m. – 12:00 Noon, January 18, 2005

PLACE: Southwest Florida Water Management District’s Bartow Service Office, 170 Century Blvd., Bartow, Florida 33830-7700

WHAT: Workshop regarding the service area population estimation methodology for the Southern Water Use Caution Area.

ADDITIONAL INFORMATION: If you plan to attend, you are encouraged to contact the District to let staff know. If a large number of people attend, table work space for each participant, though not necessary but convenient, may not be available. You may contact the District in advance to check on the number of other participants and whether an additional workshop has been scheduled.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT IS: Jay W. Yingling, Senior Economist, Planning Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4406

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE UPON REQUEST.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Recovery and Prevention Strategies for Minimum Flows and Levels  
 RULE CHAPTER NO.: 40D-80

PURPOSE AND EFFECT: To develop rules describing the recovery strategy for minimum flows and levels within the Southern Water Use Caution Area which minimum flows and levels are being developed simultaneously with these rules.

SUBJECT AREA TO BE ADDRESSED: The recovery strategy for minimum flows and levels for the Southern Water Use Caution Area.

SPECIFIC AUTHORITY: 373.044, 373.0361, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.0395, 373.042, 373.0421, 373.171 FS.

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

TIME AND DATE: 1:30 p.m., January 19, 2005  
 PLACE: Southwest Florida Water Management District, Bartow Service Office, 170 Century Blvd., West Wing Conference Room, Bartow, Florida

WHAT: Workshop to discuss recovery strategy for minimum flows and levels for the Southern Water Use Caution Area.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE UPON REQUEST.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Works of the District Basins  
 RULE CHAPTER NO.: 40E-61

PURPOSE AND EFFECT: To amend and update specific components of rule Chapter 40E-61, Florida Administrative Code, the Lake Okeechobee Works of the District to clarify the District’s statutory responsibilities in the administration of this program under the Lake Okeechobee Protection Act. Amendments to this rule will eliminate any duplication between the cooperating agencies and their responsibilities under the Lake Okeechobee Protection Act.

SUBJECT AREA TO BE ADDRESSED: To amend Part I, Chapter 40E-61, F.A.C., Lake Okeechobee Drainage Basin.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.109, 373.451, 373.453, 373.4595 FS.

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

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Thursday, January 13, 2005

PLACE: South Florida Water Management District, Okeechobee Service Center, 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34974, (561)686-8800, 1(800)432-2045

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Wednesday, January 19, 2005

PLACE: Highlands County Extension Office, 4509 George Blvd., Conference Rm. 2, Sebring, FL 33875, (561)686-8800, 1(800)432-2045

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Wednesday, February 9, 2005

PLACE: Hart Memorial Central Library (Kissimmee Library), Osceola Library System, 211 East Dakin Ave., Kissimmee, FL 34741

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Thursday, February 24, 2005

PLACE: South Florida Water Management District, Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809, (561)686-8800, 1(800)432-2045

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Thursday, March 3, 2005

PLACE: Beardsley Room (Behind John Boy Auditorium), 1200 South WC Owens Ave., Clewiston, FL 33440, (561)686-8800, 1(800)432-2045

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Wednesday, March 9, 2005

PLACE: Lakeport Community Center, 10245 Red Barn Road, N.W., Lakeport, FL 33471, (561)686-8800, 1(800)432-2045

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: For technical issues: Gary Ritter, 1(800)250-4200, Extension 3017, e-mail: [gritter@sfwmd.gov](mailto:gritter@sfwmd.gov); For procedural issues: Joyce Rader, Paralegal Specialist, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6259, (561)682-6259, e-mail: [jrader@sfwmd.gov](mailto:jrader@sfwmd.gov)

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE TITLE: Rural County Grants

RULE NO.: 60DD-1.002

PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Rural County Grants.

SPECIFIC AUTHORITY: 365.172(6)(a)12., 365.173(2)(c) FS.

LAW IMPLEMENTED: 365.173(2)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John C.

Ford, Interim Executive Director, Wireless 911 Board, 4050 Esplanade Way, Building 4030, Ste. 430V, Tallahassee, Florida 32399-0950

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLES:	RULE NOS.:
Definitions	61G15-20.001
Foreign Degrees	61G15-20.007

PURPOSE AND EFFECT: The purpose of the amendment to 20.001(2)(a) is to delete approval of certain engineering programs based on review of programs covered by the Washington Accord, which do not meet the standards of the Board’s rules. The purpose of the amendment to 20.007(2)(d) is to delete a requirement that is unnecessary for evaluation of foreign degree programs because all engineering programs utilize computer-based engineering. The purpose of the amendment to subsection 61G15-20.007(5), F.A.C., is to delete an exception to the requirement for credit hours in humanities and social sciences based on achieving a post-graduate degree because post-graduate degrees do not include credit hours in humanities and social sciences.

SUBJECT AREA TO BE ADDRESSED: Definitions and Foreign Degrees.

SPECIFIC AUTHORITY: 471.008, 471.013(1)(a) FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

- (1) No change.
- (2) “Board approved engineering programs” shall mean:
  - (a) Engineering programs accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET), programs approved by ABET as substantially equivalent to EAC/ABET accredited programs in the United States, ~~including those~~

~~programs accredited by foreign boards that are signatories to the Washington Accord, approved by the Board of Professional Engineers as substantially equivalent to an EAC/ABET accredited engineering program pursuant to Rule 61G15-20.007, F.A.C., or~~

(b) through (c) No change.

Specific Authority 471.013(1)(a) FS. Law Implemented 471.013(1)(a) FS. History—New 1-8-80, Amended 4-15-80, 7-7-83, 9-13-83, Formerly 21H-20.01, Amended 4-20-86, 8-3-86, 5-20-92, 2-2-93, Formerly 21H-20.001, Amended 11-19-03,\_\_\_\_\_.

61G15-20.007 Foreign Degrees.

(1) No change.

(2) In order to document “substantial equivalency” to an ABET accredited engineering program, the applicant must demonstrate:

(a) through (c) No change.

(d) In addition, evidence of attainment of appropriate laboratory experience, ~~computer based skills with engineering applications~~, competency in English, and understanding of the ethical, social, economic and safety considerations of engineering practice must be presented. As for competency in English, transcripts of course work completed, course content syllabi, testimonials from employers, college level advanced placement tests, Test of English as a Foreign Language (TOEFL) scores of at least 550 in the paper-based version, or 213 in the computer-based version, will be accepted as satisfactory evidence.

(3) through (4) No change.

~~(5) Applicants who have completed a post baccalaureate engineering program from a school or college in the United States which has an ABET accredited engineering curriculum in that discipline at the baccalaureate level shall be deemed to have met the required hours in humanities and social sciences.~~

~~(5)(6)~~ Any applicant whose only educational deficiency under subsection (2) involves humanities and social sciences shall be entitled to receive conditional approval to take the Fundamentals examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours in humanities and social sciences as provided in subsection (2), ~~or completion and documentation of a post baccalaureate degree in engineering as provided in subsection (6).~~

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

**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 Chiropractic Medicine**

RULE TITLES: RULE NOS.:

Guidelines for the Disposition 64B2-16.003  
of Disciplinary Cases 64B2-16.0075

Citations 64B2-16.0075

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases and Citations.

SPECIFIC AUTHORITY: 456.072, 456.077, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.035, 456.072, 456.073, 456.079, 460.413(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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE: RULE NO.:

Citations 64B6-7.007

PURPOSE AND EFFECT: The Board proposes to revise some of the requirements which serve as the purpose of assessing a penalty for violations in an amount established by this rule.

SUBJECT AREA TO BE ADDRESSED: Assessing penalties for violations designated in this rule.

SPECIFIC AUTHORITY: 456.077, 484.044 FS.

LAW IMPLEMENTED: 456.077 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists, MQA/ 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Mediation RULE NO.: 64B8-8.015

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

SUBJECT AREA TO BE ADDRESSED: Violations 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 IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.015 Mediation.

(1) For purposes of Section 456.078, F.S., the Board designates as being appropriate for mediation, ~~first-time~~ violations of the following provisions: ~~of Subsection 458.331(1)(o), F.S., that prohibits promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."~~ However, such violations are appropriate for mediation only if there is no allegation of physical harm to a patient related to such violation.

(a) Failing to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint;

(b) Negligently failing to file a report or record required by state or federal law;

(c) Failing to comply with the requirements for profiling and credentialing.

(2) The above-outlined provisions shall qualify for mediation only when the violation can be remedied by the licensee, there is no allegation of intentional misconduct, no patient injury, and the allegations do not involve any "adverse incidents" as defined by Section 456.078(2), F.S.

(3) The Department shall, at the end of each calendar quarter, submit a report to the Board outlining the number of successful mediations, the violations, resolutions and the number of subjects who chose to follow the procedures of Section 456.078, F.S.

Specific Authority 456.078 455-078 FS. Law Implemented 456.078 455-078 FS. History--New 10-18-94, Formerly 59R-8.015, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Record Maintenance Systems RULE NO.: 64B16-29.0041

for Animal Shelter Permits

PURPOSE AND EFFECT: The purpose of this rule is to set forth the record maintenance system criteria for animal shelter permits.

SUBJECT AREA TO BE ADDRESSED: Record Maintenance Systems for Animal Shelter Permits.

SPECIFIC AUTHORITY: 465.005, 465.022, 465.0155, 828.055 FS.

LAW IMPLEMENTED: 465.019, 465.022, 465.026 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Danna Droz, Executive Director, Florida Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-29.0041 Record Maintenance Systems for Animal Shelter Permits.

(1) General requirements for records maintained in an electronic system.

(a) If a permitted animal shelter's data processing system is not in compliance with the Board's data processing requirements, the facility must maintain a manual recordkeeping system meeting the requirements of paragraph (2)(b) of this section.

(b) Requirements for back-up systems. The facility shall maintain a back-up copy of information stored in the data processing system using disk, tape, or other electronic back-up and up-date this back-up copy on a regular basis, at least monthly, to assure that data is not lost due to system failure.

(c) Change or discontinuance of a data processing system.

1. Records of dispensed and returned medicinal drugs: a permitted animal shelter that changes or discontinues use of a data processing system must:

a. Transfer the records to the new data processing system;

or

b. Purge the records to a printout which contains the same information as required on the audit trail printout as specified in Rule 64B16-29.004, F.A.C.

2. Other records. A pharmacy that changes or discontinues use of a data processing system must:

a. Transfer the records to the new data processing system; or

b. Purge the records to a printout which contains all of the information required on the original document.

3. Maintenance of purged records. Information purged from a data processing system must be maintained by the pharmacy for two years from the date of initial entry into the data processing system.

(d) Loss of Data. The shelter manager for permitted animal shelters shall report to the Board in writing any significant loss of information from the data processing system within 10 days of discovery of the loss.

(2) The permitted animal shelter shall maintain a system(s) which can produce the information required in Rule 64B16-29.004, F.A.C., for the preceding two years. The information required in this paragraph shall be supplied by the permitted animal shelter within 7 working days if requested.

(3) Failure to maintain records. Failure to provide records set out in this subsection, either on site or within 7 working days for whatever reason, constitutes failure to keep and maintain records.

(4) Data processing system downtime. In the event that a permitted animal shelter which uses a data processing system experiences system downtime, the permitted animal shelter must have an auxiliary procedure which will ensure that all data is retained.

Specific Authority 465.005, 465.022, 465.0155, 828.055 FS. Law Implemented 465.022, 465.019, 465.026, 893.07, 828.055 FS. History—New

**FISH AND WILDLIFE CONSERVATION COMMISSION**

RULE CHAPTER TITLE: General Provisions

RULE TITLE: State Preemption of Power to Regulate

RULE NO.: 68-1.005

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in a new rule the substance of Section 370.102, Florida Statutes, relating to the state’s preemption of the authority to regulate the taking of saltwater fish. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this new rule will be to allow the repeal of the affected statute.

SUBJECT AREA TO BE ADDRESSED: State and local regulation of saltwater fishing.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68-1.005 State Preemption of Power to Regulate.

The power to regulate the taking or possession of marine life, as assigned to the Fish and Wildlife Conservation Commission by Article IV, Section 9 of the Florida Constitution, is expressly reserved to the Commission. This reservation does not prohibit a local government from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that local government.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: Rules Relating to Freshwater Fish

RULE CHAPTER NO.: 68A-23

RULE TITLE: Sale and Transportation of Freshwater Fish

RULE NO.: 68A-23.009

PURPOSE AND EFFECT: The purpose of this rule development effort is to make technical changes to Fish and Wildlife Conservation Commission (Commission) rules relating to culture, transportation, and sale of freshwater game fish produced by registered aquaculturists. The effect will be to consolidate and simplify Commission rules and reduce duplication of regulatory roles between the Commission and the Department of Agriculture and Consumer Services.

SUBJECT AREA TO BE ADDRESSED: Sale and Transportation of Freshwater Fish.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting





(b) No person shall harvest in or from state waters, or possess while in or on state waters, any African pompano with a fork length less than 24 inches.

(c) All pompano, African pompano, and permit shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills, before landing is not prohibited.

(2) Bag Limits –

(a) Except for persons harvesting pompano commercially pursuant to the limits established by Rule 68B-35.005, F.A.C., or permit pursuant to a valid saltwater products license with a restricted species endorsement, ~~persons harvesting pompano from federal EEZ waters pursuant to Rule 68B-35.005, F.A.C., or persons harvesting pompano as bycatch in a federal gill net fishery for other species pursuant to paragraph 68B-35.004(3)(b), F.A.C.,~~ no person shall harvest in or from state waters more than a total of 6 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 6 such fish. No more than one (1) of such pompano or permit may exceed 20 inches fork length. No more than two (2) permit or pompano in any combination exceeding 20 inches fork length shall be possessed onboard any vessel at any time.

(b) Each harvester of African pompano is subject to a bag limit of 2 African pompano per day; however, no more than 2 African pompano shall be possessed aboard any vessel while in or on state waters at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended 11-1-01, 1-1-04, \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

RULE CHAPTER TITLE: Uniform Waterway Markers  
in Florida Waters

RULE CHAPTER NO.: 68D-23

PURPOSE AND EFFECT: This rule chapter establishes uniform standards for waterway markers within Florida waters. The purposes of the proposed changes to rules within this chapter are to: (1) correct and update statutory cross-references that have been changed since the current rule was promulgated in 2001; (2) improve clarity and consistency of language and definitions; (3) remove or revise obsolete provisions and cross-references; and (4) respond to requests for revisions received from stakeholders and from other governmental entities. The anticipated effects include the relaxation of certain reporting requirements and other reductions to the regulatory burden on permittees where possible. Other

anticipated effects include the provision to applicants of greater flexibility in the size of and messages displayed on waterway regulatory and information markers.

SUBJECT AREA TO BE ADDRESSED: Permitting procedures and requirements for uniform waterway markers established and maintained in Florida waters.

SPECIFIC AUTHORITY: 327.40, 327.41 FS.

LAW IMPLEMENTED: 327.40, 327.41 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: Captain Alan S. Richard, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

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 Cultural Affairs**

RULE TITLE: Division of Cultural Affairs

RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule the description of the Division's fellowship grant program and its specific eligibility and evaluation criteria. Effected persons would be individual artists applying to the fellowship program.

SUMMARY: The rule reflects a change in the fellowship grant program description. It removes honorable mention as a non-cash award option and changes language in the amount of the fellowship award from \$5,000 to not to exceed \$5,000.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There are no regulatory costs associated with this proposed 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: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b)(d), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.603, 265.605-.606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 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: 1:00 p.m., January 13, 2005

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(1) through (17) No change.

(18) Fellowship Program. This program is designed to recognize the creation of new artworks by individuals of exceptional talent and demonstrated ability. Fellowship awards support the general artistic and career advancement of the individual artist.

(a) To be eligible for a fellowship, an applicant must:

1. Be a legal resident of Florida, as defined by Section 196.015, Florida Statutes, or Section 22.17, Florida Statutes, and agree to maintain Florida residency for the duration of the fellowship period;

2. Be at least 18 years of age;

3. Not to be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period;

4. Have not received a fellowship award during the five-year period preceding the new award period;

5. Not serve as a grant review panelist if he/she has an application before the same discipline panel.

(b) Eligible applicants must submit a completed Fellowship ~~A~~Application ~~F~~form (CA2E012, eff. \_\_\_\_\_ ~~8/02~~, incorporated by reference and available from the Division) with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced postmark deadline. Samples of work must be original and authentic representations of the applicant's work.

(c) The panel reviews for the disciplines of dance, interdisciplinary, media arts, and folk arts are based on a combined rating of the following criteria: the quality and consistency in the body of work, as evidence by each applicant's submission samples, professional achievements, reputation, and peer support and respect as evidenced through the application form and support materials. Folk art applicants are also evaluated on the traditionality of the art form.

(d) Samples of work submitted by applicants by applicants in the visual arts and crafts, music, literature, and theatre categories are initially evaluated through a blind review process, which means that examples of the applicants work are presented to the panelists without revealing the applicant's identity.

(e) During the first phase of all panel reviews the applications are rated on a scale of 1 to 10. Only applications ranked 8 or higher are eligible to be considered for fellowship awards ~~or honorable mention~~ during the second phase of review.

(f) Fellowship awards not to exceed ~~of~~ \$5,000 each are made based on the panel's recommendations. Funds are available through a grant agreement on a non-matching basis.

(19) through (20) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Downey, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6470

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 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."

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 991473-TP

**RULE TITLES:**

Application and Scope	25-4.002
Definitions	25-4.003
Periodic Reports	25-4.0185
Report of Interruptions	25-4.023
Safety	25-4.038
Availability of Service	25-4.066
Customer Trouble Reports	25-4.070
Transmission Requirements	25-4.072
Answering Time	25-4.073
Customer Appointments	25-4.0770
Weighted Measurement of Quality of Service	25-4.080
Service Guarantee Program	25-4.085

**RULE NOS.:**

**PURPOSE AND EFFECT:** The purpose of this rulemaking is to eliminate rules that are no longer necessary, clarify rules that are ambiguous, and to provide the option of a Service Guarantee Program from which consumers can directly benefit if the company misses a service standard.

**SUMMARY:** The proposed rule amendments pertain to standards of customer service imposed upon incumbent local exchange companies. The proposed rules apply only to residential telephone service.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** For the majority of telecommunications companies affected, the transactional costs are small. For one company, the costs are large, but that company is not in compliance with the existing rules. If that company were in compliance, its transactional costs would also be small because the proposed rules are not stricter than the existing 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:** 350.127(2) FS.

**LAW IMPLEMENTED:** 364.01, 364.02, 364.025, 364.03, 364.035, 364.036, 364.14, 364.15, 364.17, 364.171, 364.18, 364.19, 364.183, 364.185, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.386, 364.602, 364.603, 364.604 FS.

**WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.**

**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: Marlene K. Stern, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

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

25-4.002 Application and Scope.

(1) These rules are intended to define reasonable service standards ~~that~~ ~~which~~ will promote the furnishing of adequate and satisfactory local and long distance service to the public, and to establish the rights and responsibilities of both the utility and the customer. The rules contained in Parts I-XI of this chapter apply to local exchange companies. The rules contained in Part II and Part V apply only to residential service. The rules contained in Part X of Chapter 25-24, F.A.C., apply to any Interexchange Company. The rules in Part XI of Chapter 25-24, F.A.C., apply to any pay telephone service company. The rules in Part XII of Chapter 25-24, F.A.C., apply to all Shared Tenant Service Companies. The rules in Part XIII of Chapter 25-24, F.A.C., apply to all Operator Service Provider Companies and call aggregators. The rules contained in Part XIV of Chapter 25-24, F.A.C., apply to all Alternative Access Vendor Service Providers. The rules contained in Part XV apply to all competitive local exchange telecommunications companies.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.335, 364.337, 364.3376 FS. History—Revised 12-1-68, Formerly 25-4.02, Amended 2-23-87, 1-8-95, 2-1-99, \_\_\_\_\_.

25-4.003 Definitions.

For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

(1) “Access Line” or “Subscriber Line:” or “Subscriber Loop”. The circuit or channel between the demarcation point at the customer’s premises and the serving end or class 5 central office.

~~(2) “Competitive Local Exchange Telecommunications Company (CLEC).” Any company certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.~~

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

~~(3)(4)~~ “Billing Party.” Any entity telecommunications company that bills an end user ~~consumer~~ on its own behalf or on behalf of an originating party.

(5) through (9) renumbered (4) through (8) No change.

~~(9)(10)~~ “Company,” “Telecommunications Company,” “Telephone Company,” or “Utility.” These terms may be used interchangeably herein and shall mean “telecommunications company” as defined in Section 364.02(13)(12), Florida Statutes.

(10) “Competitive Local Exchange Telecommunications Company (CLEC).” Any company certificated by the commission to provide local exchange telecommunications services in Florida on or after July 1, 1995.

(11) through (16) No change.

(17) “Extension Station.” An additional station connected on the same circuit as the main station and subsidiary thereto.

(18) through (20) renumbered (17) through (19) No change.

(21) “Interexchange Company (IXC).” Any telecommunications company, as defined in Section 364.02(12), Florida Statutes, which provides telecommunications service between local calling areas as those areas are described in the approved tariffs of individual LECs. IXC includes, but is not limited to, MLDA as defined in subsection (37) of these definitions.

~~(20)(22)~~ No change.

~~(21)(23)~~ “Interstate Toll Message.” Those toll messages which that do not originate and terminate within the same state.

(24) through (25) renumbered (22) through (23) No change.

(24) “Intrastate Interexchange Company (IXC).” Any entity that provides intrastate interexchange telecommunications services.

~~(25)(26)~~ “Intrastate Intra-state Toll Message.” Those toll messages which originate and terminate within the same state.

(27) through (29) renumbered (26) through (28) No change.

~~(29)(30)~~ “Local Exchange Telecommunications Company (LEC).” Any telecommunications company, certificated by the Commission prior to July 1, 1995, to provide local exchange telecommunications service as defined in Section 364.02(6), Florida Statutes.

(31) through (32) renumbered (30) through (31) No change.

~~(32)(33)~~ “Local Toll Provider (LTP).” Any entity telecommunications company providing intraLATA or intramarket area long distance telecommunications service.

~~(33)(34)~~ “Main Station.” The principal telephone associated with each service to which a telephone number is assigned and which is connected to the central office equipment by a an individual or party line circuit or channel.

(35) through (36) renumbered (34) through (35) No change.

~~(37)~~ “Multiple Location Discount Aggregator (MLDA).” An entity that offers discounted long distance telecommunications services from an underlying IXC to unaffiliated entities. An entity is a MLDA if one or more of the following criteria applies:

(a) ~~It collects fees related to interexchange telecommunications services directly from subscribers;~~

~~(b) It bills for interexchange telecommunications services in its own name;~~

~~(c) It is responsible for an end user’s unpaid interexchange telecommunications bill; or~~

~~(d) A customer’s bill cannot be determined by applying the tariff of the underlying IXC to the customer’s individual usage.~~

~~(36)~~ “New Construction.” New construction is the installation of facilities to serve unserved areas; new construction is not the rearrangement or repair of defective facilities to serve an existing area. Adding to or the rearrangement of existing facilities is not considered “new construction” unless an engineer work order is issued.

~~(37)(38)~~ “Normal Working Days.” The normal working days for installation and construction shall be all days except Saturdays, Sundays, and holidays. The normal working days for repair service shall be all days except Sundays and holidays. Holidays shall be the days which are observed by each individual telephone company utility.

~~(38)(39)~~ No change.

~~(39)(40)~~ “Originating Party.” Any person, firm, corporation, or other entity, including a telecommunications company or a billing clearinghouse, that provides any telecommunications service or information service to a customer or bills a customer through a billing party, except the term “originating party” does not include any entity specifically exempted from the definition of “telecommunications company” as provided in Section 364.02(13)(a) through (f), Florida Statutes (12), Florida Statutes.

(41) through (44) renumbered (40) through (43) No change.

~~(44)(45)~~ “Provider.” Any entity telecommunications company providing telecommunication service, excluding pay telephone providers and call aggregators (i.e., local, local toll, and toll providers).

~~(45)(46)~~ No change.

~~(46)(47)~~ “Service Standard.” A level of service that which a telecommunications company, under normal conditions, is expected to meet in its certificated territory as representative of adequate services.

(48) through (50) renumbered (47) through (49) No change.

~~(50)(51)~~ “Subscriber Line.” Or “Subscriber Loop.” See “Access Line.”

~~(51)(52)~~ No change.

~~(52)(53)~~ “Toll Connecting Trunk.” A trunk that which connects a local central office with its toll operating office.

~~(53)(54)~~ No change.

~~(54)(55)~~ “Toll Provider (TP).” Any entity telecommunications company providing interLATA long distance telecommunications service.

(56) through (59) renumbered (55) through (58) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603, 364.604 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-21-93, 3-10-96, 12-28-98, 7-5-00, \_\_\_\_\_.

#### 25-4.0185 Periodic Reports.

Each local exchange telecommunications company shall file with the Commission's Division of Competitive Markets and Enforcement Services the information required by Commission Form PSC/CMP 28 ( /04 ~~3/96~~), which is incorporated into this rule by reference. Form PSC/CMP 28, entitled "Engineering Data Requirements," may be obtained from the Commission's Division of Competitive Markets and Enforcement.

(1) The information required by schedules 2, 3, 4, 8, 11, ~~13, 14, 15, and 16~~ and ~~20~~ of Form PSC/CMP 28 shall be reported on a quarterly basis by the large LECs and semiannually by the small LECs and shall be filed on or before the end of the month following the reporting period.

~~(2) The information required by Schedules 17 and 18 of Form PSC/CMP 28 shall be reported on a quarterly basis by the large LECs and shall be filed on or before the end of the month following the reporting period.~~

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

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.17, 364.183(1) FS. History—New 12-14-86, Amended 7-20-89, 12-27-94, 3-10-96, \_\_\_\_\_.

#### 25-4.023 Report of Interruptions.

(1) The Commission shall be informed of any major interruptions to service that affecting 1,000 or more subscribers for a period of 30 minutes or more an entire community or a substantial portion of a community as soon as it they comes to the attention of the utility. The Company shall provide the time, the location, the expected duration of the outage and when the interruption is restored.

(2) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.17, 364.183 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.23, Amended 10-1-96, \_\_\_\_\_.

#### 25-4.038 Safety.

Each utility shall at all times use reasonable efforts to properly warn and protect the public from danger, and shall exercise due care to reduce the hazards to which employees, customers, and the public may be subjected by reason of its equipment and facilities. All subscriber loops shall be properly installed to prevent harm to the public as referenced in Article 800.30 and 800.31 of the National Electric Code (NEC), incorporated herein by reference.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03 FS. History—New 12-1-86, Formerly 25-4.38, Amended \_\_\_\_\_.

#### 25-4.066 Availability of Service.

(1) Each telecommunications company shall provide central office equipment and outside plant facilities designed and engineered in accordance with realistic anticipated customer demands for basic local telephone communications service within its certificated area in accordance with its filed tariffs or orders of the Commission, subject to its ability to secure and provide, for reasonable expense, suitable facilities and rights for construction and maintenance of such facilities.

(2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for primary service in any calendar month shall normally be satisfied in each exchange of at least 50,000 lines and quarterly in exchanges of less than 50,000 lines or service center within an interval of three working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or where special equipment or services are involved.

(3) If the applicant requests an installation date beyond three working days, the requested date shall be counted as day three for measurement purposes.

(4) When an appointment is made in order for the company to gain access to the customer's premises, the mutually agreed upon date will be day three for measurement purposes. Failure of the customer to be present to afford the company representative entry to the premises during the appointment period shall exempt the order for measurement purposes. Whenever a company representative is unable to gain admittance to a customer's premises during the scheduled appointment period, the company representative shall leave a notice, stating the name of the company representative and the date and time the company representative was at the premises.

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

~~(7)(5)~~ Where facility additions are required to make service available, the applicant shall be further advised as to the circumstances and conditions under which service will be provided and as soon as practicable an estimated date when service will be furnished. With respect to applications aged over six months all service dates that result in a further delay due to the company's inability to meet the original estimated date of service shall be identified in the appropriate section of the report of held applications filed with the Commission which and shall include an explanation of the reasons therefor.

(8) Each company shall report pursuant to Rule 25-4.0185, F.A.C. Periodic Reports, the performance of the company with respect to the availability of service requirements as outlined in Form PSC/CMP 28 ( /04), incorporated herein by reference and available from the Division of Competitive Markets and Enforcement. Each company shall explain the reasons for all service orders that are not completed within 30 calendar days.

Specific Authority 350.127(2), 364.14 FS. Law Implemented 364.025, 364.03, 364.14, 364.15, 364.183, 364.185 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.66, Amended 3-10-96, \_\_\_\_\_.

## 25-4.070 Customer Trouble Reports.

(1) through (2) No change.

(3) Service Objectives:

(a) Service Interruption: Restoration of interrupted service shall be scheduled to insure at least 95 percent shall be cleared within 24 hours of report in each exchange that contains at least 50,000 lines and will be as measured on a monthly basis. For exchanges that contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.

(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to insure at least 95 percent of such reports are cleared within 72 hours of the report in each exchange which contains at least 50,000 lines and will be as measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis.

(c) If the customer requests that the service be restored on a particular day beyond the objectives outlined in (a) and (b) above, the trouble report shall be counted as having met the objective if the requested date is met.

(4) Priority shall be given to service interruptions that which affect public health and safety that are reported to and verified by the company and such service interruptions shall be corrected as promptly as possible on an emergency basis.

(5) through (6) No change.

(7) Reporting Criteria: Each company shall periodically report the data as specified in Rule 25-4.0185, F.A.C., Periodic Reports, on Form PSC/CMP 28 (/04), incorporated herein by reference and available from the Division of Competitive Markets and Enforcement.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96,\_\_\_\_\_.

## 25-4.072 Transmission Requirements.

(1) Telecommunications companies shall furnish and maintain the necessary plant, equipment, and facilities to provide modern, adequate, sufficient, and efficient transmission of communications between customers in their service areas. Transmission parameters shall conform to ANSI/IEEE Standard 820 Telephone Loop Performance Characteristics (Adopted 1984) incorporated herein by reference. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and crosstalk shall be such as not to impair communications. The maximum loss objective of inter-toll trunks shall be consistent with the requirements of the nationwide switching plan and overall transmission losses within each trunk group will not vary more than plus or minus two db.

(2) through (3) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.386 FS. History—New 12-1-68, Amended 3-31-76, Formerly 25-4.72, Amended 3-10-96,\_\_\_\_\_.

## 25-4.073 Answering Time.

(1) Each telephone utility shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service criteria under normal operating conditions:

(a) ~~If emergency services for the LEC's total serving area is currently answered by the 911 system, at least ninety (90%) percent of the calls offered to the LEC provided operator shall be answered within thirty (30) seconds after zero only is dialed.~~

(b) ~~If emergency services for the LEC's total serving area is not currently answered by the 911 system, at least ninety (90%) percent of all the calls offered shall be answered within 20 seconds after zero only is dialed.~~

~~(a)(e) At least ninety (90%) percent of all calls directed to intercept, directory assistance and repair services and eighty (80%) percent of all calls to business offices shall be answered within thirty (30) seconds after the last digit is dialed when no menu driven system is utilized.~~

~~(b)(d) Notwithstanding paragraph (c) above, When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least (95%) percent of the calls offered shall be answered within 15 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall only identify the company and the general options available to the customer. include (The option of transferring to a live attendant within the first 30 seconds of the message shall be included in the initial message.~~

(c) For subscribers who either selecting the option of transferring to a live assistant, or do not interact with the system for twenty seconds, the call except for business office calls, at least ninety five (95%) percent of all calls shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate assistance within fifty five (55) seconds of being transferred to the attendant after the last digit of the telephone number listed in the directory for the company's service(s) was dialed. Eighty five (85%) percent of all such calls directed to any business office shall be transferred by the system to a live attendant within fifty five (55) seconds after the last digit is dialed. At any time during the call, the customer shall be transferred to live assistance if the customer fails to interact with the system for a time period of ten (10) seconds following any prompt. For the purposes of this section, interaction means responding to a customer prompt offered by the system by keying (pressing) a number or character of a Dual Tone Multiple Frequency (DTMF) keypad associated with a telephone.

~~(e) In accordance with Rule 25-4.0770, F.A.C., when a menu driven, automated, interactive, answering system is utilized, provisions shall be included to allow the customer to make an appointment or to negotiate with a live attendant, or with the system, any appointment or commitment offered to the customer by the system. The subscriber shall be able to renegotiate appointments using the system.~~

~~(f) Automated systems shall not contain promotional or merchandising material unless the customer selects and chooses to receive such information.~~

~~(d)(g) The terms "answered" as used in paragraphs (a) and (c)(b) above, shall be construed to mean more than an acknowledgment that the customer is waiting on the line. It shall mean that the operator, service representative, or automated system is ready to render assistance, and/or accept the information necessary to process the call. With respect to calls to business office services where the company practice provides that such calls are directed to an operator position, an additional twenty (20) seconds will be allowed to extend the call excluding the time required for the customer to provide sufficient information to the operator in order to process the call. In those instances where the call cannot be extended within the allotted interval, the calling party is to be given the option of placing the call again or providing a number by which a company representative will return the call within ten (10) minutes or at a time mutually convenient to the parties.~~

~~(2) Answering time studies using actual data or any statistically valid substitute for actual data shall be made to the extent and frequency necessary to determine compliance with this rule. The company shall add ten (10) seconds to the answer time for each call. This ten (10) second constant will substitute for actual data on the time required for the call to connect to the company's facilities. Monthly summary results of such studies shall be filed with the Commission promptly after the end of each calendar quarter.~~

~~(3) All telephone communications companies are expected to answer their main published telephone number on a twenty four (24) hour a day basis. Such answering may be handled by a special operator at the toll center or directory assistance facility when the company offices are closed. Where after hours calls are not handled as described above, at least the first published business office number will be equipped with a telephone answering device which will notify callers after the normal working hours of the hours of operation for that business office. Where recording devices are used, the message shall include the telephone number assigned to handle urgent or emergency calls when the business office is closed.~~

~~(4) Each company shall report, pursuant to Rule 25-4.0185, F.A.C. Periodic Reports, the performance of the company with respect to answer time as outlined in Form PSC/CMP 28 ( /04), incorporated herein by reference and available from the Division of Competitive Markets and Enforcement.~~

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.17, 364.03, 364.386, 365.171 FS. History-New 12-1-68, Formerly 25-4.73, Amended 3-31-76, 11-24-92, \_\_\_\_\_.

25-4.0770 Customer Appointments.

Specific Authority 350.127(2) FS. Law Implemented 364.025, 364.03(1), 364.19 FS. History-New 7-13-82, Formerly 25-4.770, Amended 3-10-96, Repealed \_\_\_\_\_.

25-4.080 Weighted Measurement of Quality of Service.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 FS. History-New 6-2-93, Repealed \_\_\_\_\_.

25-4.085 Service Guarantee Program.

A company may petition the Commission for approval of a Service Guarantee Program, which would relieve the company from the rule requirement of each service standard addressed in the approved Service Guarantee Program. The Commission shall have the right to enforce the provisions of the Service Guarantee Plan.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.01(4), 364.03, 364.035, 364.036, 364.386 FS. History-New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Richard Moses

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 10, March 5, 2004

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: Conditions for Issuance of Permits

RULE NO.: 40C-41.063

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete a provision in paragraph 40C-41.063(7)(b), F.A.C. (which requires that applications for stormwater permits, which propose alternative designs to the minimum required by paragraph 40C-41.063(7)(a), F.A.C., must be processed as applications for individual stormwater permits), so that all applications for stormwater permits are initially processed as applications for standard general stormwater permits (consistent with a related proposed amendment to subsection 40C-42.024(2), F.A.C.), to reduce the number of projects that must obtain individual permits and thereby reducing processing time and costs for applicants.

SUMMARY: Deleting paragraph 40C-41.063(7)(b), F.A.C., so that all applications for stormwater permits are initially processed as applications for standard general stormwater permits (consistent with a related proposed amendment to subsection 40C-42.024(2), F.A.C.).



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

Any person who wishes to provide information regarding a statement of estimated regulatory cost, 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, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Regulatory Meeting, which begins at 1:00 p.m., February 8, 2005

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, e-mail: nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-41.063 Conditions for Issuance of Permits.

(1) through (6) No change.

(7) Within the Sensitive Karst Areas Basin, ~~the following criteria are established:~~

~~(a)~~ Stormwater management systems should be designed to assure adequate treatment (pursuant to Rule 62-28.700, F.A.C.) of the stormwater before it enters the Floridan Aquifer, and to preclude the formation of solution pipe sinkholes in the stormwater system. Many different stormwater management system designs will achieve these goals, therefore the District does not require any specific system design. However, to assure protection of the Floridan Aquifer, the District does require certain design features. The individual site characteristics may affect what design features will be required. However, for all projects in sensitive karst areas, the following minimum design features are required:

1. through 5. renumbered (a) through (e) No change.

a. through g. renumbered 1. through 6. No change.

~~(b) Applicants for a stormwater management permit which do not propose to meet at least the minimum design features in paragraph (a) above, may seek approval for the alternative design through the District's individual permit process. However, the applicant must provide reasonable assurance that state water quality standards are met.~~

(8) No change.

Specific Authority 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History--New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas Mayton, Sr., Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, Suncom 860-4108

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Attendance and Leave RULE NO.: 53-20.005

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to set forth the provisions for the disposition of annual leave credits upon the transfer of an Executive Management Service member to a position in state government outside the Lottery.

SUMMARY: The proposed rule amendment sets forth the provisions for the disposition of annual leave credits upon the transfer of an Executive Management Service member to a position in state government outside the Lottery and implements in permanent rule form the provisions set forth in Emergency Rule 53ER04-65, *Executive Service Management-Attendance and Leave*.

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: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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., January 18, 2005

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-20.005 Attendance and Leave.

(1) through (4) No change.

(5) Upon transfer of an Executive Management Service member to a position in state government outside the Lottery, annual leave credits shall be paid for or transferred as requested by the employee unless prohibited by law. In the event that the receiving agency will not accept the transfer of any portion of the annual leave credits, the member shall be paid for the annual leave credits by the Lottery unless prohibited by law. The employee may elect to transfer a portion and be paid for a portion of the annual leave credits provided the receiving agency will accept such transfer. All annual leave credits accrued on the member's last anniversary date, which are unused as of the date of transfer to the other agency, shall be prorated and paid for or transferred at the rate of twenty (20) hours per month or portion thereof worked subsequent to the member's last anniversary date.

~~(6)(5)~~ Members shall be paid for all unused annual leave upon termination from state government unless otherwise provided by law. Termination from state government shall mean that the person is not on any State of Florida payroll for at least thirty-one (31) calendar days following separation from the Executive Management Service. Payment shall be made at the member's base salary rate in effect at the time of termination.

~~(7)(6)~~ Use of sick leave shall be authorized for the purposes stated in ~~Chapter Rule~~ 53-16, F.A.C. Sick leave can be accrued without limit and shall be subject to payment upon termination in accordance with Section 110.122, F.S.

~~(8)(7)~~ Upon transfer of an Executive Management Service member to a position in the Lottery outside the Executive Management Service, all unused sick leave credits shall be transferred; provided, however, that all sick leave credits accrued on the member's last anniversary date shall be prorated and transferred at the rate of ten (10) hours per month or portion thereof worked subsequent to the member's last anniversary date.

~~(9)(8)~~ Administrative leave, disability leave and maternity leave shall be granted and used in accordance with the provisions for Lottery employees as set forth in ~~Chapter Rule~~ 53-16, F.A.C. Military leave shall be granted and used in accordance with Section 250.48 or Chapter 115, F.S., as well as ~~Chapter Rule~~ 53-16, F.A.C., as applicable.

~~(10)(9)~~ Upon appointment to an Executive Management Service position of a person coming from a position in state government outside the Executive Management Service, any leave accrued and unused by the person in the prior position shall be subject to the following:

(a) Special compensatory leave credits shall not be transferred;

(b) Regular compensatory leave shall not be transferred into the Executive Management Service;

(c) Unused annual leave not paid for shall be credited to the member's account;

(d) Unused sick leave not paid for shall be retained and credited to the member's account.

~~(11)(10)~~ A person shall be credited with up to four hundred eighty (480) hours of unused sick leave which was accrued while employed by a county or other political subdivision in Florida, provided there has been no break in service.

~~(12)(11)~~ The Secretary is authorized to approve a leave of absence without pay for up to one (1) year. In determining whether to grant or extend a leave of absence without pay pursuant to this Rule, the Secretary shall consider the Lottery's personnel requirements as well as the employee's need for the requested leave. Such leave shall not be granted or extended if to do so would be detrimental to the operations of the Lottery.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History—New 2-25-93, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLES:	RULE NOS.:
Definitions	61G17-6.002
General Survey, Map, and Report Requirements	61G17-6.003
Specific Survey, Map, and Report Requirements	61G17-6.004

PURPOSE AND EFFECT: To update the definitions of terminology used by Professional Surveyors and Mappers. Also, to update the Minimum Technical Standards for General Survey, Map, and Report Requirements. Also, to update the Minimum Technical Standards for Specific Survey, Map, and Report requirements.

SUMMARY: The proposed rule changes reorganize and update surveying and mapping minimum technical standards to meet current standards of practice. The reorganization of the minimum technical standards is needed to make it easier for surveyors and mappers to find and apply minimum technical standards in their practice. The minimum technical standards must be updated to incorporate new technologies to reflect current standards of practice.

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: 472.008, 472.015, 472.027 FS.

LAW IMPLEMENTED: 472.015, 472.025, 472.027 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G17-6.002 follows. See Florida Administrative Code for present text.)

61G17-6.002 Definitions.

As used in this chapter, the following terms have the following meanings:

(1) Benchmark: a relatively permanent material object, natural or artificial, bearing a marked point whose elevation above or below an adopted datum plane is known.

(2) Corner: a point on a land boundary that designates a change in direction, for example: points of curvature, points of tangency, points of compound curvature and so forth.

(3) Geodetic: a survey or mapping process that takes into account the curvature of the earth and astronomic observations, and which results in positions expressed on a recognized datum.

(4) Map of Survey (or Survey Map): a graphical or digital depiction of the facts of size, shape, identity, geodetic location, or legal location determined by a survey. The term "Map of Survey" (Survey Map) includes the terms: Sketch of Survey,

Plat of Survey, or other similar titles. "Map of Survey" or "Survey Map" may also be referred to as "a map" or "the map."

(5) Monument: an artificial or natural object that is permanent or semi-permanent, and used or presumed to occupy any real property corner, point on a boundary line, or reference point.

(6) Ortho-Images/Photos: an image from which distortions due to tilt and ground relief have been removed.

(7) Photogrammetric Methods: a means of surveying and mapping that involves: making precise measurements from a combination of ground control, photographs and other sources of imagery, to document, within pre-ordained accuracies, the existence, the identity, the location and the size of selected features.

(8) Raster Images: a matrix of pixels whose values represent the level of energy reflected or emitted by the surface being photographed, scanned, or otherwise sensed. Each pixel contains an attribute value and a coordinate value in a recognized coordinate system.

(9) Reference Point: any defined position that is or can be established in relation to another defined position.

(10) Survey: the orderly process of determining facts of size, shape, identity, geodetic location, or legal location by viewing and applying direct measurement of features on or near the earth's surface using field or image methods; defined as follows according to the type of data obtained, the methods used, and the purpose(s) to be served:

(a) As-Built Survey: a survey performed to obtain horizontal and/or vertical dimensional data so that constructed improvements may be located and delineated; also known as a Record Survey.

(b) Boundary Survey: a survey, the primary purpose of which is to document the perimeters, or any one of them, of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purposes of describing the parcel, locating fixed improvements on the parcel, dividing the parcel, or platting.

(c) Condominium Survey: a survey performed pursuant to Chapter 718, Florida Statutes; includes a Boundary Survey.

(d) Construction Layout Survey: the measurements made, prior to or while construction is in progress, to control elevation, configuration, and horizontal position and dimensions.

(e) Control Survey: a survey which provides horizontal or vertical position data for the support or control of subordinate surveys or for mapping.

(f) Hydrographic Survey: a survey having as its principal purpose the determination of data relating to bodies of water, and which may consist of the determination of one or several of the following classes of data: depth of water and

configuration of bottom; directions and force of current; heights and times of water stages; and location of fixed objects for survey and navigation purposes.

(g) Mean High Water Line Survey: a survey to document the mean high water line as defined in Part II, Chapter 177, Florida Statutes.

(h) Quantity Survey: a survey to obtain measurements of quantity.

(i) Record Survey: a survey performed to obtain horizontal and/or vertical dimensional data so that constructed improvements may be located and delineated; also known as an As-Built Survey.

(j) Specific or Special Purpose Survey: a survey performed for a purpose other than the purposes detailed in paragraphs (8)(a)-(i) or (k) of this rule.

(k) Topographic Survey: a survey of selected natural and artificial features of a part of the earth's surface to determine horizontal and vertical spatial relations.

(11) Survey Report: a written document, sometimes referred to as "a report" or "the report," detailing methods used, measurements and computations made, accuracies obtained, and information obtained or developed by surveying and mapping techniques.

(12) Surveying and Mapping: a process of direct measurement and analysis specifically designed to document the existence, the identity, the location, and the dimension or size of natural or artificial features on land or in the air, space or water for the purpose of producing accurate and reliable maps, suitable for visualization when needed, of such documentation.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 9-1-81, Formerly 21HH-6.02, Amended 12-18-88, Formerly 21HH-6.002, Amended 12-25-95, 5-25-99, 3-25-01, 3-13-03, \_\_\_\_\_.

(Substantial rewording of Rule 61G17-6.003 follows. See Florida Administrative Code for present text.)

61G17-6.003 General Survey, Map, and Report Requirement.

(1) REGULATORY OBJECTIVE: The public must be able to rely on the accuracy of measurements and maps produced by a surveyor and mapper. In meeting this objective, surveyors and mappers must achieve the following minimum standards of accuracy, completeness, and quality:

(a) The accuracy of the survey measurements shall be premised upon the type of survey and the expected use of the survey and map. All measurements must be in accordance with the United States standard, using either feet or meters.

(b) Records of these measurements shall be maintained for each survey by either the individual surveyor and mapper or the surveying and mapping business entity.

(c) Measurement and computation records must be dated and must contain sufficient data to substantiate the survey map and insure that the accuracy portion of these standards has been met.

(2) Other More Stringent Requirements:

(a) When more stringent survey standards other than those set forth in this chapter are required by federal, state, or local governmental agencies, the survey shall also comply with those standards.

(b) When more stringent survey standards or requirements other than those set forth in this chapter are mandated by the client and agreed to by the surveyor and mapper, the survey shall also comply with those survey standards, providing said survey requirements are within the scope of the surveyor and mapper's expertise.

(3) Other Standards and/or Requirements that Apply to All Surveys, Maps, and/or Survey Products:

(a) REGULATORY OBJECTIVE: In order to avoid misuse of a survey and map, the surveyor and mapper must adequately communicate the survey results to the public through a map, report, or report with an attached map. Any survey map or report must identify the responsible surveyor and mapper and contain standard content. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

(b) Each survey map and report shall state the type of survey it depicts consistent with the types of surveys defined in paragraphs 61G17-6.002(10)(a)-(k), F.A.C. The purpose of a survey, as set out in paragraphs 61G17-6.002(10)(a)-(k), F.A.C., dictates the type of survey to be performed and depicted, and a licensee may not avoid the minimum standards required by rule of a particular survey type merely by changing the name of the survey type to conform with what standards or lack of them the licensee chooses to follow.

(c) All survey maps and reports must bear the name, certificate of authorization number, and street and mailing address of the business entity issuing the map and report, along with the name and license number of the surveyor and mapper in responsible charge. The name, license number, and street and mailing address of a surveyor and mapper practicing independent of any business entity must be shown on each survey map and report.

(d) All survey maps must reflect a survey date, which is the date of data acquisition. When the graphics of a map are revised, but the survey date stays the same, the map must list dates for all revisions.

(e) The survey map and report and the copies of the survey map and report, except those with electronic signature and electronic seal, must contain a statement indicating that the survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

(f) If either the business entity or the individual licensee does not possess professional liability insurance, then the map, report, and/or survey must contain the following printed statement in letters at least 1/4" high: The survey depicted here is not covered by professional liability insurance.

(g) Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

(h) All computed data or plotted features shown on survey maps must be supported by accurate survey measurements unless clearly stated otherwise.

(i) Bearings, distances, coordinates, and elevations shown on a survey map shall be substantiated by survey measurements unless clearly stated otherwise.

(j) A reference to all bearings shown on a survey map or report must be clearly stated, i.e., whether to "True North"; "Grid North as established by the NOS"; "Assumed North based on a bearing for a well defined line, such as the center line of a road or right of way, etc."; "a Deed Call for a particular line"; or "the bearing of a particular line shown upon a plat." References to Magnetic North should be avoided except in the cases where a comparison is necessitated by a Deed Call. In all cases, the bearings used shall be referenced to some well-established and monumented line.

(k) A designated "north arrow" and either a stated scale or graphic scale of the map shall be prominently shown upon the survey map.

(l) Abbreviations generally used by the public or in proper names that do not relate to matters of survey are excluded from the legend requirement.

1. Acceptable abbreviations on the face of survey maps are:

N = North

S = South

E = East

W = West

or any combination such as NE, SW, etc.

° = Degrees

' = Minutes when used in a bearing

" = Seconds when used in a bearing

' = Feet when used in a distance

" = Inches when used in a distance

AC = Acres

+/- = More or less (or Plus or Minus)

metric notation

2. Any other abbreviations relating to survey matters must be clearly shown within a legend or notes appearing on the face of the map or report.

(m) When special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the map or report.

(n) The responsibility for all mapped features must be clearly stated on any map or report signed by a Florida licensed surveyor and mapper. When mapped features surveyed by the signing surveyor and mapper have been integrated with mapped features surveyed by others, then the map or report shall clearly state the individual primarily responsible for the map or report and the signing surveyor and mapper shall include in the map or report an assessment of the quality and accuracy of all mapped features delivered.

(o) Report Items:

1. Report items are information, as required by other parts of this rule, such as: abbreviations, legends, accuracy statements, feature lists, datums used, and things done or not done as part of the survey and mapping process. In addition, the map or report shall contain other items necessary for an adequate communication of survey methods and results as judged by the surveyor and mapper such as: data sources, measurement methods, history and lineage of data, and limitations pertaining to the information presented.

2. Text Report items shall be displayed either through notes on the map, report, or in a text report delivered with the map. When the report is produced as a text document and a map is attached, the report shall be signed and sealed. When the map is delivered in digital form only, then a report is required. An attached map must clearly reference the report by title, date and subject; and the report must likewise clearly refer to the map by title, date, and subject. Statements must be made on the map and in the report that neither is full and complete without the other.

(p) Map Accuracy. The expected accuracies of features shown on a survey map must be stated.

1. Vertical Feature Accuracy:

a. All surveys performed showing vertical data shall have a vertical positional accuracy statement. That statement shall be to the effect of: "Elevations and/or contours shown hereon have been measured to an estimated vertical positional accuracy of: \_\_\_\_ (ft) (m)." When different accuracy levels exist for different features, then applicable features and accuracies shall be identified with similar statements.

b. When contour lines are shown, then sufficient data must be obtained in order to insure that 90% of test elevations taken, when compared to map contours, are within stated positional accuracy.

c. Vertical Control: Field-measured control for elevation information shown upon survey maps or reports shall be based on a level loop or closure to a second benchmark. Closure in feet must be accurate to a standard of plus or minus .05 ft. times the square root of the distance in miles. All surveys and maps or reports with elevation data shall indicate the datum and a description of the benchmark(s) upon which the survey is based. Minor elevation data may be obtained on an assumed datum provided the base elevation of the datum is obviously different than the established datum.

2. Horizontal Feature Accuracy:

a. A survey and map's horizontal positional accuracy must be stated. The stated accuracy is a plus or minus tolerance that encompasses 90% of coordinate differences between map displayed values and ground truth. All survey maps or reports shall have a statement of the effect: "Well-identified features in this survey and map have been measured to an estimated horizontal positional accuracy of \_\_\_ (ft) (m)." When different accuracy levels exist for different features, then applicable features and accuracies shall be identified with similar statements.

b. Horizontal Control: All surveys and maps or reports expressing or displaying features in a publically published coordinate system shall indicate the coordinate datum and a description of the control points upon which the survey is based. Minor coordinate data may be obtained and used on an assumed datum provided the numerical basis of the datum is obviously different than a publically published datum.

c. The accuracy of control survey data shall be verified by redundant measurements or traverse closures. All control measurements shall achieve the following closures:

Commercial/High Risk Linear: 1 foot in 10,000 feet;

Suburban: Linear: 1 foot in 7,500 feet;

Rural: Linear: 1 foot in 5,000 feet;

d. When statistical procedures are used to calculate survey accuracies, the maximum acceptable positional tolerance, based on the 95% confidence level, should meet the same equivalent relative distance standards as set forth in sub-subparagraph 61G17-6.003(3)(p)2.c., F.A.C.

(q) Map Plotting Accuracy: The horizontal position of physical features surveyed by field methods must be plotted to within 1/20 of an inch at the map scale.

(r) Intended Display Scale: At the maximum intended display scale, a survey and map's positional accuracy value occupies 1/20" on the display. All maps or reports of surveys produced and delivered with digital coordinate files must contain a statement to the effect of: "This map is intended to be displayed at a scale of 1/\_\_\_ or smaller".

Specific Authority 472.008, 472.015, 472.027 FS. Law Implemented 472.015, 472.025, 472.027 FS. History—New 9-1-81, Amended 7-29-85, Formerly 21HH-6.03, Amended 12-18-88, 11-27-89, 5-26-91, Formerly 21HH-6.003, Amended 12-25-95, 5-13-96, 11-3-97, 5-25-99, \_\_\_\_\_.

(Substantial rewording of Rule 61G17-6.004 follows. See Florida Administrative Code for present text.)

61G17-6.004 Specific Survey, Map, and Report Requirements.

(1) As-Built/Record Survey:

(a) When performing as-built or record surveys, the surveyor and mapper shall obtain field measurements of vertical or horizontal dimensions of constructed improvements so that the constructed facility can be delineated in such a way that the location of the construction may be compared with the construction plans.

(b) When the surveyor and mapper prepares as-built maps they will clearly show by symbols, notations, or delineations, those constructed improvements located by the survey.

(c) All maps prepared shall meet applicable minimum technical standards.

(d) The vertical and horizontal accuracy of the measurements made shall be such that it may be determined whether the improvements were constructed consistent with planned locations.

(2) Boundary Survey, Map, and Report:

(a) Boundaries of Real Property.

1. REGULATORY OBJECTIVE: The public must have confidence that boundaries of real property are located on the ground in an adequate and defensible manner. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. The surveyor and mapper shall make a determination of the position of the boundary of real property in complete accord with the real property description shown on or attached to the survey map or report.

3. All boundary surveys shall result in a map.

4. Any discrepancies between the survey map and the real property description must be shown.

5. All changes in direction, including curves, shall be shown on the survey map by angles, bearings or azimuths, and will be in the same form as the description or other recorded document referenced on the map.

6. Curved lines with circular curves shall show the radii, arc distances and central angles, or radii, arc distances, chord distances and chord bearings.

7. When intersecting lines are non-radial to a curve, sufficient angular data shall be shown to relate the line to the curve.

8. Surveys of all or part of a lot(s) which is part of a recorded subdivision shall show the following upon the map:

a. The lot(s) and block numbers or other designations, including those of adjoining lots.

b. A comparison between recorded directions and distances with field measured directions and distances when they vary.

c. A comparison between the recorded directions and distances with field measured directions and distances to the nearest street intersection, right of way intersection or other identifiable reference point.

d. The dimensioned remaining portion of a lot(s) when part of a lot is included within the description.

9. Surveys of parcels described by metes and bounds shall show the following upon the map:

a. The relationship of the parcel(s) to at least one established identifiable real property corner;

b. All information called for in the property description, such as point of commencement, course bearings and distances, and point of beginning;

c. A comparison between recorded directions and distances and field measured directions and distances on the boundary when they vary;

d. The most current abutting recorded instrument or recorded plat either known by the surveyor and mapper or furnished to the surveyor and mapper.

(b) Boundary Monuments:

1. REGULATORY OBJECTIVE: In order to prevent boundary conflicts, the public must have assurance that the corners of accurately located real property boundaries as found by a survey are durably marked with survey monuments that may be identified on the ground with the aid of the survey map. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. The surveyor and mapper shall set monuments as defined herein, unless monuments already exist or cannot be set due to physical obstructions at such corners or unless a water boundary has been located in approximate position. The survey map shall clearly label all approximate water boundaries with notes and these shall be mapped in a distinctly different graphic fashion from water boundaries located to full survey accuracy.

3. Every boundary monument set shall:

a. Be composed of a durable material;

b. Have a minimal length of 18 inches;

c. Have a minimum cross-section area of material of 0.2 square inches;

d. Be identified with a durable marker or cap bearing either the Florida license number of the surveyor and mapper in responsible charge, the certificate of authorization number of the business entity; or name of the business entity;

e. Be detectable with conventional instruments for finding ferrous or magnetic objects.

f. When a corner falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

4. All monuments, found or placed, must be described on the survey map. The corner descriptions shall state the size, material, and cap identification of the monument as well as whether the monument was found or set.

5. When a parcel has an irregular roadway as a boundary, such as a dirt road or a common law road, then a monumented meander or survey line shall be established along or near the feature.

6. For other irregular boundaries such as a river, lake, beach, marsh or stream, not identified as in subparagraph 61G17-6.004(2)(a)2., F.A.C. a dimensioned meander or survey line may be used. When a meander or survey line is used,

monuments shall be set at the meander or survey line's terminus points on real property boundary lines, and dimensions shall be shown between a meander or survey line and the boundary line sufficient to show the relationship between the two.

7. A boundary survey updating a previous survey made by the same surveyor and mapper or business entity, and which is performed for the purpose of locating non-completed new improvements by measurements to the property lines or related offset lines placed on the property since the previous survey, need not have the property corners reset.

8. Side ties to locate or set monuments shall be substantiated by a redundancy of measurements.

(c) Boundary Inconsistencies:

1. REGULATORY OBJECTIVE: In order to protect and enhance stability of property location and title, the public must have assurance that potential boundary inconsistencies are adequately researched and disclosed. A survey map should present the factual basis of potential boundary inconsistencies in a clear fashion. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. Potential boundary inconsistencies that the survey process did not attempt to detect shall be clearly indicated and explained on the survey map or in the report. Where evidence of inconsistency is found, the nature of the inconsistency shall be shown upon the survey map, such as:

a. Overlapping descriptions or hiatuses;

b. Excess or deficiency;

c. Conflicting boundary lines or monuments; or

d. Doubt as to the location on the ground of survey lines or property rights.

3. Open and notorious evidence of boundary lines, such as fences, walls, buildings, monuments or otherwise, shall be shown upon the map, together with dimensions sufficient to show their relationship to the boundary line(s).

4. All apparent physical use onto or from adjoining property must be indicated, with the extent of such use shown or noted upon the map.

5. In all cases where foundations may violate deed or easement lines and are beneath the surface, failure to determine their location shall be noted upon the map or report.

(d) Rights-of-Way, Easements, and Other Real Property Concerns:

1. REGULATORY OBJECTIVE: In order to provide assurance of the status of access and other real property rights, the public must be informed of the existence and location of rights-of-way and easements associated with property being surveyed. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. All recorded public and private rights of way shown on applicable recorded plats adjoining or across the land being surveyed shall be located and shown upon the map.

3. Easements shown on applicable record plats or open and notorious evidence of easements or rights-of-way on or across the land being surveyed shall be located and shown upon the map.

4. When streets or street rights-of-way abutting the land surveyed are physically closed to travel, a note to this effect shall be shown upon the map.

5. When location of easements or rights-of-way of record, other than those on record plats, is required, this information must be furnished to the surveyor and mapper.

6. Human cemeteries and burial grounds located within the premises shall be located and shown upon the map when open and notorious, or when knowledge of their existence and location is furnished to the surveyor and mapper.

(e) Real Property Improvements:

1. REGULATORY OBJECTIVE: The public must be informed of the existence and location of pertinent real property improvements and their relation to the boundary of real property. In meeting this objective, surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

2. Location of fixed improvements pertinent to the survey shall be graphically shown upon the map and their positions shall be dimensioned in reference to the boundaries, either directly or by offset lines.

3. When fixed improvements are not located or do not exist, a note to this effect shall be shown upon the map.

4. Building corners are acceptable as monumentation so long as use of building corners as monumentation is clearly noted on survey drawing.

5. When a boundary survey updating a previous boundary survey is made by the same surveyor or survey firm for purpose of locating non-completed new improvements; then property corners need not be reset; however, when a boundary survey is updating a previous survey made by the same surveyor or survey firm and is performed for purpose of locating completed new improvements then property corners must be recovered or reset. When a boundary survey updates a previous boundary survey made by a different surveyor or survey firm for the purpose of locating either non-completed or completed new improvements, property corners must be recovered or reset.

(3) Construction Layout Survey:

(a) When the surveyor and mapper provides construction staking, these stakes must be based on controls established using the survey standards set out in paragraph 61G17-6.003(3)(p), F.A.C., of this chapter. The stakes provided should be adequate in number and position so that the physical items can be constructed from the plans as designed.

(b) Horizontal and Vertical Controls for Public and Private Construction Layout:

1. Section 472.003(3), Florida Statutes, provides an exemption from licensing for certain classes of individuals performing construction layout from boundary, horizontal and vertical controls that have been established by a licensed professional surveyor and mapper. This rule is designed to set out what constitutes horizontal and vertical controls.

a. Horizontal control monumentation for the purpose of this rule includes:

1. Points of Curve, Points of Tangency, Points of Tangent Intersections, Points on Line and Points on Curve.

2. Points of Intersection of other streets or roads.

3. Angle points or changes in direction.

b. Horizontal control monumentation for road center-lines, right-of-way lines, reference lines or base lines shall be at least a minimum of two (2) points placed so that no point on the line being monumented is more than 700 feet from a control monument.

c. Horizontal control monumentation for main utility lines (such as water, sewer, storm drainage, electric, telephone, television, gas, etc.) when not constructed within or along a road right-of-way control in accordance with sub-subparagraph 61G17-6.004(3)(b)1.b., F.A.C. shall be at least a minimum of two (2) points placed so that no point on the line being monumented is more than 700 feet from a control monument.

d. Horizontal control monumentation for buildings and/or primary constructions shall be at least:

1. Boundaries or

2. Control or base lines (minimum of 2 points) or

3. A minimum of a four-corner envelope for non-residential construction improvement layout.

e. Horizontal control monumentation required by plans as a control for horizontal location not included in sub-subparagraphs 61G17-6.004(3)(b)1.b.c., or d., F.A.C. shall meet the requirements of sub-subparagraph 61G17-6.004(3)(b)1.a., F.A.C.

(c) All construction requiring benchmarks shall have a minimum of two (2) existent or established benchmarks for vertical control.

(d) Vertical control for linear type construction sites such as roads and sewer lines shall have a maximum of 1,100 feet between existent or established benchmarks.

(e) Vertical control for acreage construction sites shall have two (2) existent or established benchmarks on the first ten (10) acres plus an additional benchmark for each additional ten (10) acres.

(f) The only required documentation for this type of survey product shall be field notes.



(4) Control Survey:

(a) Geodetic Control Surveys: When applicable, all geodetic control surveys, both vertical and horizontal, shall conform to the Standards and Specifications for Geodetic Control Networks (1984) as set forth by the Federal Geodetic Control Committee (FGCC), which Standards and Specifications are incorporated herein by reference, effective 5-13-96, and the Geospatial Positioning Accuracy Standards Parts 1, 2, and 3, FGDC-STD-007.1-1998, entitled "Geospatial Positioning Accuracy Standards Part 2: Standards for Geodetic Networks", and FGDC-STD-007.3-1998, entitled "Geospatial Positioning Accuracy Standards Part 3: National Standard for Spatial Data Accuracy", which are hereby incorporated by reference, effective 5-18-00, copies of which may be obtained via the internet web site (<http://fgdc.er.usgs.gov>). No use of the terminology of these standards may be made without completely adopting and following all the standards in their entirety. When these standards are not employed, then a survey, map, or report shall explain applicable standards used in the geodetic control survey. All geodetic control survey maps or reports shall show the horizontal and vertical datum used and shall contain adequate graphical or written descriptions of the locations, construction and marking of all marks used or set and shall explain methods employed in the survey and adjustment.

(b) Other Control Surveys: Any control survey map or report shall detail the datum used and control stations used in a manner consistent with the general survey and map provisions of subsection 61G17-6.003(1), F.A.C.

(5) Descriptions/Sketch to Accompany Description:

(a) Descriptions written by a surveyor and mapper to describe land boundaries by metes and bounds shall provide definitive identification of boundary lines.

(b) When a sketch accompanies the property description, it shall show all information referenced in the description and shall state that such sketch is not a survey. The initial point in the description shall be tied to either a government corner, a recorded corner, or some other well-established survey point.

(6) Digital Data:

(a) When survey information is provided in digital form only, the surveyor and mapper shall provide a signed and sealed report as set forth in paragraph 61G17-6.003(3)(o), F.A.C.

(b) The digital file will reference the report and that the digital file is not full and complete without the report.

(7) Ortho-Images/Photos:

(a) The survey, map, and/or report must contain a list of control points employed in geo-referencing the image along with the source of control positions used.

(b) Positional Accuracy: Feature accuracies shall be stated in a manner consistent with the general survey and map accuracy provisions of paragraph 61G17-6.003(3)(p), F.A.C.

(c) The Ortho-Image/Photo shall comply with the US Department of the Interior, US Geological Survey National Mapping Divisions, "National Mapping Program Technical Instructions Part 2 Specifications Standards for Digital Orthophotos."

(8) Quantity Survey:

(a) Quantity Surveys: The surveyor and mapper shall obtain horizontal and vertical measurements adequate to delineate graphically geometric configurations and/or dimensions that can be mathematically computed.

(9) Raster Imagery:

(a) REGULATORY OBJECTIVE: The public must be able to rely on surveys and maps presented in image form, digital or graphical, where coordinate positions of mapped features on a recognized coordinate system may be extracted from the image.

(b) The survey and report must contain a list of control points employed in geo-referencing the image along with the source of control positions used. The survey and report must contain a statement clearly stating that "This is not an orthoimage or orthophoto."

(c) Feature accuracies shall be stated in a manner consistent with the general survey and map accuracy provisions outlined in paragraph 61G17-6.003(3)(p), F.A.C.

(10) Subdivision Record Plat:

(a) This rule shall not apply to plats being prepared for filing and recording pursuant to Chapter 177, Florida Statutes; however, this rule shall apply to any boundary survey performed during the preparation of the plat

(11) Specific Purpose Survey:

(a) Surveys which are performed for a purpose other than the purposes encompassed by the definitions in paragraphs 61G17-6.002(8)(a)-(i) or (k), F.A.C., shall be permitted only where unusual conditions make impracticable or impossible the performance of one of the types of surveys defined in paragraphs 61G17-6.002(8)(a)-(j) or (k), F.A.C.

(b) Such purpose and conditions shall be clearly shown upon the survey map or in the survey report.

(c) Surveys performed for purposes of monumenting, referencing, describing, and mapping centerline or baseline may be performed as Specific Purpose Surveys. Additionally, surveys performed for the purpose of monumenting official right-of-way lines may be performed as Specific Purpose Surveys.

(12) Topographic Survey:

(a) Topographic surveying and mapping by field methods shall meet general provisions applicable to all surveys and maps as set out in Rule 61G17-6.003, F.A.C. A minimum of two site benchmarks on or near the survey shall be indicated upon the survey map.

(b) Topographic Features.

1. REGULATORY OBJECTIVE: The public must be able to rely on topographic information contained on a survey map and must be able to correctly interpret the intended map coverage.

2. Intended Features. The surveyor and mapper shall devise a method of reporting which topographic features were intended to be surveyed and mapped, the style of cartographic representation employed for each, and the degree of intended completeness in the surveying and mapping of each feature. As with abbreviations, any symbols, line types, etc. shown on the survey map shall be explained/defined in a legend.

3. Obscured Areas. Features in obscured areas where the desired points or surfaces being mapped are not clearly visible on source images shall be clearly labeled on the map as "interpolated" or "estimated" through the use of notes and shall be depicted graphically clearly different from other surveyed features.

4. Scale of Map. The scale of the map that is selected when provided in hard copy shall be sufficient to accurately and clearly show the results of the survey.

5. Property Lines. Any depiction of property lines on a topographic map shall be accompanied with a statement as to the source of the property lines shown.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History--New 2-20-96, Amended 5-25-99, 3-25-01, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: License Fees and Examination Fees RULE NO.: 61J2-1.011

PURPOSE AND EFFECT: This purpose of this amendment is to give applicants the option of Fingerprint Card Processing or Electronic Fingerprint Processing.

SUMMARY: This rule sets out license fees and examination fees and is being amended to add the option of electronic fingerprint processing and to set out the fees for same.

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: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

61J2-1.011 License Fees and Examination Fees.

(1) No change.

(2) The application fee for licensure shall be as follows:

(a) Initial application

Broker \$ 20.00

Sales Associate \$ 20.00

(b) 1. Fingerprint Card Processing Fee or \$ 47.00

2. Electronic Fingerprint Processing Fee \$ 61.00

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

Specific Authority 475.05 FS. Law Implemented 455.217, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS. History--New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-18-94, 12-17-95, 12-30-97, 1-19-99, 4-18-99, 2-24-00, 11-17-03, \_\_\_\_\_.

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: October 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 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 Medicine**

RULE TITLES:	RULE NOS.:
Definitions	64B8-31.001
Examination for Licensure	64B8-31.002
Application for Licensure and Licensure Requirements for Anesthesiologist Assistants	64B8-31.003
Requirements for Approval of Training Programs	64B8-31.004
Anesthesiologist Assistant Protocols and Performance	64B8-31.005
Financial Responsibility	64B8-31.006
Anesthesiologist Assistant Licensure Renewal and Reactivation	64B8-31.007
Notice of Noncompliance	64B8-31.008
Citation Authority	64B8-31.009
Fees Regarding Anesthesiologist Assistants	64B8-31.012

PURPOSE AND EFFECT: The proposed rules are intended to set forth the requirements for licensure as an anesthesiologist assistant.

SUMMARY: The proposed rule amendments implement recent legislation with regard to licensure of anesthesiologist assistants.

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: 458.3475 FS.

LAW IMPLEMENTED: 458.3475 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-31.001 Definitions.

(1) The term "Anesthesiologist Assistant" as herein used refers to a graduate of an approved program who is licensed to perform medical services delegated and directly supervised by a supervising anesthesiologist.

(2) The term "Approved Program" as herein used refers to a program for the education and training of anesthesiologist assistants approved by the Board of Medicine and the Board of Osteopathic Medicine.

(3) The term "direct supervision" as used herein means the on-site, personal supervision by an anesthesiologist who is present in the office when the procedure is being performed in that office, or is present in the surgical or obstetrical suite when the procedure is being performed in that surgical or obstetrical suite and who is in all instances immediately available to provide assistance and direction to the anesthesiologist assistant while anesthesia services are being performed.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History—New \_\_\_\_\_.

64B8-31.002 Examination for Licensure.

The Board hereby approves the examination administered through the National Commission on Certification of Anesthesiologist Assistants (NCCAA) as the proficiency examination required for licensure as an anesthesiologist assistant.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History—New \_\_\_\_\_.

64B8-31.003 Application for Licensure and Licensure Requirements for Anesthesiologist Assistants.

(1) Application for Licensure.

(a) All persons applying for licensure as an anesthesiologist assistant shall submit an application to the Department on forms approved by Boards and provided by the Department.

(b) The application may not be used for more than one year from the date of original submission of the application and fee. Fees are found in Rule 64B8-31.012, F.A.C. After one year from the date that the original application and fee have been received in the Board office, a new application and fee shall be required from any applicant who desires licensure as an anesthesiologist assistant.

(c) All application information must be submitted no later than 15 days prior to the meeting at which the applicant desires his or her application to be considered.

(2) Requirements for Licensure.

(a) All applicants for licensure as an anesthesiologist assistant must submit an application as set forth in paragraph (1) above. The applicant must meet all of the requirements of Section 458.3475, F.S., and the applicant must submit two personalized and individualized letters of recommendation from anesthesiologists. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the faculty physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to the Board and must have been written no more than six months prior to the filing of the application for licensure.

(b) The applicant must have obtained a passing score on the examination administered through the NCCAA. The passing score shall be established by the NCCAA.

(c) The applicant must be certified in advanced cardiac life support.

(d) The applicant must submit notarized statements containing the following information:

1. Completion of three hours of all Category I, American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

2. Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

3. Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(e) Demonstrate compliance with the financial responsibility pursuant to Section 456.048, F.S., and as outlined in Rule 64B8-31.006, F.A.C., below.

(3) Restrictions. For purposes of carrying out the provisions of Section 458.3475, F.S., every anesthesiologist assistant is prohibited from being supervised by any physician whose license to practice medicine is on probation.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History--New \_\_\_\_\_.

64B8-31.004 Requirements for Approval of Training Programs.

Anesthesiologist Assistant programs approved and recognized by the State of Florida must hold full accreditation or provisional (initial) accreditation from the Committee on Accreditation of Allied Health Education Programs (CAAHEP), or its successor.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History--New \_\_\_\_\_.

64B8-31.005 Anesthesiologist Assistant Protocols and Performance.

(1) Every anesthesiologist or group of anesthesiologists, upon entering into a supervisory relationship with an anesthesiologist assistant must file with the Board a written protocol, to include, at a minimum, the following:

(a) Name, address, and license number of the anesthesiologist assistant;

(b) Name, address, license number and federal Drug Enforcement Administration (DEA) number of each anesthesiologist who will supervise the anesthesiologist assistant;

(c) Address of the anesthesiologist assistant's primary practice location and any other locations where the assistant may practice;

(d) The date the protocol was developed and the dates of all revisions;

(e) The designation and signature of the primary supervising anesthesiologist;

(f) Signatures of the anesthesiologist assistant and all supervising anesthesiologists;

(g) The duties and functions of the anesthesiologist assistant;

(h) Conditions or procedures that require the personal provision of care by an anesthesiologist;

(i) The procedures to be followed in the event of an anesthetic emergency.

(2) The protocol must be on file with the Board prior to the time the anesthesiologist assistant begins practice with the anesthesiologist or the anesthesiology group.

(3) The protocol must be updated biennially.

(4) Anesthesiologist assistants may perform the following duties under the direct supervision of an anesthesiologist and as set forth in the protocol outlined in paragraph (1) above:

(a) Obtaining a comprehensive patient history and presenting the history to the supervising anesthesiologist;

(b) Pretesting and calibration of anesthesia delivery systems and monitoring, obtaining and interpreting information from the systems and monitors;

(c) Assisting the anesthesiologist with implementation of monitoring techniques;

(d) Establishing basic and advanced airway interventions, including intubations of the trachea and performing ventilatory support;

(e) Administering intermittent vasoactive drugs and starting and adjusting vasoactive infusions;

(f) Administering anesthetic drugs, adjuvant drugs, and accessory drugs;

(g) Assisting the anesthesiologist with the performance of epidural anesthetic procedures and spinal anesthetic procedures;

(h) Administering blood, blood products, and supportive fluids;

(i) Supporting life functions during anesthesia health care, including induction and intubation procedures, the use of appropriate mechanical supportive devices, and the management of fluid, electrolyte, and blood component balances.

(j) Recognizing and taking appropriate corrective action for abnormal patient responses to anesthesia, adjunctive medication or other forms of therapy;

(k) Participating in management of the patient while in the post-anesthesia recovery area, including the administration of supporting fluids; and

(l) Placing special peripheral and central venous and arterial lines for blood sampling and monitoring as appropriate.

(5) The supervising anesthesiologist shall delegate only tasks and procedures to the anesthesiologist assistant which are within the supervising physician's scope of practice. The anesthesiologist assistant may work in any setting that is within the scope of practice of the supervising anesthesiologist's practice.

(6) Continuity of Supervision in practice settings requires the anesthesiologist assistant to document in the anesthesia record any change in supervisor.

(7) All tasks and procedures performed by the anesthesiologist assistant must be documented in the appropriate medical record.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History—New \_\_\_\_\_.

#### 64B8-31.006 Financial Responsibility.

Pursuant to Section 456.048, F.S., all anesthesiologist assistants shall carry malpractice insurance or demonstrate proof of financial responsibility. Any applicant for licensure shall submit proof of compliance with Section 456.048, F.S., or exemption to the Board office prior to licensure. All licensees

shall submit such proof as a condition of biennial renewal or reactivation. Acceptable proof of financial responsibility shall include:

(1) Professional liability coverage of at least \$100,000 per claim with a minimum annual aggregate of at least \$300,000 from an authorized insurer under Section 624.09, F.S., a surplus lines insurer under Section 626.914(2), F.S., a joint underwriting association under Section 627.351(4), F.S., a self-insurance plan under Section 627.357, F.S., or a risk retention group under Section 627.942, F.S.; or

(2) An unexpired irrevocable letter of credit as defined by Chapter 675, F.S., which is in the amount of at least \$100,000 per claim with a minimum aggregate availability of at least \$300,000 and which is payable to the anesthesiologist assistant as beneficiary. Any person claiming exemption from the financial responsibility law pursuant to Section 456.048(2), F.S., must timely document such exemption at initial certification, biennial renewal, and reactivation.

Specific Authority 458.309, 458.3475 FS. Law Implemented 458.3475 FS. History—New \_\_\_\_\_.

#### 64B8-31.007 Anesthesiologist Assistant Licensure Renewal and Reactivation.

(1) An anesthesiologist assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

(2) Requirements for Renewal.

(a) Completion of the anesthesiologist assistant licensure renewal application on the appropriate form approved by the Boards and provided by the Department.

(b) Submission of a signed, sworn statement of no felony convictions in the previous two years.

(c) Submission of a written statement attesting to completion of 40 hours of Continuing Medical Education in the previous two years, or provide documentation of current certification issued by the NCCAA.

(d) For all licensees no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II

American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) For all licensees one hour of Category I American Medical Association Continuing Medical Education, which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

(f) Notwithstanding the provisions of paragraphs (d) and (e), above, an anesthesiologist assistant may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that anesthesiologist assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennial.

(g) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(3) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as an anesthesiologist assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as an anesthesiologist assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must either:

1. Demonstrate completion of the University of South Florida (USF) Anesthesia Competency Assessment or an equivalent anesthesia assessment program approved by the Board; or

2. Re-take the NCCAA certification examination.

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-31.007(2)(c), (d), (e), (f) and (g), F.A.C., for each biennium in which the license was inactive;

(f) Submit the protocol as set forth in Rule 64B8-31.005, F.A.C.;

(g) Demonstrate financial responsibility as set forth in Rule 64B8-31.006, F.A.C.; and

(h) Pay the appropriate fees.

(4) Licensure Renewal or Reactivation Applications.

(a) Application for renewal as a licensed anesthesiologist assistant or for reactivation must be made upon forms supplied by the Board, and incorporated in Rule 64B8-1.007, F.A.C.

(b) Renewal or reactivation application forms submitted to the Board must be complete in every detail and must be typed or legibly printed in black ink.

(5) The renewal or reactivation fees are found in Rule 64B8-31.012, F.A.C.

(6) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be reactivated or made 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.

(b) The delinquent status licensee who applies for license reactivation or inactive status shall:

1. File with the Department the completed application for either license reactivation as required by Section 458.3475, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board either the license reactivation fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If reactivation is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-31.007, F.A.C.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.3475 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.3475 FS. History—New

64B8-31.008 Notice of Noncompliance.

(1) Pursuant to Section 456.073(3), F.S., the department is authorized to provide a notice of noncompliance for an initial offense of a minor violation if the board establishes by rule a list of minor violations. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. A notice of noncompliance in lieu of other action is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations, then the Department may not issue a notice of noncompliance, but must prosecute the violations under the other provisions of Section 456.073, F.S. A notice of noncompliance may be issued to a licensee for a first time violation of one or both of the violations listed in paragraph (3)(b). Failure of a licensee to take action in correcting the violation within 15 days after notice shall result in the institution of regular disciplinary proceedings.

(2) The department shall submit to the board a monthly report detailing the number of notices given, the number of cases completed through receipt of a notarized statement of compliance from the licensee, and the types of violations for which notices of noncompliance have been issued. Notices of noncompliance shall be considered by the probable cause panels when reviewing a licensee's subsequent violations of a same or similar offense.

(3) The following violations are those for which the board authorizes the Department to issue a notice of noncompliance:

(a) Failing to include the specific disclosure statement required by Section 456.062, F.S., in any advertisement for a free, discounted fee, or reduced fee service, examination or treatment.

(b) Violating any of the following provisions of Chapter 458, F.S., as prohibited by Sections 458.3475 and 458.331(1)(x), F.S.:

1. Section 458.3475, F.S., which provides for criminal penalties for the practice as an anesthesiologist assistant without an active license. A notice of noncompliance would be issued for this violation only if the subject of the investigation met the following criteria: the subject was the holder of a license to practice as an anesthesiologist assistant at all time material to the matter; that license was otherwise in good standing; and that license was or will be renewed and placed in an active status within 90 days of the date it reverted to delinquent status based on failure to renew the license. If the license was in a delinquent status for more than 90 days and the individual continued to practice, then the matter would proceed under the other provisions of Sections 456.073 and 456.035(1), F.S.

2. Failing to notify the board of a change of practice location, contrary to Sections 458.319(3) and 456.035(1), F.S.

Specific Authority 456.073(3), 458.309, 458.3475 FS. Law Implemented 456.073(3), 458.331, 458.3475 FS. History—New \_\_\_\_\_.

64B8-31.009 Citation Authority.

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. In addition to any administrative fine imposed, the Respondent may be required by the department to pay the costs of investigation.

(2) If the violation constituted a substantial threat to the public health, safety, and welfare, such potential for harm must have been removed prior to issuance of the citation.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

<u>VIOLATIONS</u>	<u>PENALTY</u>
(a) <u>CME violations.</u> (Section 458.3475, F.S.) (Section 458.331(1)(g), (x), F.S.) (Section 456.072(1)(e), (s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine.
1. <u>Failure to document required HIV/AIDS CME.</u> (Section 456.033, F.S.)	\$250 fine
2. <u>Failure to document required domestic violence or end-of-life and palliative health care CME.</u> (Section 456.031, F.S.)	\$250 fine
3. <u>Failure to document required prevention of medical errors CME.</u> (Section 456.013(7), F.S.)	\$250 fine
4. <u>Failure to document both the required HIV/AIDS and domestic violence, or end-of-life and palliative health care CME.</u>	\$500 fine
5. <u>Documentation of some, but not all, 40 hours of required CME for license renewal.</u>	\$25 fine for each hour not documented
(b) <u>Obtaining license renewal by negligent misrepresentation.</u> (Section 458.3475, F.S.) (Section 458.331(1)(a), F.S.)	\$2500 fine
(c) <u>Failure to document any of the 40 hours of required CME for license renewal.</u> (Section 458.3475, F.S.) (Section 458.331(1)(x), F.S.)	\$2500 fine
(d) <u>Practice on an inactive or delinquent license.</u> (Section 456.036(1), F.S.) (Section 458.327(1)(a), F.S.) (Section 458.3475, F.S.) (Section 458.331(1)(x), F.S.)	\$100 for each month or part thereof.
1. <u>For a period of up to nine months.</u>	

- 2. For a period of nine months to twelve months. \$150 for each month or part thereof.
- (e) Failure to notify Department of change of practice and/or mailing address. \$125 fine  
(Section 456.035, F.S.)  
(Section 458.319(3), F.S.)  
(Section 458.331(1)(g), F.S.)  
(Section 458.3475, F.S.)
- (f) Failure of the anesthesiologist assistant to clearly identify that he/she is an anesthesiologist assistant. \$250 fine  
(Section 458.3475, F.S.)  
(Section 458.331(1)(g), F.S.)
- (g) Failure to report to the Department of addition/deletion/change of supervising physician(s). \$125 fine  
(Section 456.035, F.S.)  
(Section 458.331(1)(g), F.S.)  
(Section 458.3475, F.S.)

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.

(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.

(7) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, F.S.

Specific Authority 456.077, 458.309, 458.3475 FS. Law Implemented 456.077, 458.331, 458.3475 FS. History--New \_\_\_\_\_.

**64B8-31.012 Fees Regarding Anesthesiologist Assistants.**  
The following fees are prescribed by the Board:

- (1) The application fee for a person applying to be licensed as an anesthesiologist assistant shall be \$300.
- (2) The initial licensure fee for an anesthesiologist assistant shall be \$500.

(3) The biennial renewal fee for an active or inactive anesthesiologist assistant licensed pursuant to Section 458.3475, F.S., shall be \$500. Licenses not renewed at the end of a biennial period shall automatically become delinquent.

(4) The reactivation fee for an inactive anesthesiologist assistant licensure pursuant to Section 458.3475, F.S., shall be \$100. Reactivation shall require payment of all the applicable renewal fees and the reactivation fee.

(5) The duplicate licensure fee shall be \$25.00.

(6) Any licensed anesthesiologist assistant who fails to renew his/her licensure by the end of the biennium shall pay a delinquent fee of \$100 upon application for either active or inactive status.

(7) The unlicensed activity fee for initial licensure and licensure renewal shall be \$5.00.

Specific Authority 456.036(5),(7), 458.309, 458.3475 FS. Law Implemented 456.036(5),(7), 458.3475 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesiologist Assistant Committee  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2004

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLE: Testing and Competency Evaluation  
 RULE NO.: 64B9-15.008

PURPOSE AND EFFECT: To provide that both the written and clinical examinations for certification as a certified nursing assistant must be passed within two years of each, and to delete the relative weight of the general areas of competency. The amendment also deletes the requirement that the clinical skills test include ability to measure height.

SUMMARY: To provide that both the written and clinical examinations for certification as a certified nursing assistant must be passed within two years of each, and to delete the relative weight of the general areas of competency. The amendment also deletes the requirement that the clinical skills test include ability to measure height.

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: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 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: Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.008 Testing and Competency Evaluation.

(1) The Certified Nursing Assistant Examination shall consist of the Written Exam and the Clinical Skills Test. Both the Written Exam and the Clinical Skills Test must be passed within a two-year period in order to achieve certification. Results on either the Written Exam or the Clinical Skills Test which are over two-years old are invalid and both the Written Exam and the Clinical Skills Test must be repeated.

(2) The general areas of competency ~~and relative weight~~ of the Written Exam are as follows:

- (a) Role of the Nursing Assistant (~~16-24%~~);
- (b) Promotion of Health and Safety (~~14-17%~~);
- (c) Promotion of Function and Health of Residents (~~20-26%~~);
- (d) Basic Nursing Skills (~~24-28%~~); and
- (e) Providing Specialized Care (~~14-19%~~).
- (3) No change.
- (4) through (d)1. No change.
- 2. Measure and Record ~~Height and~~ Weight; and
- 3. No change.
- (5) through (7) No change.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New 5-25-03, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

**DEPARTMENT OF HEALTH  
Board of Osteopathic Medicine**

RULE TITLES:	RULE NOS.:
Definitions	64B15-7.001
Examination for Licensure	64B15-7.002
Application for Licensure and Licensure Requirements for Anesthesiologist Assistants	64B15-7.003
Requirements for Approval of Training Programs	64B15-7.004

Anesthesiologist Assistant Protocols and Performance	64B15-7.005
Financial Responsibility	64B15-7.006
Anesthesiologist Assistant Licensure Renewal and Reactivation	64B15-7.007
Notice of Noncompliance	64B15-7.008
Citation Authority	64B15-7.009
Fees Regarding Anesthesiologist Assistants	64B15-7.012

PURPOSE AND EFFECT: The proposed rules are intended to set forth the requirements for licensure as an anesthesiologist assistant.

SUMMARY: The proposed rule amendments implement recent legislation with regard to licensure of anesthesiologist assistants.

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: 459.023 FS.

LAW IMPLEMENTED: 459.023 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-7.001 Definitions.

(1) The term “Anesthesiologist Assistant” as herein used refers to a graduate of an approved program who is licensed to perform medical services delegated and directly supervised by a supervising anesthesiologist.

(2) The term “Approved Program” as herein used refers to a program for the education and training of anesthesiologist assistants approved by the Board of Medicine and the Board of Osteopathic Medicine.

(3) The term “Direct Supervision” as used herein means the on-site, personal supervision by an anesthesiologist who is present in the office when the procedure is being performed in that office, or is present in the surgical or obstetrical suite when the procedure is being performed in that surgical or obstetrical suite and who is in all instances immediately available to provide assistance and direction to the anesthesiologist assistant while anesthesia services are being performed.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.023 FS. History—New \_\_\_\_\_.

64B15-7.002 Examination for Licensure.

The Board hereby approves the examination administered through the National Commission on Certification of Anesthesiologist Assistants (NCCAA) as the proficiency examination required for licensure as an anesthesiologist assistant.

Specific Authority 459.005, 459.023 F.S. Law Implemented 459.023 F.S. History—New \_\_\_\_\_.

64B15-7.003 Application for Licensure and Licensure Requirements for Anesthesiologist Assistants.(1) Application for Licensure.

(a) All persons applying for licensure as an anesthesiologist assistant shall submit an application to the Department on forms approved by Boards and provided by the Department.

(b) The application may not be used for more than one year from the date of original submission of the application and fee. Fees are found in Rule 64B15-7.012, F.A.C. After one year from the date that the original application and fee have been received in the Board office, a new application and fee shall be required from any applicant who desires licensure as an anesthesiologist assistant.

(c) All application information must be submitted no later than 15 days prior to the meeting at which the applicant desires his or her application to be considered.

(2) Requirements for Licensure.

(a) All applicants for licensure as an anesthesiologist assistant must submit an application as set forth in paragraph (1) above. The applicant must meet all of the requirements of Section 459.023, F.S., and the applicant must submit two personalized and individualized letters of recommendation from anesthesiologists. Letters of recommendation must be composed and signed by the applicant's supervising physician, or, for recent graduates, the faculty physician, and give details of the applicant's clinical skills and ability. Each letter must be addressed to the Board and must have been written no more than six months prior to the filing of the application for licensure.

(b) The applicant must have obtained a passing score on the examination administered through the NCCAA. The passing score shall be established by the NCCAA.

(c) The applicant must be certified in advanced cardiac life support.

(d) The applicant must submit notarized statements containing the following information:

1. Completion of three hours of all Category I, American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of

clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

2. Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

3. Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(e) Demonstrate compliance with the financial responsibility pursuant to Section 456.048, F.S., and as outlined in Rule 64B15-7.006, F.A.C., below.

(3) Restrictions. For purposes of carrying out the provisions of Sections 458.3475 and 459.023, F.S., every anesthesiologist assistant is prohibited from being supervised by any physician whose license to practice medicine is on probation.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.023 FS. History—New \_\_\_\_\_.

64B15-7.004 Requirements for Approval of Training Programs.

Anesthesiologist Assistant programs approved and recognized by the State of Florida must hold full accreditation or provisional (initial) accreditation from the Committee on Accreditation of Allied Health Education Programs (CAAHEP), or its successor.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.023 FS. History—New \_\_\_\_\_.

64B15-7.005 Anesthesiologist Assistant Protocols and Performance.

(1) Every anesthesiologist or group of anesthesiologists, upon entering into a supervisory relationship with an anesthesiologist assistant must file with the Board a written protocol, to include, at a minimum, the following:

(a) Name, address, and license number of the anesthesiologist assistant;

(b) Name, address, license number and federal Drug Enforcement Administration (DEA) number of each anesthesiologist who will supervise the anesthesiologist assistant;

(c) Address of the anesthesiologist assistant's primary practice location and any other locations where the assistant may practice;

(d) The date the protocol was developed and the dates of all revisions;

(e) The designation and signature of the primary supervising anesthesiologist;

(f) Signatures of the anesthesiologist assistant and all supervising anesthesiologists;

(g) The duties and functions of the anesthesiologist assistant;

(h) Conditions or procedures that require the personal provision of care by an anesthesiologist;

(i) The procedures to be followed in the event of an anesthetic emergency.

(2) The protocol must be on file with the Board prior to the time the anesthesiologist assistant begins practice with the anesthesiologist or the anesthesiology group.

(3) The protocol must be updated biennially.

(4) Anesthesiologist assistants may perform the following duties under the direct supervision of an anesthesiologist and as set forth in the protocol outlined in paragraph (1) above:

(a) Obtaining a comprehensive patient history and presenting the history to the supervising anesthesiologist;

(b) Pretesting and calibration of anesthesia delivery systems and monitoring, obtaining and interpreting information from the systems and monitors;

(c) Assisting the anesthesiologist with implementation of monitoring techniques;

(d) Establishing basic and advanced airway interventions, including intubations of the trachea and performing ventilatory support;

(e) Administering intermittent vasoactive drugs and starting and adjusting vasoactive infusions;

(f) Administering anesthetic drugs, adjuvant drugs, and accessory drugs;

(g) Assisting the anesthesiologist with the performance of epidural anesthetic procedures and spinal anesthetic procedures;

(h) Administering blood, blood products, and supportive fluids;

(i) Supporting life functions during anesthesia health care, including induction and intubation procedures, the use of appropriate mechanical supportive devices, and the management of fluid, electrolyte, and blood component balances.

(j) Recognizing and taking appropriate corrective action for abnormal patient responses to anesthesia, adjunctive medication or other forms of therapy;

(k) Participating in management of the patient while in the post-anesthesia recovery area, including the administration of supporting fluids;

(l) Placing special peripheral and central venous and arterial lines for blood sampling and monitoring as appropriate.

(5) The supervising anesthesiologist shall delegate only tasks and procedures to the anesthesiologist assistant which are within the supervising physician's scope of practice. The anesthesiologist assistant may work in any setting that is within the scope of practice of the supervising anesthesiologist's practice.

(6) Continuity of Supervision in practice settings requires the anesthesiologist assistant to document in the anesthesia record any change in supervisor.

(7) All tasks and procedures performed by the anesthesiologist assistant must be documented in the appropriate medical record.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.023 FS. History—New \_\_\_\_\_.

64B15-7.006 Financial Responsibility.

Pursuant to Section 456.048, F.S., all anesthesiologist assistants shall carry malpractice insurance or demonstrate proof of financial responsibility. Any applicant for licensure shall submit proof of compliance with Section 456.048, F.S., or exemption to the Board office prior to licensure. All licensees shall submit such proof as a condition of biennial renewal or reactivation. Acceptable proof of financial responsibility shall include:

(1) Professional liability coverage of at least \$100,000 per claim with a minimum annual aggregate of at least \$300,000 from an authorized insurer under Section 624.09, F.S., a surplus lines insurer under Section 626.914(2), F.S., a joint

underwriting association under Section 627.351(4), F.S., a self-insurance plan under Section 627.357, F.S., or a risk retention group under Section 627.942, F.S.; or

(2) An unexpired irrevocable letter of credit as defined by Chapter 675, F.S., which is in the amount of at least \$100,000 per claim with a minimum aggregate availability of at least \$300,000 and which is payable to the anesthesiologist assistant as beneficiary. Any person claiming exemption from the financial responsibility law pursuant to Section 456.048(2), F.S., must timely document such exemption at initial certification, biennial renewal, and reactivation.

Specific Authority 459.005, 459.023 FS. Law Implemented 459.023 FS. History—New \_\_\_\_\_.

#### 64B15-7.007 Anesthesiologist Assistant Licensure Renewal and Reactivation.

(1) An anesthesiologist assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

##### (2) Requirements for Renewal.

(a) Completion of the anesthesiologist assistant licensure renewal application on the appropriate form approved by the Boards and provided by the Department.

(b) Submission of a signed, sworn statement of no felony convictions in the previous two years.

(c) Submission of a written statement attesting to completion of 40 hours of Continuing Medical Education in the previous two years, or provide documentation of current certification issued by the NCCAA.

(d) For all licensees no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. Home study courses approved by the above agencies will be acceptable.

(e) For all licensees one hour of Category I American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A

continuing education related to the practice of osteopathic medicine or under osteopathic auspices, which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

(f) Notwithstanding the provisions of paragraphs (d) and (e), above, an anesthesiologist assistant may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that anesthesiologist assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.

(g) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(3) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as an anesthesiologist assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as an anesthesiologist assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must either:

1. Demonstrate completion of the University of South Florida (USF) Anesthesia Competency Assessment or an equivalent anesthesia assessment program approved by the Board; or

2. Re-take the NCCAA certification examination.

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-7.007(2)(c), (d), (e), (f) and (g), F.A.C., for each biennium in which the license was inactive;

(f) Submit the protocol as set forth in Rule 64B15-7.005, F.A.C.;

(g) Demonstrate financial responsibility as set forth in Rule 64B15-7.006; and

(h) Pay the appropriate fees.

(4) Licensure Renewal or Reactivation Applications.

(a) Application for renewal as a licensed anesthesiologist assistant or for reactivation must be made upon forms supplied by the Board, and incorporated in Rule 64B15-9.007, F.A.C.

(b) Renewal or reactivation application forms submitted to the Board must be complete in every detail and must be typed or legibly printed in black ink.

(5) The renewal or reactivation fees are found in Rule 64B15-7.012, F.A.C.

(6) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be reactivated or made 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.

(b) The delinquent status licensee who applies for license reactivation or inactive status shall:

1. File with the Department the completed application for either license reactivation as required by Section 459.023, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board either the license reactivation fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If reactivation is elected, demonstrate compliance with the continuing education requirements found in Rule 64B15-7.007, F.A.C.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 459.005, 459.023 FS. Law Implemented 456.013, 456.031(1), 456.033, 459.023 FS. History—New \_\_\_\_\_.

64B15-7.008 Notice of Noncompliance.

(1) Pursuant to Section 456.073(3), F.S., the department is authorized to provide a notice of noncompliance for an initial offense of a minor violation if the board establishes by rule a list of minor violations. A minor violation is one which does not endanger the public health, safety, and welfare and which does not demonstrate a serious inability to practice the profession. A notice of noncompliance in lieu of other action is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations, then the Department may not issue a notice of noncompliance, but must prosecute the violations under the other provisions of Section 456.073, F.S. A notice of noncompliance may be issued to a licensee for a first time violation of one or both of the violations listed in paragraph (3)(b). Failure of a licensee to take action in correcting the violation within 15 days after notice shall result in the institution of regular disciplinary proceedings.

(2) The department shall submit to the board a monthly report detailing the number of notices given, the number of cases completed through receipt of a notarized statement of compliance from the licensee, and the types of violations for which notices of noncompliance have been issued. Notices of noncompliance shall be considered by the probable cause panels when reviewing a licensee's subsequent violations of a same or similar offense.

(3) The following violations are those for which the board authorizes the Department to issue a notice of noncompliance:

(a) Failing to include the specific disclosure statement required by Section 456.062, F.S., in any advertisement for a free, discounted fee, or reduced fee service, examination or treatment.

(b) Violating any of the following provisions of Chapter 459, F.S., as prohibited by Sections 459.023 and 459.015(1)(bb), F.S.:

1. Section 459.023, F.S., which provides for criminal penalties for the practice as an anesthesiologist assistant without an active license. A notice of noncompliance would be issued for this violation only if the subject of the investigation met the following criteria: the subject was the holder of a license to practice as an anesthesiologist assistant at all time material to the matter; that license was otherwise in good standing; and that license was or will be renewed and placed in an active status within 90 days of the date it reverted to delinquent status based on failure to renew the license. If the license was in a delinquent status for more than 90 days and the individual continued to practice, then the matter would proceed under the other provisions of Sections 456.073 and 456.035(1), F.S.

2. Failing to notify the board of a change of practice location, contrary to Section 456.035(1), F.S.

Specific Authority 456.073(3), 459.023 FS. Law Implemented 456.073(3), 459.023 FS. History—New \_\_\_\_\_.

64B15-7.009 Citation Authority.

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. In addition to any administrative fine imposed, the Respondent may be required by the department to pay the costs of investigation.

(2) If the violation constituted a substantial threat to the public health, safety, and welfare, such potential for harm must have been removed prior to issuance of the citation.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

<u>VIOLATIONS</u>	<u>PENALTY</u>
<u>(a) CME violations. (Section 459.023, F.S.) (Section 459.015(1)(g), (x), F.S.) (Section 456.072(1)(e), (s), F.S.)</u>	<u>Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine.</u>
<u>1. Failure to document required HIV/AIDS CME. (Section 456.033, F.S.)</u>	<u>\$250 fine</u>
<u>2. Failure to document required domestic violence or end-of-life and palliative health care CME. (Section 456.031, F.S.)</u>	<u>\$250 fine</u>
<u>3. Failure to document required prevention of medical errors CME. (Section 456.013(7), F.S.)</u>	<u>\$250 fine</u>
<u>4. Failure to document both the required HIV/AIDS and domestic violence, or end-of-life and palliative health care CME.</u>	<u>\$500 fine</u>
<u>5. Documentation of some, but not all, 40 hours of required CME for license renewal.</u>	<u>\$25 fine for each hour not documented</u>
<u>(b) Obtaining license renewal by negligent misrepresentation. (Section 459.023, F.S.)(Section 459.015(1)(a), F.S.)</u>	<u>\$2500 fine</u>
<u>(c) Failure to document any of the 40 hours of required CME for license renewal. (Section 459.023, F.S.) (Section 459.015(1)(x), F.S.)</u>	<u>\$2500 fine</u>

<u>(d) Practice on an inactive or delinquent license. (Section 456.036(1), F.S.) (Section 459.013(1)(a), F.S.) (Section 459.023, F.S.) (Section 459.015(1)(x), F.S.)</u>	<u>1. For a period of up to nine months. \$100 for each month or part thereof. 2. For a period of nine months to twelve months. \$150 for each month or part thereof.</u>
<u>(e) Failure to notify Department of change of practice and/or mailing address. (Section 456.035, F.S.) (Section 459.018(3), F.S.) (Section 459.015(1)(g), F.S.) (Section 459.023, F.S.)</u>	<u>\$125 fine</u>
<u>(f) Failure of the anesthesiologist assistant to clearly identify that he/she is an anesthesiologist assistant. (Section 459.023, F.S.) (Section 459.015(1)(g), F.S.)</u>	<u>\$250 fine</u>
<u>(g) Failure to report to the Department of addition/deletion/change of supervising physician(s). (Section 456.035, F.S.) (Section 459.015(1)(g), F.S.) (Section 459.023, F.S.)</u>	<u>\$125 fine</u>

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.

(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.

(7) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, F.S.

Specific Authority 456.077, 459.005, 459.023 FS. Law Implemented 456.077, 459.023 FS. History—New \_\_\_\_\_.

64B15-7.012 Fees Regarding Anesthesiologist Assistants.  
 The following fees are prescribed by the Board:

(1) The application fee for a person applying to be licensed as an anesthesiologist assistant shall be \$300.

(2) The initial licensure fee for an anesthesiologist assistant shall be \$500.

(3) The biennial renewal fee for an active or inactive anesthesiologist assistant licensed pursuant to Section 458.3475 or 459.023, F.S., shall be \$500. Licenses not renewed at the end of a biennial period shall automatically become delinquent.

(4) The reactivation fee for an inactive anesthesiologist assistant licensure pursuant to Section 458.3475 or 459.023, F.S., shall be \$100. Reactivation shall require payment of all the applicable renewal fees and the reactivation fee.

(5) The duplicate licensure fee shall be \$25.00.

(6) Any licensed anesthesiologist assistant who fails to renew his/her licensure by the end of the biennium shall pay a delinquent fee of \$100 upon application for either active or inactive status.

(7) The unlicensed activity fee for initial licensure and licensure renewal shall be \$5.00.

Specific Authority 456.036(5),(7), 458.309, 458.3475, 459.005, 459.023 FS. Law Implemented 456.036(5),(7), 458.3475, 459.023 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Anesthesiologist Assistant Committee  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

**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
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

PURPOSE AND EFFECT: The Board proposes the rule amendments to update and to consolidate continuing education requirements for pharmacist license renewal into Rule Chapter 64B16-26, F.A.C.. The proposed amendments also update and consolidate the requirements for the standards for approval of general continuing education courses and HIV/AIDS and medication errors courses.

SUMMARY: The proposed rule amendments address pharmacists, consultant pharmacists and nuclear pharmacists continuing education requirements for renewal of license. The amendments also address the requirements and standards for providers of continuing education credits.

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: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7),(9), 456.033, 465.009 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: Danna Droz, Executive Director, Board of pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) Prior to renewal, a licensee 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 less than 12 months prior to 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 12 months or more than one (1) calendar year after the initial licensure, then ~~submittal~~ of 15 hours of continued professional pharmaceutical education hours shall be completed prior to the renewal of the license but no earlier than the date of initial licensure will be required with the initial biennial renewal.

(b)(3) Prior to renewal, a licensee 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 continuing education ~~CE~~ course approved in advance by the Board on HIV/AIDS

that covers the topics contained in Rule 64B16-26.6011, 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 subsection (1).

~~(c)(4) Prior to renewal a licensee 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 continuing education CE course approved in advance by the Board or the Accreditation American Council for Pharmacy on Pharmaceutical Education (ACPE) on medication errors that covers the topics set forth in Rule 64B16-26.6011, 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 subsection (1).

~~(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 licensees 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 continuing education 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 continuing education 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 volunteer 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, the licensee must make application to and receive approval in advance from the Board. 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, the licensee 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 professional 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-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other educational opportunities which advance the practice of the profession of pharmacy if approved by the Board. A course shall be approved prior to completion.~~

~~(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. Any course necessary to meet the continuing education requirement for HIV/AIDS, consultant pharmacist license renewal or nuclear pharmacist license renewal shall be Board approved.

(l) General 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) Prior to renewal a consultant pharmacist shall complete no less than 24 hours of Board 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).

(b) If the initial renewal of a consultant pharmacist license occurs less than 12 months after the initial licensure, then completion of consultant courses of continuing education hours will not be required.

(c) If the initial renewal of a consultant pharmacist license occurs 12 months or more after the initial licensure, then 12 hours of consultant continuing education hours must be completed prior to the renewal date of the license but no earlier than the date of initial licensure.

(3)(a) Prior to renewal a nuclear pharmacist shall complete no less than 24 hours of Board 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).

(b) If the initial renewal of a nuclear pharmacist license occurs less than 12 months after the initial licensure, then completion of courses of nuclear pharmacy continuing education hours will not be required.

(c) If the initial renewal of a nuclear pharmacist license occurs 12 months or more after the initial licensure, then 12 hours of nuclear pharmacy continuing education hours must be completed prior to the renewal date of the license but no earlier than the date of initial licensure.

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, \_\_\_\_\_.

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

(1) Definitions.

(a) “General continuing education” means a continuing education that is not special continuing education.

(b) “Special continuing education” means a course that meets the requirements for:

1. HIV/AIDS course for initial or renewal pharmacist license;

2. Consultant course for initial licensure;

3. Consultant pharmacist license renewal course; or

4. Nuclear pharmacist license renewal course.

(2) The Board may approve continuing education in one of three manners:

(a) A provider of continuing education may be approved by the Tripartite Continuing Education Committee.

(b) A course may be approved by the Tripartite Continuing Education Committee.

(c) A provider of continuing education may be approved by the Accreditation Council for Pharmacy Education (ACPE).

(3) Approved courses.

(a) A general continuing education course offered by an approved provider.

(b) A general continuing education course offered by an ACPE approved provider.

(c) Special continuing education if pre-approved by the Tripartite Continuing Education Committee.

(d) An individual course if pre-approved by the Tripartite Continuing Education Committee.

(4) Board approved provider.

(a) A continuing education provider may be approved if the following are filed with the Board office.

1. A Board of Pharmacy Provider Approval Application, form DOH/MQA/PH109 (Rev. \_\_\_\_), Board of Pharmacy Provider Approval Application, which is incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254;

2. The application fee set forth in Rule 64B16-26.1001, F.A.C.;

3. All information required in the application.

4. Any additional information requested by the Tripartite Continuing Education Committee.

(b) The provider shall designate a person to ensure visible, continuous, and identifiable authority charged with the administration of a continuing education course. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience and approval by the Tripartite Continuing Education Committee.

(c) The Board retains the right and authority to audit and/or monitor courses and review records and course materials given by a Board approved provider.

1. The Tripartite Continuing Education Committee shall audit a provider at least once prior to renewing the approval of a provider.

2. A provider shall pass the audit in order to be approved for a subsequent renewal.

3. The Tripartite Continuing Education Committee may audit any or all programs offered by a provider.

4. A provider shall comply with a request from the Tripartite Continuing Education Committee or from the Department within 30 days of the request.

(5) Board Approved Course.

(a) An application for approval of an individual course may be approved if:

1. A complete application is submitted on form DOH/MQA/PH111 (Rev. 4/26/02), Florida Board of Pharmacy Continuing Education Single Program Questionnaire, incorporated by reference, which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254;

2. The application is accompanied by a non-refundable fee of \$50 for each course submitted;

3. Four (4) copies of the application, submitted at least 45 days prior to the date that the course will be offered;

4. The application includes:

a. Four (4) copies of program announcement;

b. Number of hours and type of CE requested;

c. Goals and objectives of the program;

d. Four (4) copies of a resume or curriculum vitae of each speaker; and

e. Four (4) copies of the evaluation form to be used.

(6) Every continuing education course offered by an approved provider shall meet the standards for a continuing education course in paragraph (7), except that course offered by an ACPE provider shall comply with ACPE requirements.

(7) A course offered by an approved provider or an individual courses submitted for approval must meet the following criteria:

(a)(1) Each course 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 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. A continuing education course offerings shall involve advance planning that includes a statement of measurable educational goals and behavioral objectives.

2. A Continuing education course 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) Methods of Delivery.

1. The method of delivery of a course shall be determined by giving appropriate consideration to such factors as educational content, objectives, and composition of the audience.

2. The method of delivery must encourage active participation and involvement on the part of the pharmacist.

(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. An appropriate number of program faculty for each activity shall be utilized.

3. There shall be adequate personnel to assist with administrative matters and personnel with competencies outside content areas in cases where the method of delivery requires technical or other special expertise.

(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. The provider must make provision for evaluation of the participants' attainment of the stated learner objectives through in-process activities that provide a measurable demonstration of the learner's achievement(s).

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. The provider shall ~~develop and~~ employ an evaluation mechanism that will assess the effectiveness of the learning experiences, instructional methods, facilities, and resources used for the offering.

~~(g)(f)~~ Contact Hour Criteria.

1. 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.

2. One contact hour shall consist of at least fifty (50) minutes.

~~(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 shall be furnished to each participant by the provider and shall include:

a. Title of course;

b. Florida approved course number, Universal Program Number, or ACPE course number;

c. Date of course; and

d. Number of contact hours,

~~specifying title of offering, provider number, date of offering, and number of contact hours earned shall be furnished to each participant by the provider.~~

3. Records shall be maintained by the provider for a minimum of ~~four (4) three (3)~~ years.

(8) Approved provider status shall be valid until the end of the biennium unless renewed. An approved continuing education provider may renew their approved provider status upon submission of a new Board of Pharmacy Provider Approval application and the renewal fee specified in Rule 64B16-26.1012, F.A.C. unless the renewal is denied by the Tripartite Continuing Education Committee.

~~(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 Courses.

(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 previously 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 History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6-7, 2004

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Licensure by Examination; Internship Requirements

RULE NO.: 64B16-26.2032

PURPOSE AND EFFECT: The Board proposes the new rule to update and to consolidate licensure examination requirements and internship requirements into Rule Chapter 64B16-26, F.A.C.

SUMMARY: The new rule sets forth the requirements for licensure by examination and the requirements for internship.

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: 465.005 FS.

LAW IMPLEMENTED: 465.003(12), 465.007 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

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(13), Florida Statutes.

(2) An internship program at an accredited college or school of pharmacy shall assure that community or institutional pharmacies utilized for the obtaining of internship experience meet the following minimum requirements:

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

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

(c) The pharmacy shall establish to the program'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 shall 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) A program approved by the Florida Board of Pharmacy shall not be less than 1500 hours and all other programs shall be not less than 2080 hours.

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

(a) The pharmacist shall 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 shall hold current licensure in the state in which pharmacy is practiced.

(c) The pharmacist shall 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 shall 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.

(e) Evidence shall 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) Approval of the program by a state board of pharmacy; and

(b) Sufficient hours to total 2080 hours; or

(c) 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.

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

(7) Proof of completion of an internship program shall consist of a certification 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 program'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.

(11) Proof of current licensure in another state and work as a pharmacist for up to 2080 hours may substitute for all or part of the internship requirement.

(12) Governmental and private radiopharmacy internship programs shall not apply to the pharmacy internship required under subsection (1) of this rule.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6-7, 2004

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE:  
Pharmacy Permit Application; Community Pharmacy; Special Pharmacies; Internet Pharmacy

RULE NO.:

64B16-26.402

PURPOSE AND EFFECT: The Board proposes a new rule to update and to consolidate pharmacy permit application requirements and forms into Chapter 64B16-26, F.A.C.

SUMMARY: The new rule establishes the requirements and the application forms for community pharmacy permit, special pharmacy permit and internet pharmacy permit.

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: 465.005, 465.018, 465.0196 FS.

LAW IMPLEMENTED: 465.017, 465.018, 465.0196, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Danna Droz, Executive Director, Board of pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1)(a) An applicant for a community pharmacy permit pursuant to Section 465.018, Florida Statutes, shall provide the Board of Pharmacy application on 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, FL 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 application on Form DOH/PH105, Rev. 7/23/98, effective 11/11/98, which is incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin # C04, Tallahassee, FL 32399-3254, 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.

(3) An applicant for an internet pharmacy permit pursuant to Section 465.0196, Florida Statutes, shall provide the Board of Pharmacy application on Form DH-MQA 1091, entitled "Application for Internet Pharmacy Permit," (10/04), which is 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.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6-7, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 2004

**DEPARTMENT OF HEALTH**

**Optical Establishments**

RULE TITLES:	RULE NOS.:
Disciplinary Guidelines	64B29-2.001
Citations	64B29-2.002
Mediation	64B29-2.003
Notice of Noncompliance	64B29-2.004

PURPOSE AND EFFECT: The Department proposes to promulgate new rules regarding disciplinary matters including, but not limited to, disciplinary guidelines, mediation and citations.

SUMMARY: The Department proposes to promulgate rules to establish the disciplinary guidelines for violations including citations, mediation and notice of noncompliance.

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

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

SPECIFIC AUTHORITY: 120.695, 456.072, 456.077, 456.078, 456.079 FS.

LAW IMPLEMENTED: 456.073, 456.077, 456.078, 484.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

DISCIPLINE

64B29-2.001 Disciplinary Guidelines.

Except for any inapplicable offenses, the Department adopts the provisions in Rule 64B12-8.020, F.A.C., as the appropriate disciplinary guidelines to be imposed by the Department.

Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 484.014(4) FS. History--New \_\_\_\_\_.

64B29-2.002 Citations.

Except for any inapplicable offenses, the Department adopts the provisions in Rule 64B12-8.021, F.A.C., as the citation provisions to be imposed by the Department.

Specific Authority 456.072, 456.077 FS. Law Implemented 456.073, 456.077, 484.014 FS. History--New \_\_\_\_\_.

64B29-2.003 Mediation.

Except for any inapplicable offenses, the Department adopts the provisions in Rule 64B12-8.022, F.A.C., as the offenses that may be resolved through mediation.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History--New \_\_\_\_\_.

64B29-2.004 Notice of Noncompliance.

Except for any inapplicable minor rule violations, the Department adopts the provisions in Rule 64B12-8.023, F.A.C., as the minor violations which shall result in a notice of noncompliance.

Specific Authority 120.695 FS. Law Implemented 456.073 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin McKenzie, Program Operations Administrator

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue Foster, Executive Director, Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 2004



40	<u>\$2,527.86</u>	<u>\$3,681.74</u>
41	<u>\$2,614.96</u>	<u>\$3,807.35</u>
42	<u>\$2,737.03</u>	<u>\$3,945.92</u>
43	<u>\$2,907.35</u>	<u>\$4,067.67</u>
44	<u>\$3,079.50</u>	<u>\$4,206.57</u>
45	<u>\$3,308.81</u>	<u>\$4,384.17</u>
46	<u>\$3,529.63</u>	<u>\$4,570.88</u>
47	<u>\$3,758.61</u>	<u>\$4,748.58</u>
48	<u>\$3,925.47</u>	<u>\$4,875.43</u>
49	<u>\$4,136.30</u>	<u>\$5,018.79</u>
50	<u>\$4,360.23</u>	<u>\$5,185.01</u>
51	<u>\$4,606.69</u>	<u>\$5,284.10</u>
52	<u>\$4,883.18</u>	<u>\$5,392.29</u>
53	<u>\$5,109.35</u>	<u>\$5,448.79</u>
54	<u>\$5,379.95</u>	<u>\$5,522.14</u>
55	<u>\$5,689.17</u>	<u>\$5,599.66</u>
56	<u>\$6,017.29</u>	<u>\$5,675.70</u>
57	<u>\$6,410.27</u>	<u>\$5,797.74</u>
58	<u>\$6,809.47</u>	<u>\$5,938.12</u>
59	<u>\$7,194.30</u>	<u>\$6,107.58</u>
60	<u>\$7,545.09</u>	<u>\$6,282.19</u>
61	<u>\$7,845.13</u>	<u>\$6,484.15</u>
62	<u>\$8,090.01</u>	<u>\$6,693.20</u>
63	<u>\$8,321.79</u>	<u>\$6,906.21</u>
64	<u>\$8,563.65</u>	<u>\$7,084.03</u>
65	<u>\$9,631.85</u>	<u>\$7,779.36</u>
66	<u>\$9,631.85</u>	<u>\$7,779.36</u>
67	<u>\$9,631.85</u>	<u>\$7,779.36</u>
68	<u>\$9,631.85</u>	<u>\$7,779.36</u>
69	<u>\$9,631.85</u>	<u>\$7,779.36</u>
70	<u>\$9,631.85</u>	<u>\$7,779.36</u>
71	<u>\$9,631.85</u>	<u>\$7,779.36</u>
72	<u>\$9,631.85</u>	<u>\$7,779.36</u>
73	<u>\$9,631.85</u>	<u>\$7,779.36</u>
74	<u>\$9,631.85</u>	<u>\$7,779.36</u>
75	<u>\$9,631.85</u>	<u>\$7,779.36</u>
76	<u>\$9,631.85</u>	<u>\$7,779.36</u>
77	<u>\$9,631.85</u>	<u>\$7,779.36</u>
78	<u>\$9,631.85</u>	<u>\$7,779.36</u>
79	<u>\$9,631.85</u>	<u>\$7,779.36</u>

Hamilton	<u>0.77</u>
Hardee	<u>0.80</u>
Hendry	<u>0.99</u>
Hernando	<u>0.83</u>
Highlands	<u>0.78</u>
Hillsborough	<u>0.91</u>
Holmes	<u>0.75</u>
Indian River	<u>1.00</u>
Jackson	<u>0.76</u>
Jefferson	<u>0.75</u>
Lafayette	<u>0.78</u>
Lake	<u>0.88</u>
Lee	<u>1.03</u>
Leon	<u>0.77</u>
Levy	<u>0.80</u>
Liberty	<u>0.75</u>
Madison	<u>0.79</u>
Manatee	<u>0.88</u>
Marion	<u>0.76</u>
Martin	<u>0.98</u>
Monroe	<u>1.45</u>
Nassau	<u>0.84</u>
Okaloosa	<u>0.70</u>
Okeechobee	<u>0.97</u>
Orange	<u>0.99</u>
Osceola	<u>0.92</u>
Palm Beach	<u>1.00</u>
Pasco	<u>0.86</u>
Pinellas	<u>0.89</u>
Polk	<u>0.85</u>
Putnam	<u>0.77</u>
St. Johns	<u>0.77</u>
St. Lucie	<u>0.99</u>
Santa Rosa	<u>0.77</u>
Sarasota	<u>0.76</u>
Seminole	<u>0.92</u>
Sumter	<u>0.81</u>
Suwannee	<u>0.82</u>
Taylor	<u>0.79</u>
Union	<u>0.79</u>
Volusia	<u>0.84</u>
Wakulla	<u>0.75</u>
Walton	<u>0.76</u>



0-17	\$1,266.15	\$1,266.15
18	\$1,719.19	\$2,196.00
19	\$1,721.47	\$2,198.74
20	\$1,724.23	\$2,202.18
21	\$1,731.84	\$2,220.28
22	\$1,734.57	\$2,243.62
23	\$1,741.24	\$2,263.68
24	\$1,747.74	\$2,284.27
25	\$1,758.92	\$2,349.09
26	\$1,806.02	\$2,413.91
27	\$1,853.13	\$2,478.74
28	\$1,900.25	\$2,543.97
29	\$1,964.29	\$2,643.07
30	\$2,028.34	\$2,742.14
31	\$2,092.41	\$2,841.23
32	\$2,156.45	\$2,940.30
33	\$2,207.42	\$3,034.11
34	\$2,256.48	\$3,133.23
35	\$2,319.20	\$3,244.55
36	\$2,381.90	\$3,355.84
37	\$2,433.44	\$3,454.20
38	\$2,499.13	\$3,543.64
39	\$2,586.74	\$3,642.55
40	\$2,698.49	\$3,782.24
41	\$2,810.26	\$3,882.10
42	\$2,922.04	\$3,982.10
43	\$3,053.08	\$4,086.79
44	\$3,201.99	\$4,208.78
45	\$3,413.02	\$4,376.18
46	\$3,624.06	\$4,543.56
47	\$3,788.19	\$4,666.94
48	\$3,950.06	\$4,776.86
49	\$4,136.04	\$4,893.91
50	\$4,416.14	\$5,062.39
51	\$4,696.25	\$5,230.87
52	\$4,937.96	\$5,350.56
53	\$5,169.11	\$5,452.33
54	\$5,439.57	\$5,560.40
55	\$5,797.85	\$5,699.74
56	\$6,156.11	\$5,839.05
57	\$6,451.20	\$5,948.78
58	\$6,730.73	\$6,082.63
59	\$6,987.58	\$6,210.21
60	\$7,262.98	\$6,424.12
61	\$7,538.37	\$6,638.00
62	\$7,813.76	\$6,797.50
63	\$7,939.87	\$6,909.15
64	\$8,065.98	\$7,047.33
65	\$8,267.64	\$7,223.52
66	\$8,474.32	\$7,404.11
67	\$8,686.18	\$7,589.21

Washington	0.76
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Alachua	0.77
Baker	0.78
Bay	0.73
Bradford	0.82
Brevard	0.97
Broward	1.32
Calhoun	0.75
Charlotte	1.00
Citrus	0.70
Clay	0.82
Collier	0.91
Columbia	0.81
Dade	1.41
De Soto	0.74
Dixie	0.77
Duval	1.04
Escambia	0.79
Flagler	0.77
Franklin	0.75
Gadsden	0.75
Gilechrist	0.75
Glades	0.98
Gulf	0.76
Hamilton	0.77
Hardee	0.80
Hendry	0.99
Hernando	0.82
Highlands	0.78
Hillsborough	0.91
Holmes	0.75
Indian River	0.97
Jackson	0.76
Jefferson	0.75
Lafayette	0.78
Lake	0.88
Lee	0.99
Leon	0.77
Levy	0.80
Liberty	0.75
Madison	0.79
Manatee	0.84
Marion	0.77
Martin	0.98
Monroe	1.43
Nassau	0.84
Okaloosa	0.71
Okeechobee	0.97
Orange	0.97
Osceola	0.89
Palm Beach	1.00
Paseo	0.86

68	\$8,903.35	\$7,778.94
69	\$9,125.93	\$7,973.41
70	\$9,354.07	\$8,172.75
71	\$9,587.92	\$8,377.07
72	\$9,827.63	\$8,586.49
73	\$10,073.30	\$8,801.16
74	\$10,325.15	\$9,021.19
75	\$10,583.27	\$9,246.72
76	\$10,847.85	\$9,477.88
77	\$11,119.06	\$9,714.84
78	\$11,397.03	\$9,957.71
79	\$11,681.96	\$10,206.64

Pinellas	0.89
Polk	0.82
Putnam	0.77
St. Johns	0.77
St. Lucie	0.99
Santa Rosa	0.77
Sarasota	0.76
Seminole	0.92
Sumter	0.81
Suwannee	0.82
Taylor	0.79
Union	0.79
Volusia	0.84
Wakulla	0.75
Walton	0.76
Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04, \_\_\_\_\_.

690-149.206 Preferred Provider/Exclusive Provider Standard Risk Rates.

(1) through (4) No change.

STANDARD HEALTH BENEFIT PLAN					
Age	Male	Female	County	Area Factor	
0-17	\$1,098.50	\$1,098.50	Alachua	0.76	
18	\$1,455.79	\$1,886.07	Baker	0.78	
19	\$1,465.42	\$1,890.88	Bay	0.73	
20	\$1,467.83	\$1,898.10	Bradford	0.82	
21	\$1,470.88	\$1,914.49	Brevard	1.00	
22	\$1,473.29	\$1,931.51	Broward	1.37	
23	\$1,476.34	\$1,948.54	Calhoun	0.75	
24	\$1,481.80	\$1,960.11	Charlotte	1.02	
25	\$1,484.85	\$1,974.08	Citrus	0.66	
26	\$1,560.47	\$2,059.16	Clay	0.82	
27	\$1,623.47	\$2,134.21	Collier	0.91	
28	\$1,677.51	\$2,224.97	Columbia	0.81	
29	\$1,726.10	\$2,306.00	Dade	1.43	
30	\$1,794.43	\$2,388.51	De Soto	0.74	
31	\$1,840.52	\$2,481.43	Dixie	0.77	
32	\$1,886.57	\$2,578.12	Duval	1.04	
33	\$1,933.79	\$2,675.83	Escambia	0.79	
34	\$1,983.32	\$2,775.92	Flagler	0.78	
35	\$2,021.71	\$2,887.95	Franklin	0.75	
36	\$2,071.42	\$2,974.26	Gadsden	0.75	
37	\$2,118.72	\$3,073.99	Gilchrist	0.75	
38	\$2,170.63	\$3,180.38	Glades	0.98	

39	<u>\$2,242.39</u>	<u>\$3,293.68</u>
40	<u>\$2,326.31</u>	<u>\$3,410.71</u>
41	<u>\$2,421.08</u>	<u>\$3,521.35</u>
42	<u>\$2,533.94</u>	<u>\$3,646.60</u>
43	<u>\$2,679.95</u>	<u>\$3,767.36</u>
44	<u>\$2,836.49</u>	<u>\$3,894.76</u>
45	<u>\$3,020.05</u>	<u>\$4,033.02</u>
46	<u>\$3,200.78</u>	<u>\$4,168.36</u>
47	<u>\$3,385.89</u>	<u>\$4,304.95</u>
48	<u>\$3,535.67</u>	<u>\$4,397.47</u>
49	<u>\$3,703.90</u>	<u>\$4,507.69</u>
50	<u>\$3,895.50</u>	<u>\$4,622.03</u>
51	<u>\$4,113.80</u>	<u>\$4,720.67</u>
52	<u>\$4,351.37</u>	<u>\$4,824.44</u>
53	<u>\$4,559.22</u>	<u>\$4,885.09</u>
54	<u>\$4,797.64</u>	<u>\$4,968.85</u>
55	<u>\$5,071.46</u>	<u>\$5,067.42</u>
56	<u>\$5,367.92</u>	<u>\$5,152.63</u>
57	<u>\$5,697.94</u>	<u>\$5,274.77</u>
58	<u>\$6,014.42</u>	<u>\$5,403.45</u>
59	<u>\$6,334.79</u>	<u>\$5,575.36</u>
60	<u>\$6,594.99</u>	<u>\$5,725.20</u>
61	<u>\$6,825.01</u>	<u>\$5,916.24</u>
62	<u>\$6,980.17</u>	<u>\$6,088.45</u>
63	<u>\$7,243.83</u>	<u>\$6,282.56</u>
64	<u>\$7,517.45</u>	<u>\$6,530.77</u>
65	<u>\$7,801.41</u>	<u>\$6,788.78</u>
66	<u>\$8,096.09</u>	<u>\$7,056.98</u>
67	<u>\$8,528.34</u>	<u>\$7,335.78</u>
68	<u>\$8,755.62</u>	<u>\$7,657.20</u>
69	<u>\$9,052.17</u>	<u>\$7,827.01</u>
70	<u>\$9,443.92</u>	<u>\$8,034.59</u>
71	<u>\$9,973.31</u>	<u>\$8,288.84</u>
72	<u>\$10,697.42</u>	<u>\$8,604.99</u>
73	<u>\$11,710.60</u>	<u>\$8,994.69</u>
74	<u>\$13,173.24</u>	<u>\$9,503.20</u>
75	<u>\$15,326.69</u>	<u>\$10,168.73</u>
76	<u>\$15,394.11</u>	<u>\$10,233.74</u>
77	<u>\$15,463.94</u>	<u>\$10,296.34</u>
78	<u>\$15,497.65</u>	<u>\$10,354.13</u>
79	<u>\$15,531.36</u>	<u>\$10,414.33</u>

<u>Gulf</u>	<u>0.76</u>
<u>Hamilton</u>	<u>0.77</u>
<u>Hardee</u>	<u>0.80</u>
<u>Hendry</u>	<u>0.99</u>
<u>Hernando</u>	<u>0.83</u>
<u>Highlands</u>	<u>0.78</u>
<u>Hillsborough</u>	<u>0.91</u>
<u>Holmes</u>	<u>0.75</u>
<u>Indian River</u>	<u>1.00</u>
<u>Jackson</u>	<u>0.76</u>
<u>Jefferson</u>	<u>0.75</u>
<u>Lafayette</u>	<u>0.78</u>
<u>Lake</u>	<u>0.88</u>
<u>Lee</u>	<u>1.03</u>
<u>Leon</u>	<u>0.77</u>
<u>Levy</u>	<u>0.80</u>
<u>Liberty</u>	<u>0.75</u>
<u>Madison</u>	<u>0.79</u>
<u>Manatee</u>	<u>0.88</u>
<u>Marion</u>	<u>0.76</u>
<u>Martin</u>	<u>0.98</u>
<u>Monroe</u>	<u>1.45</u>
<u>Nassau</u>	<u>0.84</u>
<u>Okaloosa</u>	<u>0.70</u>
<u>Okeechobee</u>	<u>0.97</u>
<u>Orange</u>	<u>0.99</u>
<u>Osceola</u>	<u>0.92</u>
<u>Palm Beach</u>	<u>1.00</u>
<u>Pasco</u>	<u>0.86</u>
<u>Pinellas</u>	<u>0.89</u>
<u>Polk</u>	<u>0.85</u>
<u>Putnam</u>	<u>0.77</u>
<u>St. Johns</u>	<u>0.77</u>
<u>St. Lucie</u>	<u>0.99</u>
<u>Santa Rosa</u>	<u>0.77</u>
<u>Sarasota</u>	<u>0.76</u>
<u>Seminole</u>	<u>0.92</u>
<u>Sumter</u>	<u>0.81</u>
<u>Suwannee</u>	<u>0.82</u>
<u>Taylor</u>	<u>0.79</u>
<u>Union</u>	<u>0.79</u>

<u>Volusia</u>	<u>0.84</u>
<u>Wakulla</u>	<u>0.75</u>
<u>Walton</u>	<u>0.76</u>
<u>Washington</u>	<u>0.76</u>

0-17	\$1,032.52	\$1,032.52
18	\$1,481.86	\$1,942.91
19	\$1,481.86	\$1,942.91
20	\$1,481.86	\$1,942.91
21	\$1,483.90	\$1,949.02
22	\$1,483.90	\$1,957.15
23	\$1,485.94	\$1,963.25
24	\$1,487.98	\$1,969.36
25	\$1,523.22	\$1,975.45
26	\$1,558.46	\$2,033.17
27	\$1,593.71	\$2,087.30
28	\$1,634.69	\$2,148.07
29	\$1,702.57	\$2,206.03
30	\$1,770.43	\$2,287.25
31	\$1,838.32	\$2,368.48
32	\$1,883.21	\$2,449.70
33	\$1,934.66	\$2,530.93
34	\$1,987.85	\$2,625.86
35	\$2,043.56	\$2,723.68
36	\$2,099.30	\$2,816.16
37	\$2,155.02	\$2,908.48
38	\$2,210.75	\$3,005.58
39	\$2,277.90	\$3,105.65
40	\$2,353.81	\$3,200.81
41	\$2,427.30	\$3,288.77
42	\$2,521.45	\$3,376.70
43	\$2,644.40	\$3,483.08
44	\$2,778.16	\$3,574.88
45	\$2,921.05	\$3,683.20
46	\$3,066.34	\$3,793.13
47	\$3,219.74	\$3,905.54
48	\$3,353.20	\$3,991.68
49	\$3,486.64	\$4,084.85
50	\$3,655.97	\$4,178.03
51	\$3,849.68	\$4,274.03
52	\$4,069.67	\$4,360.51
53	\$4,289.65	\$4,440.82
54	\$4,509.64	\$4,523.15
55	\$4,781.83	\$4,620.83
56	\$5,054.03	\$4,704.28
57	\$5,348.92	\$4,797.71
58	\$5,631.35	\$4,925.09
59	\$5,906.50	\$5,083.85
60	\$6,181.62	\$5,220.43
61	\$6,414.10	\$5,382.26
62	\$6,590.72	\$5,548.07
63	\$6,759.68	\$5,719.00

Alachua	0.77
Baker	0.78
Bay	0.73
Bradford	0.82
Brevard	0.97
Broward	1.32
Calhoun	0.75
Charlotte	1.00
Citrus	0.70
Clay	0.82
Collier	0.91
Columbia	0.81
Dade	1.41
De Soto	0.74
Dixie	0.77
Duval	1.04
Escambia	0.79
Flagler	0.77
Franklin	0.75
Gadsden	0.75
Gilchrist	0.75
Glades	0.98
Gulf	0.76
Hamilton	0.77
Hardee	0.80
Hendry	0.99
Hernando	0.82
Highlands	0.78
Hillsborough	0.91
Holmes	0.75
Indian River	0.97
Jackson	0.76
Jefferson	0.75
Lafayette	0.78
Lake	0.88
Lee	0.99
Leon	0.77
Levy	0.80
Liberty	0.75
Madison	0.79
Manatee	0.84
Marion	0.77
Martin	0.98
Monroe	1.43
Nassau	0.84
Okaloosa	0.71
Okeechobee	0.97

64	\$6,928.56	\$5,862.35
65	\$7,094.69	\$6,005.70
66	\$7,272.06	\$6,149.04
67	\$7,453.86	\$6,302.77
68	\$7,640.21	\$6,460.33
69	\$7,831.21	\$6,621.85
70	\$8,026.99	\$6,787.39
71	\$8,227.67	\$6,957.08
72	\$8,433.35	\$7,131.00
73	\$8,644.20	\$7,309.28
74	\$8,860.30	\$7,492.01
75	\$9,081.80	\$7,679.32
76	\$9,308.86	\$7,871.30
77	\$9,541.57	\$8,068.08
78	\$9,780.11	\$8,269.78
79	\$10,024.61	\$8,476.52

Orange	0.97
Osceola	0.89
Palm Beach	1.00
Pasco	0.86
Pinellas	0.89
Polk	0.82
Putnam	0.77
St. Johns	0.77
St. Lucie	0.99
Santa Rosa	0.77
Sarasota	0.76
Seminole	0.92
Sumter	0.81
Suwannee	0.82
Taylor	0.79
Union	0.79
Volusia	0.84
Wakulla	0.75
Walton	0.76
Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04.

690-149.207 Health Maintenance Organization Standard Risk Rates.

(1) through (3) No change.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0	\$3,451.72	\$3,451.72	Alachua	1.05
1	\$2,212.46	\$2,212.46	Baker	1.09
2-6	\$2,176.70	\$2,176.70	Bay	0.90
7-12	\$2,122.98	\$2,122.98	Bradford	1.05
13-17	\$2,218.42	\$2,619.95	Brevard	0.97
18	\$1,895.73	\$3,062.38	Broward	1.00
19	\$1,920.06	\$3,228.35	Calhoun	0.90
20	\$1,932.17	\$3,346.85	Charlotte	0.97
21	\$1,956.56	\$3,462.92	Citrus	0.84
22	\$1,968.72	\$3,569.12	Clay	1.09
23	\$1,980.89	\$3,674.13	Collier	0.90
24	\$2,049.11	\$3,753.66	Columbia	1.05
25	\$2,064.98	\$3,821.99	Dade	1.00
26	\$2,136.52	\$3,919.33	De Soto	0.90
27	\$2,187.09	\$4,016.74	Dixie	1.05
28	\$2,244.62	\$4,024.25	Duval	1.09
29	\$2,294.78	\$4,031.53	Escambia	1.05
30	\$2,370.18	\$4,037.15	Flagler	0.90
31	\$2,397.62	\$4,034.37	Franklin	0.90
32	\$2,441.90	\$4,032.90	Gadsden	0.90
33	\$2,469.23	\$3,972.32	Gilchrist	1.05

34	<u>\$2,513.54</u>	<u>\$3,928.87</u>
35	<u>\$2,553.10</u>	<u>\$3,868.04</u>
36	<u>\$2,615.56</u>	<u>\$3,868.18</u>
37	<u>\$2,681.15</u>	<u>\$3,811.61</u>
38	<u>\$2,745.32</u>	<u>\$3,809.31</u>
39	<u>\$2,810.09</u>	<u>\$3,822.23</u>
40	<u>\$2,860.07</u>	<u>\$3,819.69</u>
41	<u>\$2,916.86</u>	<u>\$3,862.62</u>
42	<u>\$2,989.44</u>	<u>\$3,892.63</u>
43	<u>\$3,068.06</u>	<u>\$3,984.24</u>
44	<u>\$3,145.48</u>	<u>\$4,044.76</u>
45	<u>\$3,249.37</u>	<u>\$4,116.91</u>
46	<u>\$3,380.30</u>	<u>\$4,206.55</u>
47	<u>\$3,522.17</u>	<u>\$4,298.38</u>
48	<u>\$3,690.53</u>	<u>\$4,386.08</u>
49	<u>\$3,853.58</u>	<u>\$4,473.81</u>
50	<u>\$4,054.76</u>	<u>\$4,602.07</u>
51	<u>\$4,278.23</u>	<u>\$4,735.87</u>
52	<u>\$4,529.06</u>	<u>\$4,851.42</u>
53	<u>\$4,789.66</u>	<u>\$4,983.02</u>
54	<u>\$5,079.59</u>	<u>\$5,108.16</u>
55	<u>\$5,399.19</u>	<u>\$5,212.64</u>
56	<u>\$5,670.07</u>	<u>\$5,300.66</u>
57	<u>\$5,984.20</u>	<u>\$5,426.13</u>
58	<u>\$6,332.81</u>	<u>\$5,631.51</u>
59	<u>\$6,727.59</u>	<u>\$5,864.35</u>
60	<u>\$7,127.05</u>	<u>\$6,111.53</u>
61	<u>\$7,447.11</u>	<u>\$6,422.11</u>
62	<u>\$7,762.85</u>	<u>\$6,722.34</u>
63	<u>\$8,177.03</u>	<u>\$7,106.08</u>
64	<u>\$8,570.10</u>	<u>\$7,461.91</u>
65	<u>\$10,083.93</u>	<u>\$8,871.98</u>
66	<u>\$10,183.66</u>	<u>\$8,946.83</u>
67	<u>\$10,288.39</u>	<u>\$9,025.43</u>
68	<u>\$10,398.35</u>	<u>\$9,107.96</u>
69	<u>\$10,513.81</u>	<u>\$9,194.61</u>
70	<u>\$10,635.04</u>	<u>\$9,285.60</u>
71	<u>\$10,762.33</u>	<u>\$9,381.13</u>
72	<u>\$10,895.99</u>	<u>\$9,481.45</u>
73	<u>\$11,036.33</u>	<u>\$9,586.78</u>
74	<u>\$11,183.68</u>	<u>\$9,697.37</u>
75	<u>\$11,338.41</u>	<u>\$9,813.50</u>
76	<u>\$11,500.87</u>	<u>\$9,935.43</u>

<u>Glades</u>	<u>0.90</u>
<u>Gulf</u>	<u>0.90</u>
<u>Hamilton</u>	<u>0.90</u>
<u>Hardee</u>	<u>0.84</u>
<u>Hendry</u>	<u>0.90</u>
<u>Hernando</u>	<u>1.05</u>
<u>Highlands</u>	<u>0.84</u>
<u>Hillsborough</u>	<u>1.00</u>
<u>Holmes</u>	<u>0.90</u>
<u>Indian River</u>	<u>0.90</u>
<u>Jackson</u>	<u>0.90</u>
<u>Jefferson</u>	<u>0.90</u>
<u>Lafayette</u>	<u>0.90</u>
<u>Lake</u>	<u>0.95</u>
<u>Lee</u>	<u>1.01</u>
<u>Leon</u>	<u>0.90</u>
<u>Levy</u>	<u>1.05</u>
<u>Liberty</u>	<u>0.90</u>
<u>Madison</u>	<u>0.90</u>
<u>Manatee</u>	<u>1.01</u>
<u>Marion</u>	<u>0.90</u>
<u>Martin</u>	<u>1.05</u>
<u>Monroe</u>	<u>0.90</u>
<u>Nassau</u>	<u>1.09</u>
<u>Okaloosa</u>	<u>0.95</u>
<u>Okeechobee</u>	<u>0.95</u>
<u>Orange</u>	<u>0.94</u>
<u>Osceola</u>	<u>0.98</u>
<u>Palm Beach</u>	<u>1.02</u>
<u>Pasco</u>	<u>1.02</u>
<u>Pinellas</u>	<u>1.00</u>
<u>Polk</u>	<u>1.05</u>
<u>Putnam</u>	<u>1.01</u>
<u>St. Johns</u>	<u>1.07</u>
<u>St. Lucie</u>	<u>0.95</u>
<u>Santa Rosa</u>	<u>1.05</u>
<u>Sarasota</u>	<u>1.03</u>
<u>Seminole</u>	<u>1.02</u>
<u>Sumter</u>	<u>1.02</u>
<u>Suwannee</u>	<u>0.90</u>
<u>Taylor</u>	<u>0.90</u>
<u>Union</u>	<u>0.90</u>
<u>Volusia</u>	<u>1.03</u>

77	\$11,671.45	\$10,063.46
78	\$11,850.56	\$10,197.89
79	\$12,038.63	\$10,339.04
80	\$2,885.42	\$2,885.42
81	\$1,825.97	\$1,825.97
82-86	\$1,807.05	\$1,807.05
87-12	\$1,776.78	\$1,776.78
13-17	\$1,829.76	\$2,045.46
18	\$1,799.47	\$2,164.78
19	\$1,769.17	\$2,284.10
20	\$1,738.88	\$2,403.42
21	\$1,708.59	\$2,522.74
22	\$1,714.28	\$2,647.74
23	\$1,719.97	\$2,772.72
24	\$1,725.65	\$2,897.72
25	\$1,758.87	\$3,022.72
26	\$1,792.10	\$3,101.25
27	\$1,834.94	\$3,172.10
28	\$1,888.84	\$3,211.93
29	\$1,936.00	\$3,242.92
30	\$2,003.33	\$3,275.83
31	\$2,041.80	\$3,308.74
32	\$2,090.69	\$3,331.72
33	\$2,134.26	\$3,331.79
34	\$2,183.66	\$3,336.09
35	\$2,227.08	\$3,339.82
36	\$2,279.71	\$3,361.49
37	\$2,338.98	\$3,383.16
38	\$2,384.56	\$3,409.62
39	\$2,454.32	\$3,445.53
40	\$2,507.42	\$3,502.09
41	\$2,601.67	\$3,558.65
42	\$2,701.25	\$3,615.21
43	\$2,814.87	\$3,671.78
44	\$2,922.14	\$3,728.33
45	\$3,049.01	\$3,784.90
46	\$3,198.65	\$3,868.92
47	\$3,361.38	\$3,953.82
48	\$3,536.72	\$4,037.96
49	\$3,709.00	\$4,117.64
50	\$3,911.92	\$4,232.24
51	\$4,116.65	\$4,346.84
52	\$4,347.57	\$4,461.43
53	\$4,574.91	\$4,576.03
54	\$4,821.67	\$4,715.87
55	\$5,089.34	\$4,855.71
56	\$5,335.90	\$4,995.53
57	\$5,610.75	\$5,201.96
58	\$5,920.44	\$5,408.40
59	\$6,237.47	\$5,614.82
60	\$6,554.48	\$5,821.25
61	\$6,871.51	\$6,048.43
62	\$7,188.53	\$6,275.62
63	\$7,451.11	\$6,502.81
64	\$7,728.89	\$6,750.88
65	\$8,013.41	\$7,006.93
66	\$8,308.43	\$7,272.70
67	\$8,614.29	\$7,548.54
68	\$8,931.42	\$7,834.86
69	\$9,260.22	\$8,132.04
70	\$9,601.12	\$8,440.47
71	\$9,954.58	\$8,760.62

Wakulla	0.90
Walton	1.05
Washington	0.90
Alachua	1.05
Baker	1.09
Bay	0.90
Bradford	1.05
Brevard	0.97
Broward	1.00
Calhoun	0.90
Charlotte	0.97
Citrus	0.84
Clay	1.09
Collier	0.90
Columbia	1.05
Dade	1.00
De Soto	0.90
Dixie	1.05
Duval	1.09
Escambia	1.05
Flagler	0.90
Franklin	0.90
Gadsden	0.90
Gilchrist	1.05
Glades	0.90
Gulf	0.90
Hamilton	0.90
Hardee	0.84
Hendry	0.90
Hernando	1.05
Highlands	0.84
Hillsborough	1.00
Holmes	0.90
Indian River	0.90
Jackson	0.90
Jefferson	0.90
Lafayette	0.90
Lake	0.95
Lee	1.01
Leon	0.90
Levy	1.05
Liberty	0.90
Madison	0.90
Manatee	1.01
Marion	0.90
Martin	1.05
Monroe	0.90
Nassau	1.09
Okaloosa	0.95
Okeechobee	0.95
Orange	0.94
Osceola	0.98
Palm Beach	1.02
Pasco	1.02
Pinellas	1.00
Polk	1.05
Putnam	1.01
St. Johns	1.07
St. Lucie	0.95
Santa Rosa	1.05
Sarasota	1.03
Seminole	1.02

72	\$10,321.05	\$9,092.91
73	\$10,701.01	\$9,437.80
74	\$11,094.95	\$9,795.76
75	\$11,503.41	\$10,167.31
76	\$11,926.89	\$10,552.95
77	\$12,365.97	\$10,953.21
78	\$12,821.21	\$11,368.66
79	\$13,293.22	\$11,799.88
77	\$2,885.42	\$2,885.42
78	\$1,825.97	\$1,825.97
79	\$1,807.05	\$1,807.05

Sumter	1.02
Suwannee	0.90
Taylor	0.90
Union	0.90
Volusia	1.03
Wakulla	0.90
Walton	1.05
Washington	0.90

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02, 1-20-03, Formerly 4-149.205, Amended 5-18-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Frank Dino, Actuary, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Forms and Rates, Office of Insurance Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF COMMUNITY AFFAIRS  
Division of Housing and Community Development**

RULE CHAPTER NO.: 9B-3  
RULE CHAPTER TITLE: Florida Building Commission: Operational Procedures  
RULE NO.: 9B-3.047  
RULE TITLE: State Building Code Adopted  
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. 13, March 26, 2004, issue of the Florida Administrative Weekly:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 edition, as revised by the Florida Building Commission on \_\_\_\_\_ ~~June 30, 2003~~, is hereby adopted and incorporated by reference as the building code for the State of Florida.

(2) No change.

Proposed effective date is July 1, 2005.

Specific Authority 553.73(1),(7) FS. Law Implemented 553.72, 553.73(3),(7),(9) FS. History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 7-1-05.

NOTE: The Florida Building Commission has approved an effective date of July 1, 2005, for the 2004 Edition of the Florida Building Code.

2004 Florida Building Code, Residential

Chapter 2, Definitions  
Section R202 Definitions  
Section R202 Definitions, revise to delete the following definitions:

~~Fire Separation Distance. The distance measured from the building face to the closest interior lot line, to the centerline of a street, alley, a fire separation distance easement, or public way, or to an imaginary line between two buildings on the property. The distance shall be measured at right angles from the lot line.~~

~~Fire Separation Distance Easement. For the purpose of determining a fire separation distance easement shall be defined as a legal binding restriction placed on a property that would prohibit construction within it's confines.~~

Chapter 3, Building Planning  
Section R302 Location on Lot, revise to read as follows:  
Section R302.1 Exterior Walls. Exterior walls separated by with a fire separation distance less than 6 3 feet (1828 914 mm) shall have not less than a one-hour fire-resistive rating with exposure from both sides. Projections shall not extend to a point closer than 4 2 feet (1220 610 mm) from an adjacent projection or wall ~~the line used to determine the fire separation distance.~~

Exception: Detached garages accessory to a dwelling located within 2 feet of a lot line shall be permitted to have roof eave projections not exceeding 4 inches.

Projections extending into the 6 foot fire separation distance shall have not less than one-hour fire-resistive construction on the underside. The above provisions shall not apply to walls which are perpendicular to a the line extending from the point from which the separation distance has been measured running and parallel to the property line used to determine the fire separation distance.



Exception: Tool and storage sheds, playhouses and similar structures exempted from permits by R105.2 are not required to provide wall protection based on location on the lot. ~~Projections beyond the exterior wall shall not extend over the lot line.~~

R302.2 Openings. Openings shall not be permitted in the exterior wall of a dwelling or accessory building that is separated from an adjacent building by a with a fire separation distance of less than 6 3 feet (1828 914 mm). This distance shall be measured perpendicular to the line used to determine the fire separation distance.

Exceptions:

1. Openings shall be permitted in walls that are perpendicular to ~~a the~~ line extending from the point from which the separation distance has been measured running and parallel to the property line used to determine the fire separation distance.

2. Foundation vents installed in compliance with this code are permitted.

R302.3 Penetrations. Penetrations located in the exterior wall of a dwelling separated by with a fire separation distance less than 6 3 feet (1828 914 mm) shall be protected in accordance with Section R317.3.

Exception: Penetrations shall be permitted in walls that are perpendicular to ~~a the~~ line extending from the point from which the separation distance has been measured running and parallel to the property line used to determine the fire separation distance.

Chapter 7, Wall Covering

Section R703 Exterior Covering

Section R703.6 Exterior Plaster, revise to read as follows:

R703.6.1 Exterior use of portland cement plaster shall comply with the application requirements of ASTM C 926.

~~R703.6.1 Lath. All lath and lath attachments shall be of corrosion resistant materials. Expanded metal or woven wire lath shall be attached with 1 1/2 inch long (38 mm), 11 gage nails having a 7/16 inch (11.1 mm) head, or 7/8 inch long (22.2 mm), 16 gage staples, spaced at no more than 6 inches (152 mm), or as otherwise approved.~~

R703.6.2 Installation of exterior lathing and framing shall comply with ASTM C 1063.

~~R703.6.2 Plaster. Plastering with portland cement plaster shall be not less than three coats when applied over metal lath or wire lath and shall be not less than two coats when applied over masonry, concrete or gypsum backing. If the plaster surface is completely covered by veneer or other facing material or is completely concealed, plaster application need be only two coats, provided the total thickness is as set forth in Table R702.1(1). On wood frame construction with an on-grade floor slab system, exterior plaster shall be applied in such a manner~~

as to cover, but not extend below, lath, paper and screed. The proportion of aggregate to cementitious materials shall be as set forth in Table R702.1(3).

~~R703.6.2.1 Weep screeds. A minimum 0.019 inch (0.48 mm) (No. 26 galvanized sheet gage), corrosion resistant weep screed or plastic weep screed, with a minimum vertical attachment flange of 3 1/2 inches (89 mm) shall be provided at or below the foundation plate line on exterior stud walls in accordance with ASTM C 926. The weep screed shall be placed a minimum of 4 inches (102 mm) above the earth or 2 inches (51 mm) above paved areas and shall be of a type that will allow trapped water to drain to the exterior of the building. The weather resistant barrier shall lap the attachment flange. The exterior lath shall cover and terminate on the attachment flange of the weep screed.~~

R703.6.3 Pneumatically placed portland cement plaster

R703.6.3.1 Pneumatically placed portland cement plaster shall be a mixture of portland cement and aggregate conveyed by air through a pipe or flexible tube, and deposited by air pressure in its final position.

R703.6.3.2 Rebound material may be screened and reused as aggregate in an amount not greater than 25% of the total sand in any batch.

R703.6.3.3 Pneumatically placed portland cement plaster shall consist of a mixture of one part cement to not more than five parts of aggregate. Plasticity agents may be used as specified elsewhere in this chapter. Except when applied to concrete or masonry, such plaster shall be applied in not less than two coats to a minimum total thickness of 7/8 inch (22.2 mm)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-43	Regulation of Encroachments Over State Rights of Way
RULE NO.:	RULE TITLE:
14-43.001	Regulation of Overhanging Encroachments

NOTICE OF HEARING

Based upon requests for a hearing from affected parties, a hearing will be held as follows:

TIME AND DATE: 9:30 a.m., January 13, 2005

PLACE: Florida Department of Transportation, Haydon Burns Building, 605 Suwannee Street, Right-of-Way Training Room (Room 457), Tallahassee, Florida

Notice was published in Florida Administrative Weekly, Vol. 30, No. 50, December 10, 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 NO.:                      RULE TITLE:  
33-103.018                      Evaluation of the Grievance Procedure

**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. 48, (Nov. 24, 2004), issue of the Florida Administrative Weekly. Rule 33-103.018, F.A.C., will not be repealed as provided in the notice of proposed rulemaking, but will instead be amended as follows to clarify the grievance procedure evaluation process and to delete obsolete language.

33-103.018 Evaluation of the Grievance Procedure.

~~The grievance procedure shall be reviewed at each institution through operational reviews conducted by the Office of Internal Audit. An annual evaluation of the grievance procedure shall be conducted by the Office of Internal Audit which shall report its findings to the Office of the Inspector General.~~ This evaluation shall include information obtained from a survey of staff and inmates, review of employees' and inmates' comments on the effectiveness and credibility of the procedure pursuant to subsection 33-103.004(2), F.A.C., on-site visits to institutions and facilities by staff of the Office of Internal Audit and from monthly reports prepared by wardens and the Bureau of Inmate Grievance Appeals. ~~Upon reviewing the completed audit, the Inspector General shall then direct that action be taken to address identified needs in the inmate grievance procedure.~~

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 12-22-92, 4-10-95, Formerly 33-29.017, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                      RULE TITLE:  
33-601.307                      Disciplinary Hearings

**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. 48, (November 24, 2004), issue of the Florida Administrative Weekly:

33-601.307 Disciplinary Hearings.

(1)(a) No change.

(b) The inmate charged shall be present at the disciplinary hearing unless substantial reasons precluding the inmate's presence exist or the inmate has waived his right to be present.

If the inmate waives the right to be present or refuses to be present, the 24 Hour/Refusal to Appear, Form DC6-112D, shall be signed by the inmate and witnessed by an employee. If the inmate refuses to sign the form, this shall be noted and signed by the employee. When an inmate waives the right to be present at the hearing, the inmate also waives the right to submission of a written statement to the disciplinary team or hearing officer. If the inmate's disruptive conduct makes it necessary to remove the inmate from the hearing, the hearing shall be conducted in the inmate's absence. The reason for the inmate's absence shall be explained in the basis of decision findings section of Form DC6-112E, Disciplinary Hearing Worksheet ~~the disciplinary report.~~

(c) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 3-12-84, Formerly 33-22.06, Amended 12-30-86, 10-01-95, 12-10-97, 5-19-98, Formerly 33-22.006, Amended 5-21-00, 2-11-01, \_\_\_\_\_.

Form DC6-112E is also being amended to reflect that the reasons for an inmate's failure to appear at a disciplinary hearing should be noted in the Basis of Findings section of the report.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.:                      RULE TITLE:  
40C-41.063                      Conditions for Issuance of Permits

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 48, November 24, 2004, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:                      RULE TITLE:  
61G4-12.006                      Approved Form; Incorporation

**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. 30, No. 39, of the September 24, 2004, issue of the Florida Administrative Weekly. The change is based upon comments at a public hearing held on this rule on November 11, 2004. The Board, at its meeting held on November 12, 2004, voted to change the rule to incorporate a revised form. When changed the rule shall read as follows:

61G4-12.006 Approved Form; Incorporation.

The following form used by the Board in its dealings with the public is hereby adopted and incorporated by reference, and can be obtained from the Board at the following address: Florida Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039.

Florida Homeowners' Construction Recovery Fund Claim Form, DBPR/CILB/022 – (Rev. January 2005).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1050

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-1.010  
 RULE TITLE: Approved Schools and Colleges  
 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. 4, January 24, 2003, issue of the Florida Administrative Weekly. This rule is being revised in response to comments received from the Joint Administrative Procedures Committee. The changes are as follows:

61G17-1.010 Approved Schools and Colleges.

(1) No change.

(2) Foreign colleges and universities accredited or approved by the national government of the country where the college or university is located, or by any national or regional entity approved or recognized by said government, are deemed approved by the Board. For purposes of Section 472.013(2)(b), F.S., colleges and universities accredited by a regional association of colleges and universities recognized by the United States Department of Education are deemed approved by the Board.

(3) Foreign colleges and universities which offer a course of study in surveying and mapping that meets or is substantially equivalent to that set forth by the Accreditation Board for Engineering and Technology (ABET) are deemed approved by the Board.

(4) In order to demonstrate "substantial equivalency" to an ABET accredited surveying and mapping program, the applicant must demonstrate that the applicant is a graduate of a surveying and mapping degree program that includes not fewer than 32 semester hours of study or its academic equivalent in any of the following surveying and mapping courses: boundary and/or land surveying, geographic and/or land information systems, photogrammetry, mapping and geodesy, remote sensing, civil engineering, surveying, mapping, advanced mathematics, forestry, land law, or other substantially related physical sciences.

(5) The Board shall make the final decision regarding equivalency of programs and shall determine whether an applicant shall be approved for admittance to the examination or for licensure by endorsement.

(6) The applicant must request an evaluation of the substantial equivalency of his or her credentials to ABET standards through the Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, Maryland 21203-3084; or through Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

Specific Authority 472.013(4) FS. Law Implemented 472.013(4) FS. History—New 1-3-80, Formerly 21HH-1.10, 21HH-1.010, Amended 5-31-95, 12-31-00.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-2.006  
 RULE TITLE: Time for Compliance With Final Order; Probation  
 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. 39, September 26, 2003, issue of the Florida Administrative Weekly. This rule is being revised in response to comments received from the Joint Administrative Procedures Committee. The changes are as follows:

61G17-2.006 Time for Compliance With Final Order; Probation.

(1) In cases where the Board imposes a civil penalty for violation of Chapter 455 or Chapter 472, Florida Statutes, or of the rules promulgated thereunder, the penalty shall be paid within 30 days of its imposition by order of the Board, unless a later time for payment is specified in the Board's Order.

(2) Failure to pay the civil penalty within the time specified in this rule or in the Board's Order shall constitute grounds for further disciplinary action against the licensee.

(3) For purposes of this rule, the term civil penalty shall include the assessment of any fines, costs associated with investigation and prosecution of the complaint, and restitution.

(4) In cases where the Board imposes probation for violation of Chapter 455 or Chapter 472, Florida Statutes, or of the rules promulgated thereunder, the following conditions shall apply:

(a) The licensee shall be required to appear before the Probation Committee of the Board at such times as directed by the Executive Director, or as specified in the Final Order. In connection with each probation appearance, the licensee shall answer questions under oath and shall provide a list of all surveys performed including type of survey, since the entry of

the final order if it is the first probation appearance or since the last probation appearance if it is other than the first probation appearance. In addition, the licensee shall provide such other information or documentation as is requested by either the Department, the Board or the Probation Committee. The licensee shall forward said documentation to the Board in advance of the probation appearance.

(b) The burden shall be solely upon the licensee to remember the requirement for said appearance, and to take the necessary steps in advance of said appearance to contact the Board office and ascertain the specific time, date, and place of said appearance. The licensee shall not rely on getting notice of said appearance from the Board or the Department.

(c) Should the licensee violate any condition of the probation, it shall be considered a violation of Section 472.033(1)(h), Florida Statutes, and shall result in further disciplinary action by the Board.

(d) Should the licensee's licensure to practice surveying and mapping be suspended or otherwise placed on inactive status, or if the licensee leaves the practice of surveying and mapping for thirty (30) days or more, the probation period shall be tolled and shall resume running at the time the licensee reactivates the license or returns to the active practice of surveying and mapping, and the licensee shall then serve the time remaining in the term of probation.

(e) If a licensee's licensure to practice surveying and mapping is suspended for the period of probation, with the suspension stayed for the period of probation, by Final Order of the Board. The time of the suspension and the stay shall run concurrently with the period of probation, except as provided otherwise in the Final Order. If the licensee successfully completes probation, the suspension shall terminate. If the licensee fails to comply with the requirements set forth in this rule or in the Final Order, then the stay shall be lifted. Once the stay is lifted, the license shall remain in suspended status for the duration of the Final Order's effective time period.

Specific Authority 455.227(2), 472.008 FS. Law Implemented 455.227(2), 472.033(2) FS. History--New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Leon Biegalski, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-9.007  
 RULE TITLE: Survey Review

**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. 39, September

16, 2003, issue of the Florida Administrative Weekly. The following changes are being made based on comments from the Joint Administrative Procedures Committee. Rule 61G17-9.007, F.A.C., now reads as follows:

61G17-9.007 Survey Review.

(1) A licensee on probationer required to submit surveys for review shall:

(a) Perform six (6) surveys, for or without compensation, within thirty days of the time required by the Board in its final order;

(b) Within thirty days of the date on which the surveys are performed, submit to the Board office signed and sealed surveys of the properties surveyed, along with a copy of the relevant field notes, the relevant full size record plat, all measurement and computational records, and all other documents necessary to a full and complete understanding of the survey;

(c) Attend the Probation Committee meeting at which the surveys are to be reviewed; and

(d) Repeat (a)-(c) once if required by the Probation Committee at the meeting where the surveys are reviewed and discussed.

(2) Upon receipt of the signed and sealed surveys and other documents by the Board, either a surveying and mapping consultant selected by the Board or a member of the Board shall conduct a review of the surveys supplied by the licensee and provide an evaluation report to the Board for review, with all costs associated with said review and report paid to the consultant or the Board by the licensee.

~~(3)~~(2) After the first survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet or exceed minimum levels of competency; or

(b) Require a second set of surveys for review as contemplated by paragraph (1)(d); or

(c) If the board's final order places a licensee on probation and suspends the licensee's license but stays the suspension pending the licensee's compliance with the terms of probation, then the Probation Committee will lift the stay on the suspension of the license if the reviewed and discussed surveys do not meet or exceed minimum levels of competency.

~~(4)~~(3) After any second survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet minimum levels of competency; or

(b) If the board's final order places a licensee on probation and suspends the licensee's license but stays the suspension pending the licensee's compliance with the terms of probation,

then the Probation Committee will lift the stay on the suspension of the license if they do not meet minimum levels of competency and refer the reviewed and discussed surveys to the Department for possible further disciplinary action. If the stay is lifted, the license shall remain in suspended status until the probationer takes and passes both parts of the Florida jurisdictional examinations if they do not meet minimum levels of competency.

(5) To determine whether an applicant for licensure with a foreign degree has met the educational requirements of Section 472.013(2)(a) or (b), F.S., the applicant must provide the Board with a foreign degree evaluation conducted either by Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, Maryland 21203-3084, or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

Specific Authority 472.008, 472.013(4) FS. Law Implemented 472.013(4), 472.033(2)(3)(e) FS. History—New 12-25-95, Amended 10-1-97, 5-17-99.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-9.0091	Requirement for Physician Office Registration; Inspection or Accreditation

**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. 40, of the October 1, 2004, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on December 4, 2004, voted to change subsection (1)(a) to read as follows:

(a) Every physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of more than five (5) minutes or any Level III office surgery, as fully defined in Rule 64B8-9.009, F.A.C., shall register the office with the Department of Health. It is the physician’s responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NO.:	RULE TITLE:
64B20-4.003	On-the-Job Training, and Observation of Speech-Language Pathology and Audiology Assistants

**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. 39, of the September 24, 2004, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on November 17, 2004, voted to make changes to the rule to address the JAPC concerns.

The changes are as follows:

1. Subsection (5)(l) shall read: Determining patient or client dismissal criteria have been met.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NO.:	RULE TITLE:
64B20-7.001	Disciplinary Guidelines

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 39, September 24, 2004, Florida Administrative Weekly has been withdrawn.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-32.002	Definitions
67-32.005	Application Procedures
67-32.006	Terms and Conditions of Loan Scoring, Ranking, and Funding Guidelines
67-32.007	
67-32.011	Fees

**NOTICE OF CHANGE**

Notice is hereby given that in response to oral or written comments the following changes have been made to Rule 67-32, Florida Administrative Code, as published in Vol. 30, No. 43, of the Florida Administrative Weekly published October 22, 2004.

## 67-32.002 Definitions.

(1) through (2) No change.

(3) "Application" means the completed forms together with all exhibits submitted to the Corporation Florida Housing in accordance with this rule chapter for the purpose of requesting funds from the EHCL Program.

(4) "Application Package" means the forms, threshold requirements, instructions and other information necessary for submission of an Application to the Corporation Florida Housing for the EHCL Program.

(5) "Corporation" or "~~Florida Housing~~" means the Florida Housing Finance Corporation.

(6) "Development," or "~~Property~~" means the rental housing unit or units to be repaired or improved by the funds received from the EHCL Program.

(7) "EHCL" or "EHCL Program" or "~~Program~~" means the Elderly Housing Community Loan Program created pursuant to Section 420.5087(3)(d), F.S.

(8) through (9) No change.

(10) "Received" means delivery by hand, U.S. Postal Service, or other courier service, unless otherwise indicated, to the offices of the Corporation Florida Housing no later than 5:00 p.m., Eastern time, on the day of the Application deadline.

(11) "Review Committee" means a committee of Corporation Florida Housing staff and one Department of Community Affairs person who will make recommendations to the Corporation's Florida Housing's Board of Directors regarding EHCL Program participation.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 2-25-96, Formerly 91-32.002, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, 5-5-03, \_\_\_\_\_.

## 67-32.005 Application Procedures.

(1) The Corporation Florida Housing hereby adopts and incorporates by reference the EHCL Program Application Package, effective on the date of the latest amendment to this rule chapter.

(2) Application Packages may be obtained from the Corporation Florida Housing located at Suite 5000, City Centre Building, 227 North Bronough Street, Tallahassee, Florida 32301-1329.

(3) through (5) No change.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 91-32.005, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated 5-5-03, Amended \_\_\_\_\_.

## 67-32.006 Terms and Conditions of Loan.

(1) through (4) No change.

(5) The Corporation Florida Housing or an authorized representative of the Corporation Florida Housing shall monitor compliance of all terms and conditions of the loan as provided in the loan documents.

(6) Insurance shall be maintained on the Development as determined by the first mortgage lender, but which shall, in any case, include fire and hazard insurance, with the Corporation Florida Housing listed as a loss payee, in an amount sufficient to cover the amount of the EHCL loan and all superior mortgage loans and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective September 10, 2002, which is adopted and incorporated herein by reference.

(7) Any violation of the terms and conditions required by Rule Chapter 67-32, F.A.C., or the loan documents constitutes a default under the loan documents allowing the Corporation Florida Housing to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History—New 10-2-89, Amended 1-9-92, 2-25-96, Formerly 91-32.006, Amended 11-9-98, Repromulgated 1-2-00, Amended 12-31-00, 3-17-02, 5-5-03, \_\_\_\_\_.

## 67-32.007 Scoring, Ranking, and Funding Guidelines.

(1) Each Application received by the Application deadline shall be scored by Corporation Florida Housing staff based on the factors specified in the Application Package. Preliminary scores shall be transmitted to all Applicants.

(2) No change.

(3) With the exception of those items specified in the Application as mandatory elements which cannot be changed once the Application deadline has passed, Applicants will have 15 days from the date the Corporation Florida Housing sends the preliminary scores to the Applicant to submit additional documentation, revised pages, and any such information the Applicant deems appropriate to address issues raised during scoring that could result in rejection of the Application or a score less than the maximum available. Where specific pages of the Application are revised or additional information is provided, each new page must be marked "revised" and an original and two copies of this additional documentation must be submitted by the deadline for the Corporation Florida Housing to consider it in determining final scores. Pages of the Application that are not revised or otherwise changed may not be resubmitted, except those documents signed by third parties shall be submitted in their entirety.

(4) Following the receipt and review of the documentation described in subsection (3) above, the Corporation Florida Housing shall then prepare final scores. In determining the final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the preliminary scores transmitted to the Applicant.

(5) The Review Committee shall prepare a scoring and ranking recommendation based on final scores and submit it to the Corporation Florida Housing Board of Directors for approval.

(6) Following the Board’s action regarding the scoring and ranking, the Corporation Florida Housing will transmit the scoring and ranking to each Applicant along with a notice of appeal rights.

(7) Following the Board’s action on recommended orders received for all appeals resolved pursuant to Section 120.57, F.S., Corporation Florida Housing staff shall implement the Board’s action by adjusting the scoring and ranking to reflect the outcome of the final orders.

(8) No change.

(9) Each Application received by the Application Deadline will be assigned an Application number. Each Application that is assigned an Application number will receive a lottery number at or prior to the issuance of final scores. Lottery numbers will be assigned by having the Corporation’s Florida Housing’s internal auditors run the total number of assigned Application numbers through a random number generator program. Tie-breakers will be applied to Applications with tied scores in the order listed below. For purpose of this tie-breaker, “non-profit” is defined as an Applicant or Developer whose general partner is 100% non-profit and all partners are 100% non-profit. In addition, for purposes of this provision, a limited liability company will not be considered a nonprofit unless all of its members are 100% non-profit.

(a) Preference will be given to the Application from an Applicant that has not been previously funded through the Corporation’s Florida Housing’s EHCL program.

(b) through (c) No change.

(10) If an Applicant rejects an offer of funding, the Corporation Florida Housing will offer the funding to remaining eligible Applications in order of ranking.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.5087(3)(d) FS. History–New 10-2-89, Formerly 91-32.007, Amended 11-9-98, 1-2-00, Repromulgated 12-31-00, Amended 3-17-02, 5-5-03, \_\_\_\_\_.

67-32.011 Fees.

(1) The following fees are required in conjunction with the EHCL Program:

(a) Application fee of \$50 payable to the Corporation Florida Housing for each Application submitted.

(b) Credit underwriting fee pursuant to contract between the Corporation Florida Housing and the credit underwriter payable to the credit underwriter on or before the seventh calendar day following issuance of the preliminary commitment letter. The Credit Underwriter will not begin credit underwriting until this fee has been paid. If a Development involves units at scattered sites within a single county, a single credit underwriting fee shall be charged.

(c) A non-refundable commitment fee of \$250.00 payable to the Corporation Florida Housing upon acceptance of the firm commitment. Applicants who provide a letter signed by the Applicant with an explanation of why funds will not be available prior to closing shall be permitted to pay the commitment fee at closing.

(d) Loan Servicing fees to be paid by the Applicant to the servicer pursuant to contract between the Corporation Florida Housing and the servicer.

(2) through (3) No change.

Specific Authority 420.5087(3)(d) FS. Law Implemented 420.507(19), 420.5087(3)(d) FS. History–New 10-2-89, Amended 2-25-96, Formerly 91-32.011, Amended 11-9-98, 1-2-00, 12-31-00, 3-17-02, Repromulgated 5-5-03, Amended \_\_\_\_\_.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
67-48.002	Definitions
RULE NO.:	RULE TITLE:
67-48.010	Terms and Conditions of SAIL Loans

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above Notice of Proposed Rulemaking regarding the above rules, as noticed in Vol. 30, No. 39, September 24, 2004, 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:	RULE NO.:
Block Ticket Sales	53ER04-73

SUMMARY OF THE RULE: This emergency rule sets forth the requirements for retailers regarding block lottery ticket sales.

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:

53ER04-73 Block Ticket Sales.

(1) Retailers shall, without delay, give service to all persons present and waiting at the terminal to purchase lottery tickets.

(2) Retailers are required to report to the Lottery any sale to a person in excess of \$100,000 for an individual FLORIDA LOTTO drawing. Such report shall be made immediately by contacting the Division of Security at (850)487-7752.

(3) Retailers shall not accept any compensation for the sale of lottery tickets other than compensation provided or authorized by the Lottery.

(4) Only original playslips provided by the Lottery which have not been marked for play by the use of any electronic or automated means shall be used for the issuance of more than 100,000 tickets for an individual drawing of FLORIDA LOTTO. This subsection shall not apply if the tickets are purchased using the quick pick option.

(5) The entire transaction for the purchase of more than 100,000 FLORIDA LOTTO tickets, including payment for the tickets, submission of playslips, if any, and receipt of tickets, must occur at the same contracted retailer location.

(6) No prize shall be paid on a ticket purchased in violation of this rule. The Lottery reserves the right to limit or terminate the sale of on-line tickets at any contracted retail location if such sales violate this rule.

(7) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(8) This emergency rule replaces Emergency Rule 53ER94-30, Florida Administrative Code, effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

Specific Authority 24.105(9)(e),(h), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(e),(h), 24.112(1) FS. History-New Replaces 53ER94-30, effective as set forth in subsection (8).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER94-30, effective as set forth in subsection (8).

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Change in Retailer Ownership  
RULE NO.: 53ER04-74

SUMMARY OF THE RULE: This emergency rule sets forth the provisions relating to a change in ownership of a retailer's place of business.

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:

53ER04-74 Change in Retailer Ownership.

(1) No Certificate of Authority or retailer contract is assignable or transferable between persons or locations.

(2) To avoid an interruption or termination of lottery ticket sales, any change in ownership of a retailer's place of business shall be preceded by the filing and approval of a Retailer Application as provided in accordance with rules of the Florida

Lottery governing retailer applications, and the issuance of a new Certificate of Authority. A copy of the current rule governing retailer applications can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(3) Any of the following will be considered a change of ownership:

- (a) Sale of the business;
- (b) Change in the form of ownership of the business;
- (c) Change of general partners in a limited or general partnership; or
- (d) Death of a sole proprietor.

(4) A retailer shall notify the Lottery immediately of the occurrence or pending occurrence of any of the change of ownership conditions listed in the preceding subsection and shall immediately notify the Lottery of a filing for bankruptcy by the retailer or any person listed on the retailer's application.

(5) A retailer that is a corporation shall immediately notify the Lottery of any change of managing officers or directors and of transfers of 10 percent or more of its corporate stock.

Notification shall be given by filing a retailer application and following the procedures set out in accordance with rules of the Florida Lottery governing retailer applications. If as a result of its investigation the Lottery determines that any new officer, director or shareholder of 10 percent or more of the corporate stock would have caused the initial retailer application to be denied, the retailer will be given an opportunity to sever its relationship with the officer, director or shareholder. If the retailer does not sever the relationship, the Lottery shall terminate the retailer contract. A non-refundable background investigation fee of \$25 per person investigated shall accompany the notice of change by the retailer.

(6) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(7) This emergency rule replaces emergency rule 53ER00-21, Florida Administrative Code, effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112 FS. History-New \_\_\_\_\_, Replaces 53ER00-21, effective as set forth in subsection (7).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER00-21, effective as set forth in subsection (7).

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Granting Retailer Contracts and Certificates of Authority  
RULE NO.: 53ER04-75



SUMMARY OF THE RULE: This emergency rule sets forth the provisions regarding granting retailer contracts and issuing retailer Certificates of Authority by the Lottery.

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:

53ER04-75 Granting Retailer Contracts and Certificates of Authority.

(1) Retailer contracts shall authorize the sale of lottery tickets.

(2) Retailer contracts shall have a term of four years and shall be renewable upon successful completion of the renewal process. Renewed retailer contracts shall be executed prior to the expiration of an existing contract. If a renewal contract is not executed prior to expiration of the current contract, the retailer's on-line and instant ticket sales and terminal activity shall be immediately terminated.

(3) Following complete execution of the retailer contract, the Lottery shall issue a Certificate of Authority, DOL-130, revised 1/99 and incorporated herein by reference, to each retailer for purposes of display. This form may be obtained from the Lottery, Retailer Contracting, 250 Marriott Drive, Tallahassee, Florida 32399-4001. The Certificate of Authority shall bear the name of the contracted retailer and the address of the contracted premises. The Certificate of Authority shall be posted in a conspicuous location on the premises accessible to the public.

(4) The Lottery is authorized to provide a temporary Certificate of Authority to a contracted retailer for the sale of Lottery tickets at special events. Special events are public activities throughout the State of Florida, such as fairs, festivals, concerts and sporting events, in which the Florida Lottery participates as a sponsor.

(5) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(6) This emergency rule replaces Emergency Rule 53ER94-59, Florida Administrative Code, effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112 FS. History—New \_\_\_\_\_, Replaces 53ER94-59, effective as set forth in subsection (6).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER94-59, effective as set forth in subsection (6).

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Lost, Stolen, or Damaged Instant Lottery Tickets      RULE NO.: 53ER04-76

SUMMARY OF THE RULE: This emergency rule sets forth for Lottery retailers the reporting requirement and charges associated with active and inactive books of lost, stolen or damaged instant lottery tickets.

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:

53ER04-76 Lost, Stolen, or Damaged Instant Lottery Tickets.

(1) Reporting Requirement.

(a) Upon the theft, loss, or damage of instant lottery tickets the retailer shall immediately report the incident to the Lottery Division of Security at (850)487-7752.

(b) For purposes of this rule, tickets that have latex removed or that have been "scratched" are not considered "damaged tickets" and shall not be accepted for retailer account adjustment.

(2) Inactive Tickets.

(a) If tickets are lost, stolen, or damaged before the book of tickets has been activated, the retailer shall be charged a non-refundable service fee of five dollars (\$5.00) for each book.

(b) The retailer will not be charged a service fee for books missing from a shipment or damaged by the vendor.

(3) Active Tickets.

If tickets are lost, stolen, or damaged after the book of tickets has been activated, the retailer shall be charged the retail value of the book of tickets multiplied by the percentage of low tier winning tickets (prize amounts less than \$25.00) redeemed as of the date the book is reported stolen, less the retailer's sales commission(s).

(4) Settled Tickets.

If a retailer settles a book of active tickets and subsequently reports unsold tickets as lost, stolen, or damaged, the retailer will be credited an amount equal to the retail value of the book less the amount calculated as set forth in subsection (3) above.

(5) The retailer shall return to the Lottery, when directed by the Lottery, tickets recovered by the retailer subsequent to the tickets being reported lost, stolen or damaged.

(6) Payment for Tickets.

Accounting for lost, stolen, or damaged tickets will be reflected on the retailer's weekly Settlement Report.

(a) The amount due the Lottery for the active books will be included with the book sales value.

(b) The amount due the Lottery for the inactive books will be reflected as an adjustment.



**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Payment of Prizes by Retailers  
 RULE NO.: 53ER04-78

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for payment of prizes by retailers.

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:

53ER04-78 Payment of Prizes by Retailers.

(1) A retailer shall pay all winning lottery tickets valued at less than \$600 that are validated through the retailer's terminal.

(2) A retailer shall ensure that sufficient funds are available by cash, check, or money order before validating any ticket to pay a prize.

(3) A player who submits a ticket valued at less than \$600 to the Florida Lottery for payment that has been validated by a retailer will be instructed to return to the same retailer to receive payment. In such case, the Lottery will return the validated ticket to the player.

(4) A retailer shall pay any winning ticket of \$50 or less in cash unless:

(a) It is impossible or impracticable to do so due to a company or store policy that for safety or security reasons, limits the amount of cash available to the clerk; or

(b) It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

In such event, the retailer shall pay as much in cash as is possible and the remainder by check or money order.

(5) A retailer shall pay any winning ticket exceeding \$50 but less than \$600 by cash, check, or money order.

(6) If a retailer validates a ticket valued at \$600 or more, the retailer shall provide the player with the original ticket, the continuation ticket, if one was issued, and the player claim instructions ticket produced by the retailer terminal. The retailer shall instruct the claimant to complete and submit to the Florida Lottery a Winner Claim Form DOL 173-2, revised 10/03, or Spanish Winner Claim Form DOL 173-S, revised 10/03, incorporated herein by reference, for prizes of \$600 or more or when any dispute arises regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal. Forms may be obtained at any Lottery district office or retailer, from the Lottery's website at [www.flalottery.com](http://www.flalottery.com), or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(7) A retailer shall be held responsible for and will not receive credit for any prize paid for a ticket that was not a winner or that was recorded in the gaming system as paid by another retailer.

(8) A retailer shall not pay any winning ticket of \$600 or more. A retailer who violates this subsection and fails to furnish to the Lottery the complete name, address and tax identification number of the player to whom payment was made so that the Lottery can file a Form W-2G, shall be charged backup withholding pursuant to Internal Revenue Service (IRS) regulations, as well as a non-refundable \$50 service charge to offset any penalties and interest imposed by the IRS. If the IRS imposes penalties and interest in excess of \$50, the retailer's account will be adjusted in the amount of any excess. The Lottery is authorized to reimburse the retailer only upon receipt of documentation establishing that the ticket was paid in full and a determination that no fraud or other violation has been committed.

(9) A retailer shall not charge players a fee for the service of redeeming winning lottery tickets. This prohibition includes charging a fee for payment of a prize by money order when that is the only method of prize payment made available by the retailer.

(10) If a retailer violates any provision of this rule, the retailer shall be subject to suspension or termination in accordance with rules of the Florida Lottery governing suspension and termination of retailer contracts. 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.

(11) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(12) This emergency rule replaces Emergency Rule 53ER04-64, Florida Administrative Code, effective upon the Lottery's on-line gaming system converting to a new on-line gaming system vendor.

Specific Authority 24.105(9)(e), 24.109(1), 24.112(1), 24.115(1) FS. Law Implemented 24.112(1), 24.115 FS. History—New \_\_\_\_\_, Replaces 53ER04-64, effective as set forth in subsection (12).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER04-64, effective as set forth in subsection (12).

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Retailer Accountability  
 RULE NO.: 53ER04-79

SUMMARY OF THE RULE: This emergency rule sets forth the provisions relating to lottery ticket accountability and financial accountability by retailers.

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:

53ER04-79 Retailer Accountability.

(1) Ticket Accountability.

(a) Each retailer shall be accountable for all instant tickets received, all on-line tickets generated and all funds received by the retailer.

(b) Retailers shall receive books of tickets for sale on a consignment basis in accordance with the Lottery's inventory management system.

(c) Each retailer is liable to the Lottery for any and all tickets accepted or generated by any employee or representative of that retailer, less cancelled on-line tickets, and such tickets shall be deemed to have been purchased by the retailer unless returned to the Lottery by the official end of game date.

(2) Financial Accountability.

(a) Each retailer shall maintain a commercial checking bank account for all amounts collected from ticket sales until such amounts have been collected by the Lottery. All amounts received by each retailer from the operation of the Lottery, less the amount retained as compensation for the sale of tickets and the amount paid out as prizes, shall be held in a bank account prior to collection by the Lottery on the designated day of collection.

(b) A retailer is authorized to use its business commercial operating bank account or a separate commercial bank account for lottery purposes.

(c) A retailer shall notify the Lottery of a change in its bank account at least fifteen (15) days in advance of such change becoming effective.

(d) A retailer shall maintain its bank account for thirty (30) days after the termination date of its retailer contract.

(e) Each retailer shall complete and return to the Lottery at the time of application or in advance of a bank account change form DOL-103, Electronic Fund Transfer Authorization, revised 2/03. Form DOL-103 is incorporated herein by reference and may be obtained by writing to the Florida Lottery, Retailer Contracting, 250 Marriott Drive, Tallahassee, Florida 32399-4001. The form authorizes the Lottery to debit or credit the retailer's bank account through electronic funds transfers.

(f) The following procedures apply to Electronic Funds Transfer (EFT) delinquencies:

1. For purposes of this rule, an Electronic Funds Transfer delinquency is defined as an unsuccessful attempt to electronically transfer funds from a retailer's bank account to the Lottery in payment of the retailer's weekly settlement activity.

2. For all delinquencies that occur in a twelve-month period, the retailer's ability to sell on-line lottery tickets and order instant tickets shall be suspended.

3. For a first or second delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges prior to reactivation of its ability to sell on-line lottery tickets and order instant tickets.

4. For a third delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges and post a certificate of deposit or performance bond with the Florida Lottery prior to reactivation of its ability to sell on-line lottery tickets and order instant tickets. The amount of the security shall not exceed twice the retailer's average weekly ticket sales as determined by the Lottery.

5. For a fourth delinquency in a twelve-month period, a review of the retailer account will be performed by the Lottery to determine if the retailer's contract will be terminated. In making its determination, the Lottery will review factors such as the retailer's Lottery accounts receivable transactions and Lottery sales history. If the retailer contract is not terminated, the Lottery will make a determination as to whether the security amount is to be increased or whether other requirements are to be imposed.

6. The Lottery is authorized to terminate a retailer's contract prior to a fourth delinquency in a twelve-month period if the Lottery determines that such action is necessary in order to protect the state's financial interests.

7. For each delinquency, the retailer shall be assessed a non-refundable service charge of fifteen dollars per incident or five percent of the amount due per incident, whichever is greater, up to a maximum of one hundred-fifty dollars. The Lottery will assess only one service fee to retailer chain accounts that use the same bank account for all stores. The assessed fee shall be five percent of the total amount due for all locations up to a maximum of one hundred-fifty dollars. Payment of the delinquent settlement amount and any applicable service charges is due immediately from the retailer and prior to on-line sales and the ability to order instant tickets being reinstated.

8. If the Lottery determines that it is in its best financial interest, taking into consideration factors such as the amount of the delinquency and the length of time the delinquency and/or service charges are outstanding, the Lottery district office will be instructed to settle the sold instant tickets and pick up any remaining instant ticket inventory. A retailer's access to

computerized Lottery transactions will be limited to redeeming winning tickets and printing reports until Lottery Headquarters has received notification of payment in full.

9. To satisfy an EFT delinquency, the retailer may:

a. Deposit a Cashier's check or money order made payable to the Florida Lottery into a specified Lottery bank account;

b. Wire transfer the funds into a specified Lottery bank account; or

c. Deliver a Cashier's check or money order to a Lottery office.

10. The Lottery will accept a prepayment for the settlement amount if the prepayment is received by the Lottery prior to 5:00 p.m., Eastern Time, on the day before the EFT would normally occur. A service charge will not be applied to the first three (3) prepayments made by a retailer in a twelve-month period, nor will the first three (3) prepayments be counted as a delinquency against the retailer; however, retailers who make more than three (3) prepayments in a twelve-month period will be assessed a service charge as described in paragraph (2)(f)7. above for each additional prepayment. The Lottery reserves the right to waive the service charge upon showing of good cause by a retailer. Failure by the Lottery to impose a service charge does not constitute a waiver of its right to impose a service charge for any subsequent prepayment.

11. The Lottery will actively pursue collection of all delinquencies that are not paid through the process described above. Methods of collection may include, but are not limited to, filing judicial proceedings and referral of the delinquent accounts to the Office of the Comptroller.

(3) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(4) The emergency rule replaces Emergency Rules 53ER94-61 and 53ER01-77, Florida Administrative Code, effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(1), 24.112(11), 24.114 FS. History—New \_\_\_\_\_, Replaces 53ER94-61 and 53ER01-77, effective as set forth in subsection (4).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER94-61 and 53ER01-77, effective as set forth in subsection (4).

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Retailer Applicant Background Investigation      RULE NO.: 53ER04-80

SUMMARY OF THE RULE: This emergency rule sets forth the provisions relating to retailer applicant background investigations.

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:

53ER04-80 Retailer Applicant Background Investigation.

(1) Organizations that are publicly traded on a national securities exchange shall be required to submit the forms set forth in the rule governing retailer application and fee schedule. 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. Investigation of any such organization shall include review of its business credit report, financial statements, criminal history checks, and review of its Lottery payment history, if any.

(2) The investigation by the Lottery of the owners, partners, corporate officers, directors and shareholders of organizations which are not publicly traded on a national securities exchange shall include the following:

(a) A sole proprietor's consumer credit history, criminal history and Lottery payment history, if any;

(b) A partner's consumer credit history, criminal history and Lottery payment history, if any;

(c) For limited partnerships and limited liability companies, the names of the general partner and any limited partner with ten percent (10%) or more interest in the business must be disclosed. These individuals will be investigated in the following areas:

1. Consumer credit history, if business credit information is unavailable or inconclusive;

2. Criminal history; and

3. Lottery payment history, if any;

(d) For corporations, the names of all corporate officers (except assistant secretaries), directors, and shareholders of ten percent (10%) or more interest in the business must be disclosed.

These individuals will be investigated in the following areas:

1. Consumer credit history, if business credit information is unavailable or inconclusive;

2. Criminal history;

3. Lottery payment history, if any.

(3) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(4) This emergency rule replaces Emergency Rule 53ER97-42, Florida Administrative Code, effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(2) FS. History—New \_\_\_\_\_, Replaces 53ER97-42, effective as set forth in subsection (4).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER97-42, effective as set forth in subsection (4).

## DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer Application and Fee Schedule  
 RULE NO.: 53ER04-81

SUMMARY OF THE RULE: This emergency rule sets forth the provisions regarding the application(s) to be filed and related fees for persons desiring to contract with the Lottery as a retailer.

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:

### 53ER04-81 Retailer Application and Fee Schedule.

#### (1) New Applicants.

(a) Any person interested in contracting with the Lottery as a retailer shall file Form DOL-129, Retailer Application; or Form DOL-129-1, Retailer Application in Spanish; or Form DOL-129C, Chain Account Retailer Application, as applicable.

(b) For the initial sales location, each applicant shall submit a fee of \$100.00 along with the appropriate retailer application set forth in paragraph (1)(a), above.

(c) An application for an additional location must be submitted to the Lottery on Form DOL-129, DOL-129-1, DOL-129C, or Form DOL-129CA, Chain Account Retailer Additional Store Application, as applicable, and must be accompanied by a fee of \$25.00 for each additional location.

(d) Each applicant shall be subject to a background investigation, which can include fingerprinting.

(e) Organizations which are publicly traded on a national securities exchange must submit the following:

1. Form DOL-129C, including Section 4 entitled "Information on Publicly Traded Organizations"; and

2. Form DOL-374, Affidavit. Form DOL-374 will be provided to the applicant during the application process and must be completed by a corporate officer or legal counsel to state whether the corporation, any of its executive officers or its chairperson has been convicted of, or entered a plea of guilty or nolo contendere to, a felony committed in the preceding ten years, regardless of adjudication.

(f) Organizations which are not publicly traded on a national securities exchange shall be subject to the background investigation provisions set forth in accordance with rules of the Florida Lottery governing retailer applicant background

investigations. 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.

#### (2) Renewal Application.

Retailer contracts shall be renewed by execution of a new retailer contract. Prior to the expiration of a retailer contract, a retailer shall submit Form DOL 307, Application for Contract Renewal, or Form DOL-320, Application for Chain Account Contract Renewal, and a new retailer contract signed by the retailer, along with a fee of \$10.00 per location and \$25.00 for each new officer, director, or shareholder of the corporation since the last application. Renewal applicants shall be subject to a background investigation and fingerprinting may be required.

#### (3) Change of Location.

An application to change a location must be submitted to the Lottery at least thirty days in advance of the change, on Form DOL-129, DOL-129-1, or DOL-129C, as applicable, and must be accompanied by a fee of \$10.00.

(4) All application fees shall be non-refundable unless the initial application is denied because the applicant or the location fails the Lottery's marketing evaluation, in which case the application fee for that location shall be refunded to the applicant.

(5) Applications and subsequent contracts, if any, are not assignable or transferable to any person or entity.

(6) Any department, commission, agency, or instrument of the state, or its subdivisions, or any municipality or county, that seeks a contract as a retailer shall bear the burden of securing approval of any other person, board, commission, agent, or instrumentality of the state, or its subdivisions, or municipality or county, which may have controlling authority over the applicant.

(7) The following forms are incorporated herein by reference and may be obtained by writing to the Department of the Lottery, Retailer Contracting, 250 Marriott Drive, Tallahassee, Florida 32399-4001:

Form DOL-129, Retailer Application, revised 11/03,

Form DOL-129-1, Retailer Application in Spanish, revised 5/04,

Form DOL-129C, Chain Account Retailer Application, revised 11/03,

Form DOL-129CA, Chain Account Retailer Additional Store Application, revised 11/03,

Form DOL-374, Affidavit, revised 9/12/01,

Form DOL-307, Application for Contract Renewal, revised 11/03, and

Form DOL-320, Application for Chain Account Contract Renewal, revised 11/04.

Forms DOL-129, DOL-129-1, DOL-129C, and DOL 129CA may also be obtained from the Lottery's website at [www.flalottery.com](http://www.flalottery.com).

(8) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(9) This emergency rule replaces Emergency Rule 53ER01-3, Florida Administrative Code, effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112 FS. History—New \_\_\_\_\_, Replaces 53ER01-3, effective as set forth in subsection (9).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER01-3, effective as set forth in subsection (9).

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Retailer Compensation RULE NO.: 53ER04-82

SUMMARY OF THE RULE: This emergency sets forth the provisions governing retailer compensation.

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:

53ER04-82 Retailer Compensation.

(1) Sales Commission. Retailers shall be paid a sales commission of five percent on the purchase price of each instant and on-line ticket sold by them or issued as a prize in accordance with these rules. The number of instant tickets sold or issued as prizes will be determined by full or partial book settlements.

(2) Cashing Commission. Retailers shall be paid a one percent cashing commission on the value of each lottery ticket with a prize value less than \$600 cashed by them. As used herein, "cashing" shall mean a transaction wherein a retailer validates a ticket and pays a prize either by cash, check, money order, or by issuance of a free ticket(s), and the Lottery processes the paid ticket for credit to the retailer. Free tickets shall be valued at their retail sales price.

(3) The Lottery is authorized to conduct retailer incentive promotions in which additional compensation is provided to retailers as bonus commissions.

(4) Sales and cashing commissions earned by a retailer will be reflected on the retailer's weekly Settlement Report. Bonus commissions earned by a retailer will be reflected on the retailer's weekly Settlement Report or will be paid by check.

(5) Sales commissions, including bonus commissions, paid to retailers for instant ticket sales shall be reversed by the Florida Lottery if settled tickets are subsequently unsettled and returned to the Lottery.

(6) Sales, cashing and bonus commissions will be considered compensation to the retailer for Internal Revenue Service purposes.

(7) No retailer or employee of a retailer shall request or accept compensation for the performance of duties authorized pursuant to the retailer's contract, other than the compensation stated in the retailer's contract and these rules. This prohibition includes, but is not limited to, the redemption of winning tickets. A retailer shall not charge a fee for payment of a prize by money order when that is the only method of prize payment made available by the retailer.

(8) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(9) This emergency rule replaces Emergency Rule 53ER02-23, Florida Administrative Code, effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

Specific Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i) FS. History—New \_\_\_\_\_, Replaces 53ER02-23, effective as set forth in subsection (9).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER02-23, effective as set forth in subsection (9).

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Sale of Tickets RULE NO.: 53ER04-83

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for retailers relating to the sale of lottery tickets.

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:

53ER04-83 Sale of Tickets.

(1) Retailers are prohibited from selling lottery tickets to anyone under the age of eighteen (18).

(2) Retailers shall sell lottery tickets during the retailer's normal business hours.

(3) Retailers shall sell only Florida Lottery tickets and no other state or national lottery tickets, except as may be expressly authorized by the Lottery.

(4) Retailers may not sell tickets at any price other than that established by the Lottery.

(5) No person or entity other than the Lottery, a contracted Lottery retailer or a retailer’s authorized agent or employee acting on behalf of the retailer may sell lottery tickets.

(6) Without prior Lottery approval, a retailer shall not accept tickets to be sold from anyone except an authorized Lottery representative.

(7) All ticket sales shall be final, except that a retailer shall make a good faith effort to cancel an on-line ticket upon the request of a player if the request is made within the cancellation period established by the Lottery. A retailer is not required to cancel an on-line ticket produced upon request of the player by the quick pick method of number selection.

(8) Each book of instant tickets shall be activated prior to any tickets from the book being sold.

(9) Instant tickets for a particular game shall not be sold after the announced official end of game date of the respective instant game.

(10) On-line tickets shall not be sold after the drawing for which they were designated.

(11) A retailer shall sell lottery tickets only at the location stated on its Certificate of Authority.

(12) The provisions of this emergency rule shall be effective upon the date the Lottery’s on-line gaming system converts to a new on-line gaming system vendor.

(13) This emergency rule replaces Emergency Rule 53ER94-26, Florida Administrative Code, effective upon the date the Lottery’s on-line gaming system converts to a new on-line gaming system vendor.

Specific Authority 24.109(1), 24.112(1), 24.105(9)(h) FS. Law Implemented 24.112(7), 24.105(9)(h) FS. History—New \_\_\_\_\_, Replaces 53ER94-26, effective as set forth in subsection (13).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER94-26, effective as set forth in subsection (13).

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: RULE NO.:  
 Suspension and Termination of Retailer Contract 53ER04-84  
 SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the suspension and termination of a retailer’s contract.

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:

53ER04-84 Suspension and Termination of Retailer Contract.

(1) A retailer contract can be terminated by the retailer at any time upon written notice to the Lottery.

(2) The Lottery is authorized to terminate or suspend a retailer contract, and reject any later-filed application for a new contract, if the retailer fails to comply with the terms of the retailer contract, or for any of the following reasons:

(a) Retailer has provided false or misleading information in obtaining or attempting to obtain a retailer contract and Certificate of Authority.

(b) Retailer has been convicted of, or has entered a plea of guilty or nolo contendere, regardless of adjudication, to an offense punishable as a felony; or has been convicted of, or has entered a plea of guilty or nolo contendere, regardless of adjudication, to any gambling-related offense.

(c) Retailer has outstanding tax delinquencies owed to the federal government or any taxing authority within the State of Florida.

(d) Retailer has jeopardized the integrity, security or efficient operation of the Lottery.

(e) The ownership or location of the business has changed.

(f) Retailer has failed to meet the volume of sales established for the retailer by the Lottery.

(g) Retailer has failed to accurately account for lottery tickets, revenues or prizes as required by the Lottery.

(h) Retailer has failed to remit or is delinquent in remitting money owed to the Lottery.

(i) Retailer has committed any fraud, deceit or misrepresentation to the Lottery or to any individual purchasing a lottery ticket or tickets from Retailer.

(j) Retailer has sold a lottery ticket or paid a prize to any person under eighteen (18) years of age.

(k) Retailer has sold a lottery ticket at any place other than the place authorized in its Certificate of Authority.

(l) Retailer has not prominently displayed its Certificate of Authority at the approved sales location.

(m) Retailer has not prominently displayed and maintained ticket displays/dispensers and point-of-sale materials provided by the Lottery.

(n) Retailer has not made point-of-sale information for lottery products accessible to the public.

(o) Retailer has sold tickets at a price other than established by the Lottery.

(p) Retailer has violated any rule or regulation promulgated by the Lottery.

(q) Retailer has violated any directive or instruction issued by the Lottery.

(r) Retailer has violated any provision of Chapter 24, Florida Statutes.



(s) Retailer's reputation is no longer consistent with the protection of the public interest.

(t) Retailer has materially changed any factor considered by the Lottery in selecting the retailer.

(u) Retailer has engaged in conduct prejudicial to public confidence in the Lottery.

(v) Retailer has exchanged a book(s), ticket(s), or ticket stock with another retailer or location.

(w) Retailer has purchased a book(s) or ticket(s) from another lottery retailer for resale.

(x) Retailer has charged a fee to redeem a lottery ticket or has required a customer to purchase another item in order to purchase a lottery ticket.

(y) Retailer has paid a prize of \$600 or more.

(z) Retailer has violated the Lottery's ethics rules or policies.

(3) The Lottery is authorized to terminate a retailer contract at any time upon thirty (30) days' written notice to the retailer if the Lottery determines that, due to a change in the type of game to be played, a change in the method by which games are to be played, or a change in the method the Lottery will use in servicing or contracting with retailers, it is in the best interest of the Lottery to terminate the contract.

(4) If a retailer possesses multiple locations, restriction, suspension or termination of one (1) location grounds for restriction, suspension or termination of the others.

(5) The Lottery is authorized to suspend a retailer contract without prior notice if the Lottery determines that immediate suspension is necessary to ensure the integrity, security, honesty, or fairness of the operation of the Lottery.

(6) The Lottery is authorized to temporarily suspend a retailer contract without prior notice if the retailer, or any of its officers, directors, or employees has been arrested for any violation of law occurring on the retail premises, including by way of example, but not limited to, dealing in stolen property, unlawful sale of controlled substances, or maintaining a nuisance.

(7) A retailer whose contract has been terminated for the reasons set forth in paragraph (2)(b) above is prohibited from reapplying for a retailer contract for a period of one (1) year from the date of conviction or entry of plea and any application received during this time period will be rejected. In reviewing any subsequent application from such a retailer, the Lottery will consider the following factors:

(a) Whether the retailer has been pardoned or had his civil rights restored;

(b) Whether, subsequent to such conviction or plea, the retailer has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the Lottery. Under this sub-subsection, the retailer must prove to the satisfaction of the Lottery that the retailer has engaged in the kind of law-abiding commerce and good citizenship that would reflect well upon the integrity of the Lottery;

(c) Whether, if the retailer is a firm, association, partnership, trust, corporation or other entity, the retailer has terminated its relationship with the person whose actions directly contributed to the conviction or plea.

(8) A retailer's sole remedy following termination or suspension of its retailer contract is by such civil action as may be appropriate.

(9) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(10) This emergency rule replaces Emergency Rule 53ER94-60, Florida Administrative Code, effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

Specific Authority 24.109(1) 24.112(1) FS. Law Implemented 24.112(5) FS. History—New, Replaces 53ER94-60, effective as set forth in subsection (10).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER94-60, effective as set forth in subsection (10).

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Retailer Responsibilities  
 RULE NO.: 53ER04-85

SUMMARY OF THE RULE: This emergency rule sets forth the responsibilities for retailers contracted with the Florida Lottery.

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:

53ER04-85 Retailer Responsibilities.

(1) The Lottery shall contract with specified retailers to sell lottery tickets.

(2) All equipment provided to the retailer by the Lottery or its vendors shall remain the property of the Lottery or its vendors, and retailers shall acquire no interest whatsoever in the equipment.

(3) The retailer shall meet the training standards established by the Lottery relating to operation of the terminal and the sale of lottery products.

(4) Retailers shall be responsible for meeting terminal installation requirements as specified by the Lottery, including but not limited to, electrical circuitry; telephone line and equipment; counter, roof and building space; and conduit, if applicable.

(5) Retailers shall provide a minimum amount of space as determined by the Lottery at the location of the terminal for proper ventilation, maintenance, and material loading and removing.

(6) Retailers shall pay a weekly service charge to the Lottery in an amount determined by the Lottery. A retailer will not be assessed a service charge for promotional or additional terminals.

(7) Retailers shall pay all electrical utility charges in connection with operation of the terminal.

(8) Retailers shall use due diligence and care when operating the terminal and shall immediately notify the Lottery's designated hotline of any network communication problem or terminal malfunction.

(9) Retailers shall provide access to Lottery equipment to Lottery or vendor personnel presenting proper identification.

(10) Retailers shall be responsible for the physical security of the terminal and other Lottery equipment.

(11) The Lottery is authorized to recover from a retailer the cost of any negligent or intentional damage to terminal(s) and other Lottery equipment by retailer or its employees.

(12) Retailers shall not attempt to perform any mechanical or electrical maintenance or repairs on the terminal or other Lottery equipment except as authorized by the Lottery or its vendors.

(13) Retailers shall replenish ticket stock and clear paper jams as required on the terminal and/or terminal printer.

(14) Retailers shall provide a space for the play station provided by the Lottery at a location approved by the Lottery. Retailers shall maintain an adequate supply of pencils, play slips, claim forms and brochures, for use by players as provided by the Lottery or authorized vendor. Retailer shall display and maintain in prominent locations point of sale materials provided by the Lottery, including, but not limited to, playstations, electronic displays and odds pieces. Material not authorized by the Lottery shall not be displayed at or dispensed from the play station or other Lottery equipment.

(15) The provisions of this emergency rule shall be effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

(16) This emergency rule replaces Emergency Rule 53ER02-5, Florida Administrative Code, effective upon the date the Lottery's on-line gaming system converts to a new on-line gaming system vendor.

Specific Authority 24.109(1), 24.112(1) FS. Law Implemented 24.112(1) FS. History—New. Replaces 53ER02-5, effective as set forth in subsection (16).

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: Replaces 53ER02-5, effective as set forth in subsection (16).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

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

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

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-209 DAO-ROW), on December 8, 2004, to Alexander and Elizabeth Diaz. The petition for waiver was received by the SFWMD on November 3, 2004. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 47, on November 19, 2004. No public comment was received. This Order provides a waiver to allow existing bank stabilization to remain and a Waiver of District Criteria to allow an existing boat dock with lift to remain within the south right of way of C-10 Canal at the rear of 1326 North 30th Court, S8/T51S/R42E, Broward County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported docking facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Alexander and Elizabeth Diaz from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on December 7, 2004; the Division of Hotels and Restaurants received a Petition for an Emergency Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from The Prince of Wales located in St. Augustine. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and use public restrooms that are approximately 300 feet in distance.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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#### **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."

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#### **DEPARTMENT OF HEALTH**

The Board of Dentistry hereby gives notice that it has received a Petition, filed on December 8, 2004, from Martha E. Hoynoski, seeking a waiver or variance of paragraph 64B5-2.0135(1)(b), F.A.C., with respect to the requirement to complete one academic semester of clinical work at the senior clinical practice level. The Board will consider the Petition at the Board meeting on January 7-8, 2005, in Ft. Lauderdale, FL. Comments on this Petition should be filed with the Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the Petition, contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4474.

The Board of Medicine hereby gives notice that it has received a petition filed on December 13, 2004, by Malik Ibrahim, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames and number of attempts 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.

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The Board of Medicine hereby gives notice that it has received a petition filed on December 8, 2004, by Astrid Lopez, 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.

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The Board of Medicine hereby gives notice that it has received a petition filed on December 8, 2004, on behalf of Anupama Emandi, 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.

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The Board of Psychology hereby gives notice of the issuance of an Order regarding the Petition for Variance for James November, Ph.D. The Notice of Petition for Variance was published in Vol. 30, No. 42, of the October 15, 2004, Florida Administrative Weekly. The Board considered the instant Petition at a duly-noticed public meeting, via telephone conference call, held on November 19, 2004.

The Board's Order, filed on December 1, 2004, denies the Petition, finding that Petitioner has not established that the purpose of the underlying statute, Section 456.036(7), would be met by granting a variance or waiver from Rule 64B19.12.0085, Florida Administrative Code. The Board further finds that Petitioner has failed to establish that applying

the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Board's Order may be obtained by contacting: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The **Department of State** announces a public meeting of the Florida State Historical Records Advisory Board which all interested persons are invited:

DATE AND TIME: January 20, 2005, 9:00 a.m. – 12:00 Noon

PLACE: Tallahassee Community College Campus, Legislative Research Center and Museum, 444 Appleyard Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Historical Records Advisory Board will meet to review consultant report on the Survey and Evaluation of Performance Objectives from the Board's Strategic Plan and to discuss guidelines for regrants from the National Historical and Records Commission.

For further information contact: Mr. Jim Berberich, Coordinator, Florida State Historical Records Advisory Board, Department of State, Bureau of Archives and Records Management, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6750, Suncom 205-6750.

Pursuant to Chapter 286.26, Florida Statutes, any persons requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Subcommittee on Aerial Application** announces its sixth business meeting.

DATE AND TIME: January 11, 2005, 9:00 a.m. – 12:00 Noon

PLACE: Lee County Mosquito Control, 15191 Homestead Road, LeHigh Acers, Fort Myers, FL

CONTACT: Jane A.S. Barber, Florida A & M University, Public Health Entomology Research and Education Center, (850)872-4184, Ext. 25.

### DEPARTMENT OF EDUCATION

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting, to which all persons are invited:

DATE AND TIME: June 21, 2005, 10:00 a.m. – 4:00 p.m.

COMMITTEE: Art Selection Committee

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, Campus Operations Building, Room #110, Boca Raton Campus, Boca Raton, FL

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-633, Christine E. Lynn, College of Nursing.

For more information or to obtain a copy of the agenda, please contact: Patty Singer, Program Administrator, 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 **Florida Rehabilitation Council** announces the following conference call/meetings to which all interested persons are invited to participate.

Evaluation

DATE AND TIME: January 6, 2005, 12:00 Noon – 1:00 p.m.

PLACE: Local (850)414-5775, Toll free 1(888)461-8118

Coordination

DATE AND TIME: January 10, 2005, 11:00 a.m. – 3:00 p.m.

PLACE: (Face to Face, Tampa, FL) Toll free 1(800)416-4254

Executive

DATE AND TIME: January 18, 2005, 10:00 a.m. – 12:00 Noon

PLACE: Local (850)414-5775, Toll free 1(888)461-8118

Planning

DATE AND TIME: January 19, 2005, 9:00 a.m. – 10:00 a.m.

PLACE: Local (850)922-2903, Toll free 1(800)416-4254

Coordination

DATE AND TIME: January 20, 2005, 10:00 a.m. – 11:00 a.m.

PLACE: Local (850)414-5775, Toll free 1(888)461-8118

## Quarterly Meeting

DATES AND TIME: February 15-18, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: VR Headquarters, 2002 Old St. Augustine Road, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3320.

Any interested parties that need further information may contact: Yolanda Manning, 245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning, at the Council's address. Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting:

## READVERTISEMENT

MEETING: Florida Rehabilitation Council Meeting(s):

Quality Assurance Committee Conference call

DATE AND TIME: January 19, 2005, 10:00 a.m. – 12:00 Noon

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

**DEPARTMENT OF LAW ENFORCEMENT**

The **Criminal Justice Professionalism Program** announces the following meeting dates, times and location for the Criminal Justice Standards and Training Commission and related meetings:

Training School Item Writing Training

DATE AND TIME: Monday, February 14, 2005, 9:00 a.m.

Local Item Bank Workshop

DATE AND TIME: Tuesday, February 15, 2005, 2:00 p.m.

Training Center Directors' Committee Meetings

DATE AND TIME: Tuesday, February 15, 2005, 4:00 p.m.

Probable Cause Determination Hearings

DATE AND TIME: Wednesday, February 16, 2005, 8:30 a.m.

Training Center Directors' Business Meeting

DATE AND TIME: Wednesday, February 16, 2005, 8:30 a.m.

Commission Workshop

DATE AND TIME: Wednesday, February 16, 2005, 1:30 p.m.

(Topics: See Commission Agenda)

Regional Criminal Justice Selection Center Directors' Association

DATE AND TIME: Wednesday, February 16, 2005, 3:00 p.m.

CJS&T Commission meeting business agenda

DATE AND TIME: Thursday, February 17, 2005, 8:30 a.m.

Officer Discipline Informal Hearings

DATE AND TIME: Thursday, February 17, 2005, 10:30 a.m.

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, Florida 32746

GUESTROOM RATE: \$71.00 for single or double occupancy

TELEPHONE NUMBER FOR HOTEL RESERVATIONS:  
Phone (407)995-1100, Fax (407)995-1150

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, and certification and recertification of criminal justice training schools. All parties are invited to attend.

COMMISSION MEETING AGENDAS: A copy of the February 2005 Commission Meeting agenda may be obtained by contacting Donna Hunt, (850)410-8615, via e-mail: donnahunt@fdle.state.fl.us. The agenda and Commission issues will be posted to the FDLE website on January 25, 2005, and may be accessed at www.fdle.state.fl.us, (click on Criminal Justice Resource Center, click on "Rules, Policies, and Commission Information, click on "Commission" and then click on "agenda.")

A copy of the Officer Discipline Agenda may be obtained by contacting: Brenda Presnell, (850)410-8648, e-mail: brendapresnell@fdle.state.fl.us. If you wish to write the Commission for a copy of the above meeting agendas, please write to Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell. If you wish to write or call for a copy of the Training Center Directors' Association agenda, please write: Training Center Director Association Chairman Edward Mandt, Broward Community College, 3501 S. W. Davie Road, Ft. Lauderdale, Florida 33314, or call (954)201-6788.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 5 days prior to the meeting.

**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."

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 19, 2005, 9:00 a.m.  
PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Control Release, and Addiction Recovery matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a public meeting or workshop in the following docket to which all persons are invited.

DOCKET NO.: 040001-EI – Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor

DATE AND TIME: Wednesday, January 12, 2005, 9:30 a.m. – 12:00 Noon

PLACE: Florida Public Service Commission, Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss proposed new and revised schedules for filing in the fuel clause docket.

A copy of the agenda for this meeting may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850, (850)413-6770.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

The Florida **Public Service Commission** announces an Informal Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend. DOCKET NO.: 040450-WS – Application for rate increase in Martin County by Indiantown Company, Inc.

DATE AND TIME: Wednesday, January 12, 2005, 6:00 p.m.

PLACE: Indiantown Civic Center (Center), 15675 S. W. Osceola Street, Indiantown, FL 34956

The meeting will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the meeting may be adjourned. All persons desiring to comment on the utility's requested increase are urged to appear at the beginning of the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to comment regarding the request for rate increase by Indiantown Company, Inc. At the meeting, customers may be heard on any and all issues in the case relating to this request.

Any person requiring some accommodation at this Meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the Customer Meeting. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the Customer Meeting.

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#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Executive Committee is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Monday, January 3, 2005, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

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The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Grants Committee is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Thursday, January 6, 2005, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approval of AmeriCorps Competitive Concept Papers.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

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The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Grants Committee is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Thursday, January 6, 2005, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approval of AmeriCorps Competitive Concept Papers.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

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The **Executive Office of the Governor** announces a meeting of the Hurricane Housing Work Group to which all persons are invited.

DATE AND TIME: January 5, 2005, 1:30 p.m. – 4:00 p.m.

PLACE: Cabinet Meeting Room (Room LL03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Third meeting of the Hurricane Housing Work Group to discuss housing issues related to the four hurricanes of 2004.

For more information about the meeting or for information concerning special accommodations because of a disability or physical impairment, please contact: Mark Kaplan, The Capitol, Room PL05, Tallahassee, Florida 32399-0001, (850)413-7311.

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#### REGIONAL PLANNING COUNCILS

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Wednesday, January 19, 2005, 9:00 a.m. – 10:15 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Wednesday, January 19, 2005, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Charlotte Neupauer, (352)732-1315.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, January 20, 2005, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, January 12, 2005, 9:30 a.m.

PLACE: DeSoto County Commission Chambers, 201 East Oak Street, Room 103, Arcadia, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and its Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

**WATER MANAGEMENT DISTRICTS**

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

MEETING OF GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, January 11, 2005, 8:15 a.m.

PLACE: District Headquarters, 4049 Reid St., Hwy. 100, W., Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, January 11, 2005, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid St., Hwy. 100, W., Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, January 11, 2005, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid St., Hwy. 100, W., Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, January 11, 2005, 1:00 p.m.\*

\*This meeting may continue at 8:00 a.m. on the next consecutive day if not completed January 11.

PLACE: District Headquarters, 4049 Reid St., Hwy. 100, W., Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at the St. Johns River Water Management District website ([www.sjrwm.com](http://www.sjrwm.com)) or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours in advance.



If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SFWMD) announces the following meetings that some members of the District's Governing and Basin Boards may attend:

**CHARLOTTE COUNTY LEGISLATIVE DELEGATION MEETING**

DATE AND TIME: Tuesday, January 4, 2005, 9:00 a.m.  
 PLACE: Charlotte County School Board Education Support Services, Murdock Center, 1445 Education Way, Port Charlotte, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of District legislative and funding priorities.

**HILLSBOROUGH COUNTY LEGISLATIVE DELEGATION MEETING** (Note: This replaces the meeting originally scheduled for December 17, 2004.)

DATE AND TIME: Thursday, January 6, 2005, 9:00 a.m.  
 PLACE: Lowry Park Zoo Education Center, 1101 West Sligh Avenue, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of District legislative and funding priorities.

**HERNANDO COUNTY LEGISLATIVE DELEGATION MEETING**

DATE AND TIME: Thursday, January 6, 2005, 1:00 p.m.  
 PLACE: Hernando County Commission Chambers, 20 No. Main Street, Room 460, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of District legislative and funding priorities.

**MARION COUNTY LEGISLATIVE DELEGATION MEETING**

DATE AND TIME: Friday, January 7, 2005, 1:00 p.m.  
 PLACE: Appleton Museum of Art, 4333 E. Silver Springs Boulevard, Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of District legislative and funding priorities.

**BASIN BOARD EDUCATION COMMITTEE MEETING**

DATE AND TIME: Tuesday, January 11, 2005, 9:30 a.m.  
 PLACE: Crystal Springs Preserve, 1609 Crystal Springs Road, Zephyrhills, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

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 **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, January 4, 2005, 9:00 a.m. – complete

PLACE: SFWMD, Miami Service Center, 2121 S. W. 3rd Ave., Miami, Florida 33129

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: Regular Governing Board Audit and Finance Committee to discuss and consider District business including regulatory and non-regulatory matters.

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, (561)682-6371. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, January 6, 2005, 8:30 a.m.  
 PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Meeting.

A copy of the agenda may be obtained at the (1) District Website [www.sfwmd.gov/gover/wrac/agendas.html](http://www.sfwmd.gov/gover/wrac/agendas.html) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, WRAC Facilitator, Governing Board and Executive Services Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: January 6, 2005; February 3, 2005; March 3, 2005; April 7, 2005; May 5, 2005; June 2, 2005; July 7, 2005; No August 2005 Meeting; September 1, 2005; October 6, 2005; November 3, 2005; and December 1, 2005, 8:30 a.m. (Call Prior to Meeting Date to Confirm That Meeting Will Be Held on That Date (561)682-6447)

PLACE: South Florida Water Management, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC).

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/gover/wrac/mtgdate.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, 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: Every Monday beginning on January 10, 17, 24, 31; February 7, 14, 21, 28; March 7, 14, 21, 28; April 4, 11, 18, 25; May 2, 9, 16, 23, 30; June 6, 13, 20, 27; July 4, 11, 18, 25; August 1, 8, 15, 22, 29; September 5, 12, 19, 26; October 3, 10, 17, 24, 31; November 7, 14, 21, 28; and December 5, 12, 19, 26, 10:00 a.m.

(ALL MEETING DATES ARE TENTATIVE – Call Prior to Meeting Date to Confirm That Meeting Will Be Held on That Date ((561)682-5417 or (561)682-6447)

PLACE: South Florida Water Management, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406 (Location may be changed)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting – Issues Workshop Meeting

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 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, 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:

DATE AND TIME: Wednesday, January 12, 2005, 9:00 a.m. – complete

PLACE: 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.

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.

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)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 13, 2005, 10:00 a.m. – 12:00 Noon

PLACE: University of Florida IFAS Everglades Research and Education Center, 3200 East Palm Beach Road, Belle Glade, FL 33430 (located approximately 2 miles east of Belle Glade)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and discuss an update and modification to the scope of work under the Everglades Agricultural Area Environmental Protection District (EAA-EPD) Master Permit for a program of best management practice research, implementation, and testing pursuant to the criteria specified in Chapter 40E-63, F.A.C., Part III.

A copy of the agenda may be obtained by 1) writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, or 2) contacting the person below.

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: Ching Garvey, Everglades Regulation Division, South Florida Water Management District Headquarters, 3301 Gun Club Road, Mail Stop Code 4260, West Palm Beach, FL 33406, (561)682-2019, e-mail: cgarvey@sfwmd.gov.

**NOTICE OF POSTPONMENT – The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, January 19, 2005, 10:00 a.m.

PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Lower East Coast Water Supply Plan Meeting.

A copy of the agenda may be obtained at the (1) District Website [www.sfwmd.gov/gover/wrac/agendas.html](http://www.sfwmd.gov/gover/wrac/agendas.html) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, WRAC Facilitator, Governing Board and Executive Services Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: January 21, 2005, 9:00 a.m.

PLACE: The South Florida Water Management District, 2195 N. E. 8th Street, Homestead, FL 33033

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Model Lands Sub Committee, created pursuant to Section 373.41492, Florida Statutes, to continue the tour of the Model Lands areas, discussion of lift measurements, lift calculation approach; estimated cost per acre for acquisition and enhancement.

A copy of the agenda may be obtained at the (1) District website: <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Beth McArdle, Land Resources Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7310, West Palm Beach, FL 33406, (561)682-6172.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: January 21, 2005; February 17, 2005; March 17, 2005; April 21, 2005; May 19, 2005; June 16, 2005; July 21, 2005; September 15, 2005; October 20, 2005; November 17, 2005; December 15, 2005, 10:00 a.m. (NOTE: These dates are reserved for potential WRAC Issues Workshops. Call Prior to Meeting Date to Confirm That Meeting Will Be Held on That Date (561)682-6517 or (561)682-6447)

PLACE: South Florida Water Management, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406 (Location Subject to Change)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC) Issues Workshop Meeting.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/gover/wrac/agendas.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, 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:

DATE AND TIME: January 28, 2005, 9:00 a.m.

PLACE: The South Florida Water Management District, Florida B-1 Auditorium, Building B-1, 2nd Floor, Richard Rogers Conference Room, 3301 Gun Club Road, West Palm Beach, Florida (Meet Me Number (850)410-8045, Suncom 210-8045)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee, created pursuant to Section 373.41492, Florida Statutes, to discuss the Model Lands Subcommittee tour, Lakebelt Mitigation Annual Report and other Lake Belt Committee matters.

A copy of the agenda may be obtained at the (1) District website <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.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: Beth McArdle, Land Resources Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7210, West Palm Beach, FL 33406, (561)682-6172.

#### REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, January 5, 2005, 10:00 a.m.

PLACE: DeSoto County Administrative Building, 201 East Oak Street, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 10, 2005, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Rooms D & E, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hospital CON Workgroup Meeting required by Chapter 2004-382, Laws of Florida.

To be included in the Hospital CON Workgroup “Interested Parties”, please mail/e-mail or fax your e-mail address to: Linda Colvin, COLVINL@fdhc.state.fl.us, Fax (850)413-7955.

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)922-0791.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 24, 2005, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Rooms D & E, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hospital CON Workgroup Meeting required by Chapter 2004-382, Laws of Florida.

To be included in the Hospital CON Workgroup “Interested Parties”, please mail/e-mail or fax your e-mail address to: Linda Colvin, COLVINL@fdhc.state.fl.us, Fax (850)413-7955.

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)922-0791.

The **Agency for Health Care Administration** announces two public meetings of the Council for the Regular Disproportionate Share Program to which all persons are invited.

DATES AND TIME: January 14, 2005, 1:00 p.m. – 3:00 p.m.; January 21, 2005, 1:00 p.m. – 3:00 p.m.

PLACE: Via Conference Call, Phone Number (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with HB 1843, Section 13 (9) of the 2004-05 Florida Legislature, and 409.911, F.S., the Agency for Health Care Administration has created the Medicaid Disproportionate Share Council:

The purpose of the council is to study and make recommendations regarding:

1. The formula for the regular disproportionate share program and alternative financing options;
2. Enhanced Medicaid funding through the Special Medicaid Payment program; and
3. The federal status of the upper-payment-limit funding option and how this option may be used to promote health care initiatives determined by the council to be state health care priorities.

The council shall include representatives of the Executive Office of the Governor and of the agency; representatives from teaching, public, private nonprofit, private for-profit and family practice teaching hospitals; and representatives from other groups as needed.

The council shall submit its findings and recommendations to the Governor and the Legislature no later than February 1 of each year.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 6, 2005, 2:00 p.m.

PLACE: The Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting will be held to discuss distributing Medicaid provider handbooks on compact disks (CD) rather than on paper. Paper handbooks will still be available upon request. The CD is accessible by any office with a computer and CD-ROM. The information that is on the CD will also be available on the Internet. The Agency will meet with providers to answer questions, hear concerns, and obtain recommendations.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Karen Girard, (850)488-9711, at least five calendar days prior to the meeting.

For additional information contact: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)488-9711, e-mail: girardk@fdhc.state.fl.us.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The Real Choice Partnership Project of the Americans with Disabilities Act Working Group, which is administered by the **Department of Management Services** announces a meeting of the Consumer Task Force and a Public Hearing to which all interested persons are invited.

#### MEETING

DATES AND TIMES: January 11, 2005, 1:00 p.m. – 4:00 p.m.; January 12, 2004, 9:00 a.m. – 12:00 Noon

#### PUBLIC HEARING

DATE AND TIME: January 11, 2004, 4:30 p.m. – 6:30 p.m.

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: To facilitate the mission of the Real Choice Partnership Grant Project.

A copy of the Consumer Task Force meeting agenda may be obtained by writing or calling the Americans with Disabilities Act Working Group, 4030 Esplanade Way, Ste. 315, Tallahassee, Florida 32399-0950, (850)922-4103 (Voice), (850)922-4103 TTY.

Should you require accommodations or materials in alternative formats, please contact: Stacia Woolverton, (850)922-4103 (Voice) or (850)922-4103 (TTY).

The **State Technology Office** announces a meeting of the Standard Operating Procedures and Technical Committee of the Joint Task Force on State Agency Law Enforcement Communications to which all interested persons are invited.

DATES AND TIME: January 13-14, 2005, 9:00 a.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Room A3046, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters of the Statewide Law Enforcement Radio System.

For more information about the agenda, contact: Victor Cullars, Florida Department of Law Enforcement (Technical Committee), (850)410-8300 or Todd Preston, Fish and Wildlife Conservation Commission (SOP Committee), (850)410-0656.

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The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Thursday, January 13, 2005, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032 (The meet-me telephone number is (850)410-0968 or Suncom 291-0968)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA Notice: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting to be held by telephone conference call, which all persons are invited to attend.

DATE AND TIME: December 30, 2004, 8:30 a.m. (Eastern Time)

PLACE: Telephone Number 1(800)416-4254 toll free outside of Tallahassee, (850)922-2903 direct, 292-2903 Suncom

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (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).

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The Florida **Board of Landscape Architecture** announces the following meeting to which all persons are invited to attend.

DATE AND TIME: January 28, 2005, 9:00 a.m. (Eastern Time)

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, FL 33607, (813)873-8675

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 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).

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The Florida **Board of Professional Engineers** announces a public meeting of the Rules Committee to which all persons are invited.

DATE AND TIME: Tuesday, January 18, 2005, 1:00 p.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

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: Paul J. Martin, (850)521-0500.

The **Board of Accountancy** announces the following meeting of the Rules Committee to which all persons are invited:

DATE AND TIME: Tuesday, January 4, 2005, 2:00 p.m.

PLACE: By conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee will meet to discuss the implementation of Committee Substitute/Senate Bill 2720, which requires an Ethics continuing professional education (CPE) course for CPA license renewal. This is a public meeting.

A copy of the agenda may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, FL 32607.

NOTE: If a person decided to appeal any decision made by the board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting: John Johnson, (352)333-2505. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Florida State Boxing Commission** announces a public hearing to which all interested persons are invited.

DATE AND TIME: Tuesday, January 4, 2005, 10:00 a.m. – 12:00 Noon

PLACE: 725 South Bronough Street, Room 259, Tallahassee, Florida 32399-1016 (Access to the hearing may be obtained by calling (850)410-0968 from a land-line telephone at the hearing commencement time. Individuals may also appear in person at the remote location.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To approve or deny the American Boxing and Athletic Association as an amateur sanctioning organization.

Any affected person deciding to appeal a decision made by the Commission with respect to final action taken at this hearing will need to ensure that a verbatim record of the proceeding is made. Such record must include the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation at this hearing due to a disability or physical impairment should contact Laura Figley, Administrative Assistant, (850)488-8500, at least forty-eight (48) hours prior to the hearing. If you are hearing or

speech impaired, please contact the Commission office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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#### 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."

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#### DEPARTMENT OF HEALTH

The **Department of Health**, Office of Trauma announces a public meeting to which all persons are invited.

DATE AND TIME: January 20, 2005, 11:00 a.m. – 1:00 p.m.

PLACE: Hilton Miami Airport & Towers, 5101 Blue Lagoon Drive, Miami, FL 33126, Toll Free Number to call into meeting 1(877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: A committee appointed by the Office of Trauma is holding a meeting to assist the Department of Health in the implementation of the 1999 trauma legislation which requires the development of criteria for the consultation and transfer of trauma victims between trauma centers and acute care hospitals.

A copy of the agenda may be obtained by writing: Department of Health, Office of Trauma, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738, or calling George Schaffer, (850)245-4440.

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 before January 13, 2005, by contacting: George Schaffer, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number B00829.

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The **Department of Health**, Office of Trauma, announces a public meeting to which all persons are invited.

DATE AND TIME: January 20, 2005, 3:00 p.m. – 5:00 p.m.

PLACE: Hilton Miami Airport & Towers, 5101 Blue Lagoon Drive, Miami, FL 33126, Toll Free Number to call into meeting: 1(877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: A subcommittee (Trauma Agency/Trauma System Evaluation Subcommittee), appointed by the State Trauma System Plan Implementation Committee, is holding a meeting to assist the Department of Health in the implementation of a trauma system evaluation tool to evaluate trauma care in areas of the state that do not have trauma agencies.

A copy of the agenda may be obtained by writing: Department of Health, Office of Trauma, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738 or by calling George Schaffer, (850)245-4440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this conference call is asked to advise the agency before January 13, 2005, by contacting: George Schaffer, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number B00829.

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**The Department of Health, Division of Medical Quality Assurance** announces a meeting.

DATE AND TIME: January 24, 2005, 9:00 a.m. or soon thereafter

PLACE: State of Florida, Capital Circle Office Complex, 4042 Bald Cypress Way, Room 301, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Orientation and Training of New Board and Council Members.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the 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.

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The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, January 5, 2005, 12:00 Noon

PLACE: Contact Florida Board of Medicine, (850)245-4131, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

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The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: January 7, 2004, 2:00 p.m.

PLACE: Meet Me Number: (850)921-5223

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

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The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: January 21, 2005, 2:00 p.m.

PLACE: Meet Me Number: (850)922-7892, Suncom 292-7892

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.



A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770(Voice) via Florida Relay Service.

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The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, January 14, 2005, 11:00 a.m. or soon thereafter

PLACE: Conference Call (850)413-9245

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

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The **Board of Optometry** will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Wednesday, January 5, 2005, 4:00 p.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee, FL, Meet Me Number (850)414-1707

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 Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/optometry/op\\_home.html](http://www.doh.state.fl.us/mqa/optometry/op_home.html).

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The **Department of Health, Board of Psychology** announces a conference call of the board to which all persons are invited.

DATE AND TIME: January 7, 2005, 8:00 a.m. or soon thereafter

PLACE: Numbers (850)487-9552, Suncom 277-9552

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quorum Call.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the 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.

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The **Council of Licensed Midwifery** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, January 14, 2005, 9:00 a.m. or soon thereafter

PLACE: Contact: Council of Licensed Midwifery, (850)245-4161, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Council of Licensed Midwifery, (850)245-4161, at least five

(5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

This is to announce variance meetings of the **Public Swimming and Bathing Facilities Advisory Review Board** members. These meetings are open to the public.

DATES AND TIME: Wednesday, January 12, 2005.; Wednesday, March 9, 2005.; Wednesday, May 11, 2005.; Wednesday, July 13, 2005; Wednesday, September 14, 2005; Wednesday, November 9, 2005, 9:30 a.m. – 3:00 p.m.

PLACE: Hurston Building, 1st Floor, Conference Room A, S. Tower, 400 West Robinson Street, Orlando, FL 32801, (407)317-7172

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these meetings will be for the board to make recommendations to the department for agency action on variance requests, rule and policy development, and other technical review problems.

The person to be contacted regarding these meetings or agendas is: Mr. Robert S. Pryor, Environmental Engineering, Dept. of Health, Bureau of Water Programs, 4052 Bald Cypress Way, Bin #C22, Tallahassee, FL 32399-1742, (850)245-4444, Ext. 2369.

The Florida **Diabetes Advisory Council** (DAC) announces their quarterly meeting.

DATE AND TIME: Wednesday, January 12, 2005, 9:00 a.m. – 1:00 p.m.

PLACE: Tampa Airport Marriott (Tampa International Airport) Tampa, Florida

This is a public meeting. If you would like to attend, have questions, or need more information, please contact Trina Thompson, (850)245-4330 by January 10, 2005. All requests for special accommodations must be received by 5:00 p.m. on January 10, 2005.

## FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee

Guarantee Committee

Universal Cycle Committee

Multifamily Revenue Bond Committee

Board Meeting

DATE AND TIME: January 14, 2005, 9:00 a.m. – adjourned

PLACE: Hyatt Regency Tampa, Two Tampa City Center, Tampa, FL 33602, (813)225-1234

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 January 14, 2005, Board Meeting.

A copy of the agenda may be obtained approximately two days prior to the meeting by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website: [www.floridahousing.org](http://www.floridahousing.org).

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.

#### DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces a Meeting of the Task Force on Policyholder Services and Relations for Citizens Property Insurance Corporation to which all interested persons are invited.

DATE AND TIME: January 5, 2005, 10:00 a.m. – 4:00 p.m.

PLACE: Room 117, Knott Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of minutes from the December 5 meeting, evaluation of the success of the Remediation Plan directed by CFO Gallagher, further evaluation of Citizens' operational issues identified by the Task Force, and general business of the Task Force.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Rebekah Stamps, (850)413-2826, at least five calendar days prior to the meeting.

A copy of the agenda may be viewed at [www.fldfs.com/GeneralCounsel](http://www.fldfs.com/GeneralCounsel) or obtained by contacting: Rebekah Stamps, (850)413-2826.

The **Department of Financial Services**, Enterprise Resource Planning Integration Task Force of the Florida Financial Management Information System (FFMIS) Coordinating Council announces the following public meeting to which all persons are invited.

DATE AND TIME: January 6, 2005, 10:00 a.m. – 11:30 a.m.

PLACE: Chief Financial Officer's Conference Room, PL12, The Capitol Building, Tallahassee, Florida (Please Note: The above date, time and place of the meeting are tentative.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force will meet to review and approve the Annual Report and will hear a presentation from an industry expert regarding Enterprise Integration and Executive Information Management.

Please visit <http://erpitf.fldfs.com/> for updates.

A copy of the agenda may be obtained by contacting: Don Northam, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0352, (850)413-2822, Fax (850)487-0453, e-mail: [northamd@dfs.state.fl.us](mailto:northamd@dfs.state.fl.us).

NOTICE OF RESCHEDULING – The **Office of Insurance Regulation** announces a public hearing before the Financial Services Commission scheduled for January 19, 2005, regarding the adoption of Rules 69O-149.005 and 69O-149.038, F.A.C., has been cancelled. The Office of Insurance Regulation hereby announces the rescheduled date for a public hearing to which all persons are invited:

DATE AND TIME: February 1, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Rules 690-149.0055 and 690-149.038, Florida Administrative Code, published on December 23, 2004, in Vol. 30, No. 52, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting: Bob Prentiss, (850)413-4183, e-mail: bob.prentiss@fldfs.com.

**NOTICE OF RESCHEDULING – The Office of Insurance Regulation** announces the public hearing before the Financial Services Commission scheduled for January 19, 2005, regarding the adoption of Rule 690-191.0545, F.A.C., has been cancelled. The Office of Insurance Regulation hereby announces the rescheduled date for a public hearing to which all persons are invited:

DATE AND TIME: February 1, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Rule 690-191.0545, Florida Administrative Code, published on December 23, 2004, in Vol. 30, No. 52, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting: Bob Prentiss, (850)413-4183, e-mail bob.prentiss@fldfs.com.

#### **COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT**

The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATES AND TIMES: Tuesday, January 11, 2005, 6:30 p.m. – 8:30 p.m.; Wednesday, January 12, 2005, 8:30 a.m. – 1:30 p.m.

PLACE: Florida Association of Community Colleges, 816 South Martin Luther King Boulevard, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A discussion of the A+ Program, final action on the public broadcasting study and discussion of other assignments/projects.

A conference call may be scheduled one week following the meeting to address any matters which require follow-up. The agenda and related materials may be accessed prior to the meeting at [www.cepri.state.fl.us](http://www.cepri.state.fl.us).

For further information, contact: Council office, (850)488-7894

#### **CRIMINAL JUSTICE TRAINING COUNCIL**

The Region IX, **Criminal Justice Training Council** announces its quarterly meeting to which all persons are invited.

DATE AND TIME: January 20, 2005, 10:00 a.m.

PLACE: St. Petersburg College, Allstate Center, 3200 34th Street, South, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Region IX Criminal Justice Training Council serves as an extension of the Criminal Justice Standards and Training Commission in planning, programming, and budgeting of officer training monies and to advise and assist the Commission in developing a plan for assessing regional training needs pursuant to Section 943.25(5), F.S.

CONTACT: A copy of the meeting agenda may be obtained by contacting: John Meeks, (813)253-7957, e-mail: [jmeeks@hccfl.edu](mailto:jmeeks@hccfl.edu).

#### **FLORIDA PEST MANAGEMENT ASSOCIATION**

The **Florida Pest Management Association** announces a Legislative Group Meeting to which all interested persons are invited to participate.

DATE AND TIME: January 25, 2005, 9:00 a.m. – 12:00 Noon

PLACE: The Florida Mall Hotel, Orlando, FL

CONTACT: FPMA, (407)293-8627

#### **LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: Every third Tuesday of each month, 8:30 a.m. through June 2005

PLACE: Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact: Ms. Lewis, (850)575-0031.

The Development Review Committee of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: Every second Tuesday of each month, 8:30 a.m. through June 2005 (Meeting subject to cancellation, please call ahead to confirm)

PLACE: Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Committee reviews proposed construction plans for compliance with the protective covenants of Innovation Park.

Any person who desires to appeal a recommendation of the review committee will need a record of the proceedings conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact: Ms. Lewis, (850)575 0031.

## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### **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, Hallmark of Hollywood Condominium Association, Inc., a Florida not-for-profit corporation, Docket Number 2001058388.

The Petitioner requests a declaratory statement concerning whether Hallmark of Hollywood Condominium Association, Inc. is required to provide access to unit owner telephone numbers, facsimile numbers and e-mail addresses to other unit owners under Section 718.111(12), Florida Statutes (2004), when unit owners have requested that this personal information be kept confidential.

A copy of the Petition for Declaratory Statement, Docket Number 2004020324, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

The Board of Professional Surveyors and Mappers hereby gives notice that it has declined to rule on the Petition for Declaratory Statement filed by Isabelle Christine Lopez, Assistant County Attorney, on behalf of St. Johns County Board of County Commissioners, because the Petition was not asking a question regarding Surveying and Mapping but, rather, if the County's interpretation of the law was correct.

The Notice of Petition for Declaratory Statement was published on July 18, 2003 in Vol. 29, No. 29, of the Florida Administrative Weekly. The Board considered the Petition at its meeting held on July 18, 2003, in Pensacola, Florida.

### **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 Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed by Randy Zeldin, Esquire. The Petitioner seeks the Board's interpretation of the requirement for "direct supervision" with regard to the performance of laser hair removal by electrologists. The Board will consider this petition at its meeting scheduled for February 4-5, 2005.

Copies of the petition may be obtained by writing: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

The Board of Opticianry hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed on behalf of Richard Whitehill. The Board reviewed the Petition at its meeting held on November 5, 2004, in Ft. Lauderdale, Florida. The Board's Final Order, filed in this cause on 11/05/04, finds that under the specific facts of the Petition, it would not be appropriate to grant the Petition because the factual information provided by Petitioner is general and nonspecific.

Also, the Board determined that the Petition is frivolous and it is inappropriate for the Board to issue a Declaratory Statement when what Petitioner desires is a reinterpretation of the plain wording of Section 484.006(3), Florida Statutes, to mean something it has never meant.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

**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:**

SC. Read, Inc., A Florida Corporation and Jennifer Finch, as Parent, Legal Guardian and Next Friend of Christopher Brady, A Minor vs. Seminole County School Board; Case No.: 04-4304RP

Miguel Mora Rodriguez, by and through his Best Friend and Guardian, Maria Melendez vs. Department of Health; Case No.: 04-4292RU

A. Alexander Jacoby, M.D. vs. Department of Health, Board of Medicine; Case No.: 04-4398RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Florida Chiropractic Association, Inc. and Marc H. Kalmanson, d/b/a Holistic Healthcare Consultants, Inc. vs. Department of Health, Division of Medical Quality Assurance; Case No.: 04-3172RP; Rule Nos.: 64B-5.001, 64B-5.002; Invalid

Orange County Falcon Trace Partners, Ltd. vs. Florida Housing Finance Corporation; Case No.: 04-2686RU; Voluntary Dismissal

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees, announces that construction management services will be required for the project listed below:

Project No.: UF-215

Project: CREC Citrus Pathology Laboratory

Location: Lake Alfred, FL.

The project consists of the construction of a 2-story 7840 square foot laboratory/office facility that will be an addition to existing building #7124. The estimated construction cost is \$1,850,022.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 60% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard University of Florida construction management agreement. The Selection Committee may reject all proposals and stop the

selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed project specific "Construction Manager Qualifications Supplement" available from the website: [www.facilities.ufl.edu](http://www.facilities.ufl.edu). 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. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The Construction Manager Qualifications Supplement forms, the Construction Manager Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning and Construction website.

Six bound copies of the required proposal must be received in the Facilities Planning and Construction Division office by 3:00 p.m. local time on Tuesday, January 24, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
232 Stadium/P. O. Box 115050  
Gainesville, FL 32611-5050  
Telephone: (352)392-1256.  
FAX: (352)392-6378  
Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

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#### NOTICE TO ARCHITECTS AND CONSTRUCTION MANAGERS

The University of Central Florida on behalf of its Board of Trustees announces that Professional Services in the disciplines of architecture and construction management will be required for the project listed below:

Project and Location: UCF CREOL Expansion, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of the design and construction of a new addition similar to the existing facility that contains approximately 8,400 gsf.

The combined project cost will be approximately \$4,600,000 for planning, construction and furnishings/equipment. This project is being funded by a Federal Grant. There will be two separate contracts for this project, one for the architect and one for the CM.

#### FORM OF PROPOSALS

It is the University's intention to have professionals in the disciplines of architecture and construction management to submit proposals as teams consisting of one architect and one construction manager. These teams must be exclusive. The University will accept only one proposal from each exclusive team (architect and CM). Architects and CMs must not be on more than one team. Any firm appearing on more than one team will be disqualified.

The proposal must be divided into one Architect section and one CM Section not to exceed 40 pages including one letter of application and qualification statements for the architect and CM as described below. Each proposal must include a Letter of Intent between the architect and CM reflecting the formation of a partnership or other legal entity for the project in order to be considered. Pages must be numbered consecutively.

This facility will be in the early planning phase in the fiscal year 2004-05. The selected team will provide design and construction for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$200,000 and will be provided as a part of Basic Services.

Carefully review the Architect/Engineer, Construction Management Contract and General Condition's documents as well as the Supplemental General Conditions dated August 1998 by the Economic Development Administration Grantees. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at [www.fp.ucf.edu](http://www.fp.ucf.edu) with the advertisement.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL 32816-3020. Submittals must be received by 5:00 p.m. local time January 25, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

#### INSTRUCTIONS FOR ARCHITECT AND CM TEAMS

Teams desiring to apply for consideration must submit one letter of joint application. The letter of application should have attached:

1. The most recent version of the Florida Board of Education "Professional Qualifications Supplement" (PQS) dated 7/03, completed by the applicant. Do not alter the PQS form.

2. A copy of the team member’s current Professional Registration Certificates 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.
3. The most recent version of the Florida Board of Education “Revised Construction Manager Qualifications Supplement” (CMQS) dated 02/02. Do not alter the CMQS form.

Applications that do not comply with all instructions may be disqualified. Application materials will not be returned.

Selection of finalist teams for interviews will be made on the basis of architect/engineer and construction manager qualifications, including experience and ability; past experience; bonding capacity; cost estimating; qualification of the firm’s personnel, staff and consultants; and ability to include minority business enterprise participation. You are required to follow the Notice of Requirements for Affirmative Action To Ensure Equal Employment Opportunity which can be found on our website. Finalists will be provided with a description of the final interview topics. The Selection Committee may reject all proposals and stop the selection process at any time.

The plans and specifications for Florida Board of Education 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 placement on the convicted vendor list.

**INSTRUCTIONS FOR CONSTRUCTION MANAGERS**

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

**CONSTRUCTION MANAGEMENT CONTRACT**

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be compensated. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Documents. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager’s contract.

The Project Fact Sheet, Professional Qualifications Supplement forms, Construction Manager Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, Phone (407)823-2166, Fax (407)823-5141, e-mail: gseabroo@mail.ucf.edu, Website: www.fp.ucf.edu.

**NOTICE TO DESIGN/BUILD FIRMS  
OFFICE OF FACILITIES DESIGN AND CONSTRUCTION  
Duval County Public Schools  
Request for Qualifications (RFQ)  
FOR  
Selection of the Design/Build Firm  
On the Basis of Qualifications**

The Office of Facilities Design and Construction announces that Design/Build services are required for the project(s) listed below. Applications are to be sent to:

GARY R. STENGL, PE  
Duval County Public Schools  
Facilities Design and Construction  
1701 Prudential Drive, 5th Floor  
Jacksonville, FL 32207-8182

**PROJECT NO.:** M-87100  
**PROJECT NAME:** HVAC at Mandarin High School #260 and First Coast High School #265  
**PROJECT LOCATION:** First Coast High School #265 and Mandarin High School #260  
**PROJECT BUDGET:** \$4,800,000 at each school; \$9,600,000 total

**CONSTRUCTION BUDGET:** Replacement of HVAC systems in classroom buildings including associated repiping and EMCS. Improvements to the building envelope including insulation and sealing of openings. Replacement of lighting and acoustic ceilings as identified during the design phase of the work. “Construction Budgeted Not to Exceed \$4,000,000 at either school; \$8,000,000 total”)



SERVICES TO BE PROVIDED: Design, procurement, construction, and management of the design/build program

Proposed Construction Start Date: April 2005

Proposed Occupancy Date: August 2005

DCPS PROJECT MANAGER: GARY R. STENGL, PE

PHONE NO.: (904)390-2279

RESPONSE DUE DATE: RFQ's ARE DUE ON OR BEFORE JANUARY 25, 2005 AND WILL BE ACCEPTED UNTIL 4:30 P.M.

MBE GOALS: For Design 15% overall and Construction 20% overall

Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Forms and Standards, General Documents, Selection of Design Build Firm.

Applicants are advised that all plans, drawings and specifications for this project may be reused by the Owner as a prototype for future projects in the District.

## DEPARTMENT OF TRANSPORTATION

### INVITATION TO BID

Sealed bids will be received by the Florida Department of Transportation, District Three, in the Administration Building, Procurement Services Conference Room of the District Office Complex, Department of Transportation, 1074 Highway 90, Chipley, Florida. Bids will be publicly opened and read aloud on:

DATE AND TIME: Thursday, January 13, 2005, at 1:30 p.m. (Local Time)

PLACE: Florida Department of Transportation, Procurement Services Conference Room, Room 230, District Office Complex, 1074 Highway 90, Chipley, Florida 32428.

FINANCIAL ITEM NO(s): 222975 7 52 01, 416922 1 52 01

PROJECT NAME & LOCATION: District Three Administration Building 3000, Phase 3

This project consists of the removal of an existing direct expansion air handling unit and the installation of a new chilled water air handling system. The new system will be a 100 ton air cooled chiller with associated electrical and piping work required for a complete installation. A complete test and balance of the new system will also be included.

Contract No. E3E17 – 150 days. Approved budget for this project is \$250,000.00.

Orders for drawings, specification, and/or bid documents should be directed to Jeremy W. Vaughn, Professional Services Office, 1074 Highway 90, Chipley, Florida 32428. Phone (850)638-0250, ext. 364. There is a charge of \$50.00 for the plans and specifications for this project. Proposal documents will not be issued after 1:30 p.m. (Local Time) on Thursday, January 12, 2005. Bids must be submitted in full accordance

with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Professional Services Office.

\*New or first time bidders with the Florida Department of Transportation can request a bid process orientation meeting by calling (850)638-0250, Ext. 364 or by writing: Florida Department of Transportation, Attention: Jeremy W. Vaughn, 1074 Highway 90, Chipley, Florida 32428.

MINORITY PROGRAM: The Department encourages Minority Business Enterprise (MBE) firms to compete for Department contracts, and also encourages non-MBE firms to use MBE firms as sub-contractors. However, the use of MBE sub-contractors is not mandatory and no goals have been established for MBE participation for this project.

Requirements for the projects noted above:

1. **PREQUALIFICATION:** Each bidder shall submit a current applicable State Contractor's license issued by the State of Florida and, if a Corporation, a copy of the Corporate Charter as prequalification of their eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Bid Proposal package.
2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to the Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to the furnished proposal forms.
3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount of the contract is required.
4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notices of Intent will be posted at the Professional Services Office, Florida Department of Transportation, Room 250, 1074 Highway 90, Chipley, Florida 32428 on February 3, 2005. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail or express delivery, return receipt requested. Information concerning the posted project can be obtained by calling the Professional Services Office (850)638-0250, Ext. 364, during the posting period. The right is reserved to reject any or all bids.

5. **BID SOLICITATION / AWARD / NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section 120.57(3), Florida Statutes, and DOT Rule 14-25, F.A.C. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0458, (850)414-5393. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

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#### **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."

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#### **STATE BOARD OF ADMINISTRATION**

##### **Invitation to Negotiate**

The State Board of Administration of Florida invites all qualified and interested parties wishing to provide Records Management Program Review Consulting Services to submit proposals for consideration.

To obtain a copy of the Invitation to Negotiate, please contact Charles Bunker, (850)413-1102, e-mail: [bunker\\_chuck@fsba.state.fl.us](mailto:bunker_chuck@fsba.state.fl.us); or you may download the Invitation to Negotiate from the SBA's website on <http://www.sbafla.com>. Requests for clarification will be accepted no later than close of business on January 24, 2005. The response filing deadline is close of business on February 14, 2005.

The selection committee will meet on Monday, February 21, 2005, from 9:00 a.m. – 11:00 a.m. in the Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida.

Finalists interviews, if any, will be conducted between 8:00 a.m. and 4:30 p.m. on March 7, 2005, in the Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida.

The final selection will be made by the selection committee on March 21, 2005, in a meeting held between 9:00 and 11:00 a.m., in the Emerald Coast Room, 1801 Hermitage Blvd., Tallahassee, Florida.

For more information regarding this Invitation to Negotiate, please contact: Charles Bunker, (850)413-1102.

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#### **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 XII Miscellaneous**

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#### **DEPARTMENT OF LEGAL AFFAIRS**

##### **NOTICE OF AVAILABILITY**

##### **VOCA Grant Funds**

Announcement: The Office of the Attorney General is pleased to announce the availability of Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice. The purpose of VOCA grant funds is to support the provision of services to victims of crime. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after a victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida, or a combination thereof. The funding cycle for the VOCA grant funds under this notice is October 1, 2005 through September 30, 2006. Agencies that are awarded funds for this grant cycle may be eligible to receive funding for an additional 12 months through an amendment process.

Application and Deadline: The annual competitive grant process involves submission of an application, followed by an evaluation that includes an application review and site visits as determined necessary. An application may be obtained through the Office of the Attorney General's web page at <http://myfloridalegal.com/> under the heading of Crime Victims' Services, or by faxing the attached Grant Application Request Form to (850)487-3013 or Suncom 277-3013. The deadline for applying for a VOCA grant under this notice is no later than 5:00 p.m. Eastern Standard Time on February 25, 2005. Faxed and Electronic submission of the application are not acceptable.

Workshops: Interested parties are encouraged to attend one of the VOCA application workshops scheduled by the Office of the Attorney General at the locations and dates listed below. The purpose of the workshops is to explain the VOCA grant process and to answer questions about the grant application. Registration is necessary due to limited seating. To register, please call (850)414-3380.

Tallahassee

January 12, 2005, 9:00 a.m.  
Public Service Commission, Betty Easley Conference Center, 4075 Esplanade Way, Room 166, Tallahassee, FL

Ft. Myers

January 18, 2005, 9:00 a.m.  
United Way of Lee County, 7275 Concourse Drive, Ft. Myers, FL

Davie

January 18, 2005, 2:00 p.m.  
Davie Police Department, Community Room, 1230 Nobhill Road, Davie, FL

Clearwater

January 20, 2005, 9:00 a.m.  
Criminal Justice Center (Courthouse), 1st Floor, Room 1900, Clearwater, FL

Ft. Walton Beach

January 24, 2005, 9:00 a.m.  
University of West Florida, 1170 Martin Luther King Jr. Boulevard, Room 127, Building #1, Ft. Walton Beach, FL

Orlando

January 24, 2005, 9:00 a.m.  
Florida Department of Transportation, 133 South Semoran Boulevard, Apopka Conference Room B, Orlando, FL

Jacksonville

January 24, 2005, 9:00 a.m.  
Florida Department of Transportation, 2250 Irene Street, Jacksonville, FL

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Order No. DCA04-OR-237

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA,  
VILLAGE OF ISLANDS  
ORDINANCE NO. 04-11

**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003),

approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On November 3, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-11 which was adopted by the Village Council on October 28, 2004 ("Ord. 04-11"). The purpose of Ord. 04-11 is to amend the Official Zoning Map of the Village of Islamorada from Industrial (I) to Tourist Commercial (TC) for property described as Part of Lot 1, Island of Upper Mantecumbe, located in Section 32, Township 63 South, Range 37 East, with the Real Estate Number 00095300.000000.

3. Ord. 04-11 is consistent with the Village Comprehensive Plan.

**CONCLUSIONS OF LAW**

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003), and Rule 28-29.002 (superseding Chapter 27F-8), 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. (2003). The regulations adopted by Ord. 04-11 are land development regulations.

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 (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2003). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 04-11 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives in that it reconciles the current zoning of a parcel in the Village of Islamorada with the Future Land Use Map, allowing the municipality the flexibility to change zoning districts within the accepted guidelines of the Comprehensive Plan and the Land Development Regulations.

(b) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource in that the Ordinance exercises the right of citizens or business to change the zoning of property under their ownership insofar as that change is consistent with approved current regulations.

9. Ord. 04-11 is not inconsistent with the remaining Principles. Ord. 04-11 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-11 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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 Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 14th day of December, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
Nancy Stroud, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

DCA Order No. DCA04-OR-238

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA,  
VILLAGE OF ISLANDS  
ORDINANCE NO. 04-13

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On November 3, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-13 which was adopted by the Village Council on October 28, 2004 ("Ord. 04-13"). The purpose of Ord. 04-13 is to amend Division 2.2, "Definitions" of Article 2, Chapter 9.5, "Land

Development Regulations" of the Village Code of Ordinances and Article 7 "Environmental Regulations" containing Division 7.1 "Docks and Shoreline Uses" of Chapter 9.5 of the Village Code of Ordinances. This Ordinance addresses the use of covered boat lifts within the context of other water dependent accessory uses and structures permitted in the Village. Furthermore, the Ordinance defines the term "boat slip".

3. Ord. 04-13 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003), and Rule 28-29.002 (superseding Chapter 27F-8), 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. (2003). The regulations adopted by Ord. 04-13 are land development regulations.

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 (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2003). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 04-13 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives in that it strengthens the regulation of water dependent accessory uses by addressing the issue of covered boat lifts.

(b) To protect shoreline and marine resources including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat by only allowing the construction of boat lifts over cut-in boat slips along man-made canals, as well as prohibiting the boat lifts to extend over any mangroves, submerged seagrasses, or hard bottom communities.

(c) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development because it addresses the construction and regulation of boat lifts, an element of Islamorada's tourist-based economy.

(d) To enhance the natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique character of the Florida Keys by only allowing the construction of boat lifts over cut-in boat slips along man-made canals, as well as prohibiting the boat lifts to extend over any mangroves, submerged seagrasses, or hard bottom communities.

9. Ord. 04-13 is not inconsistent with the remaining Principles. Ord. 04-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-13 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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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 Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 14th day of December, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
Nancy Stroud, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

DCA Order No. DCA04-OR-239

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA,  
VILLAGE OF ISLANDS  
ORDINANCE NO. 04-14

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On November 3, 2004, the Department received for review Islamorada, Village of Islands Ordinance No. 04-14 which was adopted by the Village Council on October 28, 2004

("Ord. 04-14"). The purpose of Ord. 04-14 is to increase the membership of the Local Planning Agency of Islamorada, Village of Islands from five to seven members.

3. Ord. 04-14 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003), and Rule 28-29.002 (superseding Chapter 27F-8), 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. (2003). The regulations adopted by Ord. 04-14 are land development regulations.

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 (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2003). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 04-14 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives in that it increases the number of voting members of the Local Planning Agency from five to seven in order to obtain greater diversity on the panel.

(b) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development because it is designed to improve the functioning of the Local Planning Agency by making it more diverse.

(c) To protect the public health, safety, and welfare of the citizens of the Florida Keys as a unique Florida resource in that it increases the number of voting members of the Local Planning Agency from five to seven in order to obtain greater diversity on the panel.

9. Ord. 04-14 is not inconsistent with the remaining Principles. Ord. 04-14 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-14 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 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.

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CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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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.

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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 Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 14th day of December, 2004.

\_\_\_\_\_  
 Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor  
 Islamorada, Village of Islands  
 Post Office Box 568  
 Islamorada, FL 33036



Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
Nancy Stroud, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

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## DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ridley Motorcycle Company, intends to allow the establishment of Tri-County Customs, Inc., as a dealership for the sale of Ridley motorcycles, at 1007 South 14th Street, Leesburg (Lake County), Florida 34748-6616, on or after December 15, 2004.

The name and address of the dealer operator and principal investor of Tri-County Customs, Inc., is: Judy Kyle, 30219 Johnsons Point Road, Leesburg, Florida 34748.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jay Ridley, Vice President, Ridley Motorcycle Company, 35 Northwest 42nd Street, Oklahoma City, Oklahoma 73118.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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### Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Bourget's Bike Works, Inc., intends to allow the establishment of Space Coast Bourget's Bike Works, LLC, as a dealership for the sale of Bourget's motorcycles, at 1024 South Harbor City Blvd., Suites #3 and 4, Melbourne (Brevard), Florida 32901, on or after March 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Space Coast Bourget's Bike Works, LLC are dealer operator: Gregory Pulitano, 1024 S. Harbor City Blvd., Suite 3 & 4, Melbourne, Florida 32901, principal investor(s): Gregory Pulitano, 74 Fulham Lane, Holbrook, New York 11741 and Eric Danoy, 808 Bayside Dr., Cape Canaveral, Florida 32920.

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: Ms. Brigitte M. Bourget, Vice President, Bourget's Bike Works, Inc., 21407 N. Central Avenue, Phoenix, Arizona 85024-5100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Suzuki Motor Corporation, intends to allow the establishment of Riva Yamaha South, Inc., as a dealership for the sale of Suzuki motorcycles, at 102550 Overseas Highway, Key Largo (Monroe County), Florida 33037-2755, on or after January 10, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Riva Yamaha South, Inc., are dealer operator: Stephen P. Bamdas, 4421 N. E. 24th Avenue, Lighthouse Point, Florida 33064 and Lynn I. Bamdas, 4421 N. E. 24th Avenue, Lighthouse Point, Florida 33064; principal investor(s): Stephen P. Bamdas, 4421 N. E. 24th Avenue, Lighthouse Point, Florida 33064 and Lynn I. Bamdas, 4421 N. E. 24th Avenue, Lighthouse Point, Florida 33064.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Steve Bortolamedi, Dealer Network Manager, American Suzuki Motor Corporation, P. O. Box 1100, Brea, California 92822-1100.

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, CMSI, Inc., intends to allow the establishment of Surfside Scooters, as a dealership for the sale of Twist N'Go/TN'G (49cc-153cc), Flying Tiger (250cc), and Lambretta USA (250cc), at 524 North Lake Boulevard, North Palm Beach (Palm Beach County) Florida 33408, on or after November 24, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Surfside Scooters are dealer operator: Peter D. Williams, 450 Seaside Lane, Juno Beach, Florida 33408; and principal investor(s): Peter D. Williams, 450 Seaside Lane, Juno Beach, Florida 33408.

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: Sean Dillon, CMSI-TN'G Scooters, Sales Manager/Dealer Development, CMSI, Inc., 8146 304th Avenue, S. E., Preston, Washington 98050.

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, LS MotorSports, LLC., intends to allow the establishment of MoJo PowerSports, Inc., d/b/a GekGo Scooters, as a dealership for the sale and service center for Diamo Velux 150cc, Diamo Retro 150cc, Diamo Tracer 150cc and Diamo Fury 150cc Scooters, at 707 West Bay Drive, Largo (Pinellas County), Florida 33770, on or after December 2, 2004.

The name and address of the dealer operator(s) and principal investor(s) of MoJo MotoSports, Inc., d/b/a GekGo Scooters are dealer operator: Peter M. Spoto, 100 Squire Court, Dunedin, Florida 34698; and principal investor(s): Peter M. Spoto, 100 Squire Court, Dunedin, Florida 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: Jonathan Solo, VP of Sales, LS MotorSports, LLC., 12505 Reed Road, #145, Sugar Land, Texas 77478.

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, LS MotorSports, LLC., intends to allow the establishment of Top Dawg Motorsports, Inc., d/b/a GekGo Scooters, as a dealership for the sale and service center for Diamo Velux 150cc, Diamo Retro 150cc, Diamo Tracer 150cc and Diamo Fury 150cc Scooters, at 903 South Pinellas Avenue, Tarpon Springs (Pinellas County), Florida 34689, on or after December 2, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Top Dawg Motorsports, Inc, d/b/a GekGo Scooters are dealer operator: Mark A. Faucette, 1100 Haley Lane, Dunedin, Florida 34698; and principal investor(s): Mark A. Faucette, 1100 Haley Lane, Dunedin, Florida 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: Jonathan Solo, VP of Sales, LS MotorSports, LLC., 12505 Reed Road, #145, Sugar Land, Texas 77478.

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."

**WATER MANAGEMENT DISTRICTS**

Notice of Approval of Priority Water Bodies and Schedule for Establishment of Minimum Flows and Levels NOTICE IS HEREBY GIVEN that pursuant to Section 373.042, Florida Statutes, the Department of Environmental Protection has approved the 2004 priority water bodies list and schedule for establishment of Minimum Flows and Levels by the Northwest Florida Water Management District. The updated schedule is provided in the following table:

WATERBODY	COUNTY	SCHEDULE/ STATUS
Apalachicola River	Multi-county	Placed On Hold
Floridan Aquifer	Coastal portions of Santa Rosa, and Okaloosa and Walton	Revised to 2006
Deer Point Lake	Bay	Revised to 2006
Wakulla Springs	Wakulla	Revised to 2006
Jackson Blue Spring	Jackson	Revised to 2008
Yellow River	Okaloosa & Santa Rosa	2008
Inland Sand and Gravel Aquifer	Santa Rosa & Okaloosa	2007

The person to be contacted regarding the above notice is: Ron Bartel, Director, Resource Management Division, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999.

Notice of Approval of Priority Water Bodies  
and Schedule for Establishment of  
Minimum Flows and Levels

The Suwannee River Water Management District, pursuant to Section 373.042(2), Florida Statutes, hereby publishes its approved priority list and schedule for minimum flows and levels.

SRWMD MFL Priority Listing for 2005			
Magnitude	Basin	River Reaches	Schedule
n/a	Suwannee	Lower Suwannee River	2005
n/a	Waccasassa	Waccasassa River	2006
n/a	Suwannee	Alapaha River	2006
n/a	Santa Fe	Upper Santa Fe River	2006
n/a	Suwannee	Middle Suwannee River	2007
n/a	Suwannee	Upper Suwannee River	2008
n/a	Suwannee	Withlacoochee River	2008
n/a	Santa Fe	Lower Santa Fe River	2008
n/a	Aucilla	Aucilla River	2009
n/a	Aucilla	Wacissa	2009
n/a	Coastal	Steinhatchee River	2010
n/a	Coastal	Econfina River	2010
n/a	Coastal	Fenholloway	2010
		Spring System	
1	Withlacoochee	Madison Blue	2005
1	Aucilla	Wacissa group	2006
1	Aucilla	Nutalls Rise	2006
1	Alapaha	Alapaha Rise	2008
1	Santa Fe	Ichetucknee group	2008
1	Santa Fe	Blue Hole	2008
1	Santa Fe	ALA112971 (Treehouse)	2008
1	Santa Fe	Columbia	2008
1	Santa Fe	Hornsby	2008
1	Santa Fe	COL61981(Santa Fe)	2008
2	Santa Fe	COL101974 – Unnamed	2008
1	Santa Fe	Devil’s Ear (Ginnie Group)	2008
1	Santa Fe	July	2008
1	Santa Fe	Santa Fe Rise	2008
1	Santa Fe	GIL1012973 (Siphon Creek Rise)	2008
2	Santa Fe	Poe	2008
2	Santa Fe	Rum Island	2008
3	Santa Fe	Worthington	2008
1	Suwannee	Fanning	2008
2	Suwannee	Little Fanning	2008
1	Suwannee	Manatee	2008
1	Suwannee	Troy	2008
1	Suwannee	Lafayette Blue	2008
2	Suwannee	Ruth/Little Sulfur	2008

2	Suwannee	Bonnet	2008
2	Suwannee	Peacock	2008
2	Suwannee	SUW1017972 – Unnamed	2008
2	Suwannee	Suwannee	2008
2	Suwannee	SUW923973 (Stevenson)	2008
2	Suwannee	White	2008
2	Suwannee	Allen Mill Pond	2008
2	Suwannee	Anderson	2008
2	Suwannee	Pothole	2008
2	Suwannee	Rock Sink	2008
2	Suwannee	Lime	2008
1	Suwannee	Falmouth	2008
1	Suwannee	Holton Creek Rise	2008
1	Suwannee	Lime Run Sink	2008
2	Suwannee	Branford	2008
2	Suwannee	Charles	2008
3	Suwannee	Royal	2008
2	Suwannee	Guaranto	2008
3	Suwannee	Bell	2008
2	Suwannee	Hart	2008
2	Suwannee	Little River	2008
2	Withlacoochee	Pot	2008
2	Withlacoochee	Suwanacoochee	2008
2	Coastal	Big	2010
2	Coastal	TAY76992 – Unnamed	2010
1	Steinhatchee	Steinhatchee Rise	2010
3	Waccasassa	Bronson Blue	2010
		Lakes	
n/a	Aucilla	Snead’s Smokehouse	2010
n/a	Coastal	Andrews	2010
n/a	Coastal	Governor Hill	2010
n/a	Santa Fe	Palestine	2010
n/a	Santa Fe	Ocean Pond	2010
n/a	Santa Fe	Alligator	2010
n/a	Santa Fe	Butler	2010
n/a	Santa Fe	Hampton	2010
n/a	Santa Fe	Sampson	2010
n/a	Santa Fe	Crosby	2010
n/a	Santa Fe	Santa Fe	2010
n/a	Santa Fe	Altho	2010
n/a	Suwannee	Low	2010
n/a	Withlacoochee	Cherry	2010

Inquiries should be directed to: Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001.

ST. JOHNS RIVER  
 WATER MANAGEMENT DISTRICT  
 2004 Minimum Flows and Levels Priority  
 Water Body List and Schedule

Year 2005

Water Body Type	Water Body Name	County	Voluntary Peer Review
Rivers	St. Johns River at Lake Monroe	Seminole/Volusia	Yes
	St. Johns River at SR50	Brevard/Orange	Yes
Aquifers (springs)	Blue Spring	Volusia	Yes
	DeLeon Springs	Volusia	Yes
	Gemini Springs	Volusia	Yes
	Green Springs	Volusia	Yes
Lakes	None		
Wetlands	None		
Re-evaluations	Dias	Volusia	

Year 2006

Water Body Type	Water Body Name	County	Voluntary Peer Review
Rivers	None		
Aquifers (springs)	Apopka Spring	Lake	Yes
Lakes	Avalon	Orange	
	Banana	Seminole	
	Bear Gully	Seminole	
	Bel-Air	Seminole	Yes
	Big Bass	Marion	
	Deforest	Seminole	Yes
	East Crystal	Seminole	Yes
	Flat	Lake	
	Gleason	Volusia	
	Hiawassee	Orange	
	Horseshoe	Seminole	
	Johns	Orange	
	Johnson	Clay	
	McGarity	Volusia	
	Pebble	Clay	
	Rose	Orange	
	Sawgrass	Lake	
	Theresa	Volusia	
West Crystal	Seminole	Yes	

Water Body Type	Water Body Name	County	Voluntary Peer Review
Wetlands	None		
Re-evaluations	Ashby	Volusia	
	Banana	Putnam	
	Colby	Volusia	
	Como	Putnam	
	Little Lake Como	Putnam	
	Prevatt	Orange	
	Shaw	Volusia	
	Three Island Lake (Sixma)	Volusia	
	Trone	Putnam	

Year 2007

Water Body Type	Water Body Name	County	Voluntary Peer Review
Rivers	None		
Aquifers (springs)	Bugg Spring	Lake	Yes
Lakes	Mt. Plymouth	Lake	
	Lucy	Orange	
Wetlands	None		
Re-evaluations	Rock Springs	Orange	Yes
	Wekiwa Springs	Orange	Yes

Year 2008

Water Body Type	Water Body Name	County	Voluntary Peer Review
Rivers	Ocklawaha	Marion/Putnam	Yes
	Silver River	Marion	Yes
Aquifers (springs)	Silver Springs	Marion	Yes
Lakes	McCoy	Orange	
Wetlands	None		
Re-evaluations	To be determined		

Year 2009

Water Body Type	Water Body Name	County	Voluntary Peer Review
Rivers	Alexander Springs Creek	Lake	Yes
Aquifers (springs)	Alexander Springs	Lake	Yes
	Silver Glen	Marion/Lake	Yes
Lakes	None		
Wetlands	None		
Re-evaluations	To be determined		

SOUTHWEST FLORIDA WATER MANAGEMENT  
DISTRICT MINIMUM FLOWS AND  
LEVELS PRIORITY LIST AND  
SCHEDULE – 2005 DECEMBER 2004

The District, pursuant to Section 373.042(2), Florida Statutes, provides its 2005 Priority List and Schedule for the Establishment of Minimum Flows and Levels. This List was approved by the Governing Board on October 26, 2004, and by the Department of Environmental Protection on December 8, 2004. The Priority List and Schedule and related information are updated annually. The Priority List is based on the importance of waters to the state or region, the existence of or potential for significant harm to the water resources or ecology of the state or region and includes those waters which are experiencing or may reasonably be expected to experience adverse impacts. The District intends to voluntarily undertake independent scientific peer review for all water body types on the Priority List.

Minimum Flows and Levels Already Adopted

Hillsborough County Lakes – Alice, Barbara, Bird, Brant, Calm, Charles, Church, Crenshaw, Crystal, Cypress, Dan, Deer, Dosson, Echo, Ellen, Fairy [Maurine], Garden, Halfmoon, Helen, Hobbs, Jackson, Juanita, Little Moon, Merrywater, Mound, Platt, Rainbow, Reinheimer, Round, Saddleback, Sapphire, Stemper, Strawberry, Sunset and Sunshine

Pasco County Lakes – Bell, Big Fish, Bird, Camp, Green, Moon, Padgett, Parker aka Ann

Lower Hillsborough River

Northern Tampa Bay – 41 Wetland sites

Northern Tampa Bay – 7 Wells – Floridan Aquifer/Saltwater Intrusion

Board Approved Minimum Flows and Levels That Are Awaiting Rulemaking

Highlands County Lakes (Jackson, Little Lake Jackson, Letta, and Lotela)

Polk County Lakes (Clinch, Eagle, McLeod and Wales) Upper Peace River

SWUCA – Floridan Aquifer 2004

Hernando County Lakes (Hunters, Lindsey, Mountain, Neff, Spring and Weekiwachee Prairie)

Hillsborough County Lakes – (Taylor and Wimauma) – (Crescent, Horse and Pretty)

Pasco County Lakes (Clear, Hancock, Middle, and Pasadena) 2005

Citrus County Lake (Tsala Apopka)

Highlands County Lakes (June-in-Winter and Placid)

Hillsborough County Lakes – (Allen and Harvey) – (Virginia)

Levy County Lake (Marion)

Pasco County Lake (Linda)

Polk County Lakes (Bonnie, Crooked, and Parker)

Sumter County Lakes (Panasoffkee, Big Gant, Deaton, Miona and Okahumpka)

Alafia River System – (Buckhorn Springs) – (Lithia Springs)

Lower Hillsborough River (re-evaluation)

Sulphur Springs

Tampa Bypass Canal

Middle Peace River System

Upper Myakka River System

Intermediate Aquifer (SWUCA) (where deemed technically feasible)

2006

Citrus County Lake (Ft. Cooper)

Pasco County Lakes (Crews, Iola, Jessamine, King, King (East), Pasco, Pierce, Unnamed #22 aka Loyce)

Polk County Lakes (Annie, Dinner, Lee, Mabel, Starr, Venus and Hancock)

Braden River System (freshwater segment)

Lower Myakka River System (includes Myakkahatchee Creek, Deer Prairie Creek and Blackburn Canal)

Lower Peace River Estuary System Upper Hillsborough River System – (Crystal Spring)

Weekiwachee River System – Weeki Wachee Spring (includes Jenkins Creek, Salt, Little Weeki Wachee and Mud River springs)

2007

Highlands County Lakes (Angelo, Anoka, Denton, Tulane, Verona)

Hillsborough County Lakes (Raleigh, Rogers and Starvation)

Anclote River System Cow Pen Slough/Canal Little Manatee River System Manatee River System (includes Braden River Estuary)

2008

Chassahowitzka River System Chassahowitzka Spring (Chassahowitzka #1, Crab Creek Group, Potter and Ruth Springs) Rainbow Springs (includes Bubbling, and Waterfall Springs)

2009

Homosassa River System

Homosassa Spring Upper Withlacoochee River System (Green Swamp)

2010-2017

Priority Waterbodies Proposed for Establishment in Future Years Brooker Creek Crystal River System Lower Withlacoochee River System Middle Withlacoochee River System Pithlachascotee River System Upper Peace River “Middle” and “High” Minimum Flows Blind Springs Gum Springs Group Hidden River Springs 1 and 2 Kings Bay Spring (includes Ryles Spring) Highlands / Polk Surficial Aquifer Northern Tampa Bay – Phase II SWUCA – Phase II Notes: (1) A “River System” refers to the unique, watershed-based aspect of flowing watercourses, including potential analysis of springs, tributaries, lakes, wetlands and aquifers, as

appropriate. (2) Changes to the MFL List are attributable to the following: •2002-2003 El Nino – this rainfall event resulted in high river flows for nearly a year and precluded staff from collecting critical low flow physical and habitat data. The Priority List has been adjusted for this event and additional time has been added for future river minimum flow establishment in anticipation of similar future circumstances. As a matter of interest, recent data from the National Weather Service, Climate Prediction Center indicate that surface-sea temperatures in the mid-Pacific are again warming and another El Nino event may be commencing. •Effects of the Atlantic Multi-Decadal Oscillation – as early as the 1970s, the District observed significant changes in long-term rainfall patterns. The importance of these changes on the establishment of minimum flows became obvious as staff began analyzing the data associated with the proposed minimum flows for the Upper Peace River in 2002. As a result, staff has had to thoroughly investigate this phenomenon. Much of this past year’s activity has focused on this investigation and has resulted in the recent draft publication entitled “Florida River Flow Patterns and the Atlantic Multi-Decadal Oscillation.” In the coming weeks, staff will be sending this report to several experts for their independent scientific peer review. Staff believes the findings of this report will have significant ramifications on minimum flow establishment in this District, as well as for the rest of Florida and beyond. •Sarasota County’s Request to Delay Cow Pen Slough – Sarasota County has formerly requested that the District delay adoption of minimum flows for Cow Pen Slough until 2007 to coincide with planned restoration activities to the watershed. Cow Pen Slough is a highly altered system and planned restoration will have an impact on existing runoff and related flows. •Lake Hancock – This lake was moved to 2006 as a result of the Lake Hancock Lake Level Modification Project. The District is seeking to raise the lake level on Hancock in order to store excess flows for release during low flow periods where the Upper Peace River is not meeting its MFL. The project contemplates raising the lake level anywhere from 1 to 2 feet. An MFL can’t be set until the final level is determined and permitted, which is scheduled for March 2006. •Northern Tampa Bay Phase 2 Local Technical Peer Review Group Request to Further Consider Minimum Levels for Lakes Raleigh, Rogers and Starvation in Hillsborough County – District staff has developed proposed minimum levels for lakes Raleigh and Rogers in the Double Branch Creek watershed and Starvation within the Rocky/Brushy Creek watershed. The minimum levels proposed for these three lakes incorporate information on the effects of water-use, rainfall and landscape alterations (e.g., modifications to lake outlets) on lake stage. However, it has been suggested during meetings of the Northern Tampa Bay Phase 2 Local Technical Peer Review Group that the effect of these factors on lake water levels within the basins could be better understood. In response to these concerns, a Watershed Study has been included in the FY 2005 budget that will further analyze the impact of landscape

changes, water-use patterns and rainfall on these lake water levels. The project will be conducted under the District’s Watershed Management Program. Minimum levels for these lakes have been rescheduled to 2007 to allow for the completion of this study. •Sulphur Springs – District staff developed the MFL document for Sulphur Springs and submitted it for independent scientific peer review in October 2004 with expectation of establishing the Sulphur Springs MFL by the end of the calendar year. However, at the request of both the City of Tampa and the Hillsborough County Environmental Protection Commission, establishment of the MFL is being delayed so that it can be considered concurrently with the re-evaluation of the Lower Hillsborough River MFL in 2005. (3) Board Approved Minimum Flows and Levels That Are Awaiting Rulemaking – this new category has been added to the priority list to denote waterbodies that have gone through the peer review process and have received Board approval pending adoption of a recovery strategy for the Southern Water Use Caution Area (SWUCA). It is anticipated that the Governing Board will take action on the recovery strategy in December 2004, and that the District will enter rulemaking no later than February 2005. (4) Addition of Years 2008 and 2009 – The District has added specific waterbodies for a fourth and fifth year. This enables staff to begin data collection earlier in the MFL process for those waterbodies that require a greater planning and budgeting horizon, and would make unforeseeable hydrologic events less of an obstacle in developing MFLs. It is anticipated that additional waterbodies will be added to years 2008 and 2009 during future updates of the priority list. As the List is annually updated the District will continue to limit the number of waterbodies shown in the out years. Conversely, staff will add waterbodies when we are within year three. The waterbodies chosen are in the northern part of the District outside the two WUCS. As staff completes MFLs on priority waterbodies in Northern Tampa Bay (NTB) and the Southern Water Use Caution Area (SWUCA), focus can shift to less threatened waterbodies in this part of the District.

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## AGENCY FOR HEALTH CARE ADMINISTRATION

### CERTIFICATE OF NEED

#### DECISIONS ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Hospital Beds and Facilities batching cycle with an application due date of September 8, 2004:

County: Escambia                      Service District: 1  
 CON # 9800      Decision Date: 12/10/2004      Decision: D  
 Facility/Project: Select Specialty Hospital – Escambia, Inc.  
 Applicant: Select Specialty Hospital – Escambia, Inc.  
 Project Description: Establish a 54-bed long-term care hospital  
 Approved Cost: \$0



County: Marion Service District: 3  
 CON # 9801 Decision Date: 12/10/2004 Decision: A  
 Facility/Project: Ten Broeck Central Florida, Inc.  
 Applicant: Ten Broeck Central Florida, Inc.  
 Project Description: Establish a five-bed adult substance abuse hospital

Approved Cost: \$493,546

County: Volusia Service District: 4  
 CON # 9802 Decision Date: 12/10/2004 Decision: A  
 Facility/Project: Florida Hospital Ormond Memorial  
 Applicant: Memorial Health Systems, Inc.  
 Project Description: Construct a replacement hospital  
 Approved Cost: \$219,794,878

County: Pinellas Service District: 5  
 CON # 9803 Decision Date: 12/10/2004 Decision: D  
 Facility/Project: BayCare Long Term Acute Care, Inc.  
 Applicant: BayCare Long Term Acute Care, Inc.  
 Project Description: Establish a 48-bed long-term care hospital  
 Approved Cost: \$0

County: Pasco Service District: 5  
 CON # 9804 Decision Date: 12/10/2004 Decision: D  
 Facility/Project: University Community Hospital, Inc.  
 Applicant: University Community Hospital, Inc.  
 Project Description: Establish a 50-bed long-term care hospital  
 Approved Cost: \$0

County: Seminole Service District: 7  
 CON # 9805 Decision Date: 12/10/2004 Decision: D  
 Facility/Project: Central Florida Regional Hospital, Inc.  
 Applicant: Central Florida Regional Hospital, Inc.  
 Project Description: Establish a 60-bed acute care hospital  
 Approved Cost: \$0

County: Seminole Service District: 7  
 CON # 9807 Decision Date: 12/10/2004 Decision: P  
 Facility/Project: Oviedo HMA, Inc.  
 Applicant: Oviedo HMA, Inc.  
 Project Description: Establish a 100-bed acute care hospital (and a partial request for 60 beds)  
 Approved Cost: \$62,734,334

County: Sarasota Service District: 8  
 CON # 9808 Decision Date: 12/10/2004 Decision: D  
 Facility/Project: Sarasota County Public Hospital Board  
 Applicant: Sarasota County Public Hospital Board  
 Project Description: Establish a satellite hospital with 80 acute care beds through the transfer of 80 acute care beds from Sarasota Memorial Hospital  
 Approved Cost: \$0

County: Sarasota Service District: 8  
 CON # 9809 Decision Date: 12/10/2004 Decision: A  
 Facility/Project: HealthSouth Rehabilitation Hospital of Sarasota

Applicant: HealthSouth of Sarasota Limited Partnership  
 Project Description: Construct a 76-bed replacement facility  
 Approved Cost: \$23,027,551

County: St. Lucie Service District: 9  
 CON # 9810 Decision Date: 12/10/2004 Decision: D  
 Facility/Project: Martin Memorial Medical Center, Inc.  
 Applicant: Martin Memorial Medical Center, Inc.  
 Project Description: Establish an 80-bed acute care hospital  
 Approved Cost: \$0

County: Palm Beach Service District: 9  
 CON # 9811 Decision Date: 12/10/2004 Decision: A  
 Facility/Project: Wellington Regional Medical Center, Inc.  
 Applicant: Wellington Regional Medical Center, Inc.  
 Project Description: Establish a 15-bed Level III NICU  
 Approved Cost: \$2,865,700

County: Palm Beach Service District: 9  
 CON # 9812 Decision Date: 12/10/2004 Decision: D  
 Facility/Project: Select Specialty Hospital - Palm Beach, Inc.  
 Applicant: Select Specialty Hospital – Palm Beach, Inc.  
 Project Description: Establish a 60-bed long-term care hospital  
 Approved Cost: \$0

County: Palm Beach Service District: 9  
 CON # 9813 Decision Date: 12/10/2004 Decision: D  
 Facility/Project: Kindred Hospitals East, L.L.C.  
 Applicant: Kindred Hospitals East, L.L.C.  
 Project Description: Establish a 60-bed long-term care hospital  
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

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#### 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."

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**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted a revised draft of a new 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).

Quality Assurance "Conditional" Status (department-wide policy type B) – establishes that any Department of Juvenile Justice (DJJ) program, contracted or operated by the Department and governed by quality assurance standards, that may meet at least minimum levels of performance overall, however, fails to meet the minimum levels of performance of any standard in the Quality Assurance process will be placed on "conditional" status. "Conditional" status shall trigger corrective action plans, intensive monitoring, and technical assistance until the standard's performance is improved.

This policy, previously titled "Conditional" Status was posted for two – 20 working day review and comment periods (3/31-5/6/04 and 5/12-6/18/04). A third draft of this policy was posted for a single 20 working day review and comment period 10/14-11/30/04. During the course of this last posting it was decided to totally re-write the draft policy. It is now being posted for a fourth time, with the closure date for submission of comments on this policy of January 24, 2005. 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.

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**DEPARTMENT OF HEALTH**

On December 10, 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 Catherine Leigh Herrington, LMHCI license number IMH 4210. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

## NOTICE

## TANF CASELOAD REDUCTION REPORT

The Department of Health and Human Services, Administration for Children and Families has published guidance to state agencies regarding caseload reduction credit information. The caseload reduction credit is an adjustment to the State's minimum Temporary Assistance for Needy Families (TANF) participation rate requirement.

Submission of the caseload reduction credit requires the State to provide opportunity for public comment on the estimates and methodology used to complete the estimates.

In submitting the data for federal fiscal year 2004, Florida is using methodologies consistent with the procedures used for the federal fiscal year 2003 report.

1. We are publishing the FFY 2004 report. This information will be available on the DCF website at [www.state.fl.us/cf\\_web](http://www.state.fl.us/cf_web). Copies will also be available at the business address listed at the end of this notice.
2. Since we are using methodologies in FFY 2004 that are similar to the methodologies used in FFY 2003, we are requesting input on these methodologies. We will consider comments received in completing the FFY 2004 reports and will file amended reports if necessary.
3. We will mail or transmit electronically the FFY 2004 reports to anyone submitting comments. We will also publish these reports upon submission.
4. We will forward any comments received to the federal agency.

Comments should be submitted to:

Connie Reinhardt, Acting Director  
Economic Self-Sufficiency Program  
Department of Children and Family Services  
Building 3, Room 102  
1317 Winewood Boulevard  
Tallahassee, FL 32399-0700  
Telephone: (850)488-3271  
e-mail: [connie\\_reinhardt@dcf.state.fl.us](mailto:connie_reinhardt@dcf.state.fl.us)

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NOTICE is hereby given that a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), will be held on behalf of the State of Florida (the "State") by a hearing officer (the "Hearing Officer") appointed by the Governor of the State (the "Governor"), or the Hearing Officer's designee to which all interested persons are invited to participate.

DATE AND TIME: Monday, January 3, 2005, 9:00 a.m. local time

PLACE: Conference Room, Law Offices of Foley & Lardner LLP, 106 East College Avenue, Suite 900, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The public hearing will be held for the purpose of considering the following:

A plan of finance consisting of the proposed issuance by the Jacksonville Economic Development Commission (the "Commission") of its Special Airport Facility Revenue Bonds (Holland Sheltair Aviation Group Project), in one or more series in an aggregate principal amount not to exceed \$129,220,000 (the "Bonds"), and a loan or loans, in an aggregate principal amount equal to the principal amount of the Bonds, by the Commission to G.M. Holland, Trustee, Sheltair Melbourne, Inc., Sheltair Aviation Facilities, Inc., Sheltair Executive South, Inc., Sheltair Aviation Center, LLC, Fort Lauderdale Jet Center, LLC, Sheltair PIE FBO, LLC, Sheltair St. Petersburg, LLC, Sheltair of Clearwater, Inc., Orlando Jet Center, LLC, Sheltair Orlando Air Center, Inc., Sheltair Orlando, LLC, Sheltair Kissimmee, LLC, Sheltair Space Coast, LLC, Sheltair Sebastian, LLC, Sheltair Dunn, LLC, and/or Holland Builders, Inc. (one or more hereinafter referred to individually and/or collectively as the "Borrower"). The Bonds are to be issued for the purpose of financing all or any part of the cost of certain general aviation airport facilities located at Fort Lauderdale/Hollywood International Airport, Fort Lauderdale Executive Airport, Melbourne International Airport, Space Coast Regional Airport, Sebastian Municipal Airport, Arthur Dunn Airpark, Greater Orlando International Airport, Orlando Executive Airport and St. Petersburg/Clearwater International Airport, as more specifically described in Exhibits A and B to this Notice of Hearing (collectively, the "Project"), various portions of the Project to be leased to and/or operated by the respective Borrowers specified in Exhibit A to this Notice of Hearing.

The Commission is not obligated to pay the Bonds except from the proceeds derived from the repayment of the related loans to the Borrower, or from the other security pledged therefor, and neither the faith and credit of the Commission nor the faith and credit or taxing power of the City of Jacksonville (the "City"), or of the State or any political subdivision thereof, is pledged to the payment of the principal of, premium, if any, or the interest on the Bonds. No owner or holder of any of the Bonds shall ever have the power, directly or indirectly, to compel the

exercise of the ad valorem taxing power of the City, the State or any political subdivision thereof, for the payment of the principal of or premium, if any, or interest on any of the Bonds. The Commission has no taxing power.

The public hearing is required by Section 147(f) of the Code. Any person interested the plan of finance, in the proposed issuance of the Bonds, or the location or nature of the Project may appear and be heard. Subsequent to the public hearing, the Governor will consider whether to approve the Bonds, as required by Section 147(f) of the Code.

The public hearing will be conducted in a manner that provides a reasonable opportunity to be heard for persons with differing views on the plan of finance, the location or nature of the Project, or the issuance of the Bonds. Any person desiring to be heard on this matter is requested to attend the public hearing or send a representative. Written comments may be submitted to the Hearing Officer at c/o Foley & Lardner LLP, 106 East College Street, Suite 900, Tallahassee, Florida 32301, Attention: Thomas J. Maida.

Further information relating to this matter is available for inspection and copying during regular business hours at the office of the Hearing Officer at the above address.

Comments made at the hearing are for the consideration of the Governor, and will not bind any legal action to be taken by the Governor in connection with his consideration and approval of the financing and the issuance of the Bonds.

If a person decides to appeal any decision with respect to any such matter considered at such hearing, such person will need a record of the proceedings, and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the American Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Hearing Officer no later than seven days prior to the proceeding at the address given above.

Dated: December 15, 2004

By: Thomas J. Maida, Hearing Officer

EXHIBIT A

#### Project Descriptions

The Project consists of the capital projects described below consisting of the acquisition, construction, renovation, expansion, improvement and equipping of certain general aviation airport facilities, including but not limited to, fixed base operator terminal buildings ("FBOs"), hangar facilities, maintenance facilities, related office space, ramps, runways, fuel farms, associated parking, lighting and landscaping, and related and appurtenant facilities, equipment and furnishings (collectively, "General Aviation Facilities"). All square footages set forth in A through M below are preliminary and approximate. Each of the projects described below will be located at the respective airports and street addresses listed on Exhibit B hereto.

**A. FT. LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT**

The Ft. Lauderdale-Hollywood International Airport Project, leased to Sheltair Aviation Center, LLC and operated by Ft. Lauderdale Jet Center, LLC, consists of General Aviation Facilities, including but not limited to: (a) (Phase I) renovation of exterior and interior of existing terminal building; renovation of existing customs building; construction of 16,000 square feet of office building to customs building; new ramp area of approximately 76,000 square feet; construction of new 90,000 square foot four-story garage with 1,280 parking spaces; and site work; construction of a new Ground Service Equipment Maintenance facility of approximately 6,000 square feet and expansion of the fuel farm to accommodate the dispensing of "alternative fuels" for ground vehicles; (b) (Phase II) redevelopment of the Northside Facility, including demolition of one building and replacement with two new hangar buildings of approximately 13,680 square feet each, a 3,360 square foot storage facility and a two-story office/shop facility comprised of approximately 20,520 square feet, complete renovation of an existing hangar and adjoining two-story office/shop facility, expansion and repaving of ramp areas, addition of a new ground parking area and landscaping; (c) (Phase III) construction of four hangars, comprised of 65,730 square feet of hangar space and 20,640 square feet of office and shop space, including related demolition; construction of automobile parking, landscaping, irrigation and fuel storage tanks; (d) (Phase IV) construction of 11 hangar buildings comprised of 138,768 square feet of hangar space and 41,796 square feet of shop and office space and one 4,550 square foot storage building, including related demolition, construction of ramp, automobile parking, landscaping and irrigation; and (e) (Phase V) portion of construction of 60,000 square foot office building, including related demolition; portion of construction of 8-story parking garage; site work, ramp area, landscaping and irrigation; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$56,800,000.

**B. FT. LAUDERDALE-EXECUTIVE AIRPORT – FBO PARCELS 4 & 5**

The Ft. Lauderdale-Executive Airport Project (FBO Parcels 4 & 5) leased to and operated by G.M. Holland, Trustee, consists of General Aviation Facilities, including but not limited to: 16,000 square foot hangar facilities for aircraft storage; 4,500 square foot hangar facility for aircraft storage; interior work on 8,000 square foot office and shop building; remodel of existing 10,000 square feet of hangar space and 7,200 square feet of office/shop area; new ramp, parking area and site work; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$3,225,000.

**C. FT. LAUDERDALE-EXECUTIVE AIRPORT PROJECT – PARCEL O**

The Ft. Lauderdale-Executive Airport Project (Parcel O) leased to and operated by Sheltair Aviation Facilities, Inc., consists of General Aviation Facilities, including but not limited to: demolition of Hangars 61 and 62, as well as restaurant totaling 36,000 square feet; construction of new FBO facility for Banyan Aviation totaling 26,099 square feet; construction of a new 19,600 square foot hangar; automobile parking and ramp facilities, remodeling of Buildings 63 and 55; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$6,062,300.

**D. FT. LAUDERDALE-EXECUTIVE SOUTH-PARCEL 22**

The Ft. Lauderdale Executive Airport Project (Parcel 22), leased to and operated by Sheltair Executive South, Inc., consists of General Aviation Facilities, including but not limited to: the renovation of approximately 30,000 square feet of hangar and office space at Buildings 31, 32 and 38; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$520,000.

**E. MELBOURNE INTERNATIONAL AIRPORT**

The Melbourne International Airport Project, leased to and operated by Sheltair Melbourne, Inc., consists of General Aviation Facilities, including but not limited to: construction of 18 box hangars comprised of approximately 32,832 square feet; 12 T-hangars comprised of 13,488 square feet and two hangars for aircraft storage, one comprised of 9,602 square feet and one comprised of 19,800 square feet; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$3,280,000.

**F. ORLANDO INTERNATIONAL AIRPORT**

The Orlando International Airport Project, leased to and operated by Sheltair Orlando, LLC, consists of General Aviation Facilities, including but not limited to all or part of the following: acquisition of a leasehold interest in and rehabilitation of existing cargo terminal building on north side of the airport containing approximately 80,000 square feet for use as air cargo facility, construction and equipping of two additional aircraft hangars totaling approximately 90,000 square feet on the west side of the airport, and construction of hangar and office facilities on the west side of the airport, comprised of approximately 40,000 square feet; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$20,000,000.

**G. ORLANDO EXECUTIVE AIRPORT****Tax-Exempt Portion**

The Orlando Executive Airport Project, leased to Sheltair Orlando Air Center, Inc. and operated by Orlando Jet Center, LLC, consists of General Aviation Facilities, including but not limited to: 30 T-hangars and two box hangars comprised of 41,000 square feet for aircraft storage; 40,000 square feet of hangar facilities for aircraft storage; 8,404 square feet of shops, hangar space; self-fueler; and ramp repairs on northeast side;

and architectural and engineering; and post-hurricane replacement and redesign, which may include a new terminal comprised of approximately 37,000 square feet, four aircraft hangars comprised of approximately 40,000 square feet and repair, replacement and expansion of 66 damaged T-hangars on the Northeast ramp, all net of insurance proceeds; and related site work and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$9,250,000.

#### Taxable Portion

The Orlando Executive Airport Project also will include the construction of a 45,000 square foot commercial building comprised of office and surface distribution space on the northwest side of Orlando Executive Airport; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$5,000,000.

#### H. ST. PETERSBURG/CLEARWATER INTERNATIONAL AIRPORT

The St. Petersburg/Clearwater International Airport Project, leased to and operated by Sheltair of Clearwater, Inc., Sheltair St. Petersburg, Inc. and Sheltair PIE FBO, LLC, consists of General Aviation Facilities, including but not limited to: (a) acquisition of leasehold interest in 10 acres on west side of airport and construction of 110,000 feet of hangar facilities for aircraft storage and shop space; construction of 180 spaces of paved public and employee parking facilities; construction of 210,000 square foot ramp; and related utilities, landscaping

and lighting; (b) acquisition of Jet Aviation (Eckerd) on the west side of the airport and the cost of remodeling the facility; and (c) related architectural and engineering costs; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$11,750,000.

#### I. SEBASTIAN MUNICIPAL AIRPORT

The Sebastian Municipal Airport, leased to and operated by Sheltair Sebastian, LLC, consists of General Aviation Facilities, including but not limited to the construction of 40 T-hangars; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$425,000.

#### J. ARTHUR DUNN AIRPARK

The Arthur Dunn Airpark, leased to and operated by Sheltair Dunn, LLC, consists of General Aviation Facilities, including but not limited to the construction of 38 T-hangar; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$760,000.

#### K. SPACE COAST REGIONAL AIRPORT

The Space Coast Regional Airport, leased to and operated by Sheltair Space Coast, LLC, consists of General Aviation Facilities, including but not limited to two aircraft hangars and 14 T-hangars; and is to be financed by the issuance of Bonds in an aggregate principal amount not exceeding \$400,000.

EXHIBIT B  
(All located in Florida)

No.	Location	Address No.	Street Name	City	Zip
1.	FORT LAUDERDALE/ HOLLYWOOD INTERNATIONAL AIRPORT	750	SW 34 Street	Ft. Lauderdale	33315
		1551	SW 43 Street	Ft. Lauderdale	33315
		1100	Lee Wagener Blvd	Ft. Lauderdale	33315
		1050	Lee Wagener Blvd	Ft. Lauderdale	33315
		1103	SW 34 Street	Ft. Lauderdale	33315
		1150	Lee Wagener Blvd	Ft. Lauderdale	33315
		1170	Lee Wagener Blvd	Ft. Lauderdale	33315
		700	SW 34 Street	Ft. Lauderdale	33315
2.	ST. PETERSBURG/ CLEARWATER INTERNATIONAL AIRPORT	15733	Fairchild Dr.	Clearwater	33762
		15725	Fairchild Dr.	Clearwater	33762
		15819	Fairchild Dr.	Clearwater	33762
		15823	Fairchild Dr.	Clearwater	33762
		15831	Fairchild Dr.	Clearwater	33762
		15827	Fairchild Dr.	Clearwater	33762
		15851	Fairchild Dr.	Clearwater	33762
		15855	Fairchild Dr.	Clearwater	33762
3.	MELBOURNE INTERNATIONAL AIRPORT	1477	General Aviation Dr.	Melbourne	32935
		1469	General Aviation Dr.	Melbourne	32935
		1461	General Aviation Dr.	Melbourne	32935
		1453	General Aviation Dr.	Melbourne	32935
		1443	General Aviation Dr.	Melbourne	32935
		1437	General Aviation Dr.	Melbourne	32935
		1425	General Aviation Dr.	Melbourne	32935
		1431	General Aviation Dr.	Melbourne	32935
		1401	General Aviation Dr.	Melbourne	32935
		1389	General Aviation Dr.	Melbourne	32935
		1383	General Aviation Dr.	Melbourne	32935
		1377	General Aviation Dr.	Melbourne	32935
1371	General Aviation Dr.	Melbourne	32935		
1365	General Aviation Dr.	Melbourne	32935		

No.	Location	Address No.	Street Name	City	Zip
4.	SPACE COAST REGIONAL AIRPORT	7016	Challenger Avenue	Titusville	32780
		7017	Challenger Avenue	Titusville	32780
		6600	Tico Road	Titusville	32780
5.	FORT LAUDERDALE EXECUTIVE AIRPORT	2021	NW 53 Street	Ft. Lauderdale	33309
		5302	NW 21 Terrace	Ft. Lauderdale	33309
		5400	NW 21 Terrace	Ft. Lauderdale	33309
		5352	NW 21 Terrace	Ft. Lauderdale	33309
		5500	NW 21 Terrace	Ft. Lauderdale	33309
		5510	NW 21 Terrace	Ft. Lauderdale	33309
		5520	NW 21 Terrace	Ft. Lauderdale	33309
		5530	NW 21 Terrace	Ft. Lauderdale	33309
		5540	NW 21 Terrace	Ft. Lauderdale	33309
		2121	NW 55 Court	Ft. Lauderdale	33309
		2201	NW 55 Court	Ft. Lauderdale	33309
		2211	NW 55 Court	Ft. Lauderdale	33309
		5530	NW 23 Avenue	Ft. Lauderdale	33309
		5540	NW 23 Avenue	Ft. Lauderdale	33309
		5544	NW 23 Avenue	Ft. Lauderdale	33309
		5535	NW 23 Avenue	Ft. Lauderdale	33309
		5525	NW 23 Avenue	Ft. Lauderdale	33309
		2321	NW 55 Court	Ft. Lauderdale	33309
		2331	NW 55 Court	Ft. Lauderdale	33309
		2425	NW 55 Court	Ft. Lauderdale	33309
		2417	NW 55 Court	Ft. Lauderdale	33309
		2409	NW 55 Court	Ft. Lauderdale	33309
		2401	NW 55 Court	Ft. Lauderdale	33309
		2525	NW 55 Court	Ft. Lauderdale	33309
		2535	NW 55 Court	Ft. Lauderdale	33309
		2545	NW 55 Court	Ft. Lauderdale	33309
		2517	NW 55 Court	Ft. Lauderdale	33309
		2509	NW 55 Court	Ft. Lauderdale	33309
		2501	NW 55 Court	Ft. Lauderdale	33309
		2549	NW 55 Court	Ft. Lauderdale	33309
2555	NW 55 Court	Ft. Lauderdale	33309		
1635	NW 51 Place	Ft. Lauderdale	33309		
1631	NW 51 Place	Ft. Lauderdale	33309		
1707	S. Perimeter Rd.	Ft. Lauderdale	33309		
1641	S. Perimeter Rd.	Ft. Lauderdale	33309		
1621	S. Perimeter Rd.	Ft. Lauderdale	33309		
1535	S. Perimeter Rd.	Ft. Lauderdale	33309		
5141	E. Perimeter Rd.	Ft. Lauderdale	33309		

No.	Location	Address No.	Street Name	City	Zip
		5151	E. Perimeter Rd.	Ft. Lauderdale	33309
		5115	NW 17 Terrace	Ft. Lauderdale	33309
		1810	NW 51 Place	Ft. Lauderdale	33309
		5101	NW 17 Terrace	Ft. Lauderdale	33309
		1811	NW 51 Street	Ft. Lauderdale	33309
		1905	NW 51 Street	Ft. Lauderdale	33309
		1909	NW 51 Street	Ft. Lauderdale	33309
		1915	NW 51 Street	Ft. Lauderdale	33309
		1925	NW 51 Street	Ft. Lauderdale	33309
		2001	NW 51 Street	Ft. Lauderdale	33309
		2011	S. Perimeter Rd.	Ft. Lauderdale	33309
		2675	NW 56 Street	Ft. Lauderdale	33309
		2685	NW 56 Street	Ft. Lauderdale	33309
		2695	NW 56 Street	Ft. Lauderdale	33309
		2665	NW 56 Street	Ft. Lauderdale	33309
		5310	NW 20 Terrace	Ft. Lauderdale	33309
		5300	NW 20 Terrace	Ft. Lauderdale	33309
		5290	NW 20 Terrace	Ft. Lauderdale	33309
		5280	NW 20 Terrace	Ft. Lauderdale	33309
		5330	NW 20 Terrace	Ft. Lauderdale	33309
		5340	NW 20 Terrace	Ft. Lauderdale	33309
		5360	NW 20 Terrace	Ft. Lauderdale	33309
		5350	NW 20 Terrace	Ft. Lauderdale	33309
		5320	NW 20 Terrace	Ft. Lauderdale	33309
		1805	NW 51 Place	Ft. Lauderdale	33309
		5565	NW 15 Avenue	Ft. Lauderdale	33309
		5555	NW 15 Avenue	Ft. Lauderdale	33309
		5545	NW 15 Avenue	Ft. Lauderdale	33309
		5535	NW 15 Avenue	Ft. Lauderdale	33309
		5525	NW 15 Avenue	Ft. Lauderdale	33309
		2031	NW 53rd Street	Ft. Lauderdale	33309



No.	Location	Address No.	Street Name	City	Zip
6.	ORLANDO EXECUTIVE AIRPORT				
		321	N. Crystal Lake Dr	Orlando	32803
		319	N. Crystal Lake Dr	Orlando	32803
		321	N. Crystal Lake Dr	Orlando	32803
		237	N. Crystal Lake Dr	Orlando	32803
		215	N. Crystal Lake Dr	Orlando	32803
		197	N. Crystal Lake Dr	Orlando	32803
		95	N. Crystal Lake Dr	Orlando	32803
		51	N. Crystal Lake Dr	Orlando	32803
		83	Nilson Way	Orlando	32803
		199	Nilson Way	Orlando	32803
		201	Nilson Way	Orlando	32803
		235	Nilson Way	Orlando	32803
		241	Nilson Way	Orlando	32803
		3122	E. Amelia Street	Orlando	32803
		3530	E. Amelia Street	Orlando	32803
		3530	E. Amelia Street	Orlando	32803
		3122	E. Amelia Street	Orlando	32803
		505	Humphries Ave	Orlando	32803
		525	Humphries Ave	Orlando	32803
		501	Humphries Ave	Orlando	32803
		661	Humphries Ave	Orlando	32803
		575	Humphries Ave	Orlando	32803
		601	Humphries Ave	Orlando	32803
		631	Humphries Ave	Orlando	32803
		4101	E. Concord St.	Orlando	32803

7.	GREATER ORLANDO INTERNATIONAL AIRPORT	3998	Wiley Drive	Orlando	32827
		Building 408	Orlando International Airport	Orlando	32827
8.	SEBASTIAN MUNICIPAL AIRPORT	60	Airport Drive W	Sebastian	32958
9.	ARTHUR DUNN AIRPARK	480	N Williams Avenue	Titusville	32796

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN December 6, 2004  
 and December 10, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF STATE**

**Division of Elections**

1S-2.017	12/7/04	1/1/05	30/43	
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**DEPARTMENT OF EDUCATION**

**State Board of Education**

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6A-4.004	12/7/04	12/27/04	30/42	
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**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

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12D-13.060	12/10/04	12/30/04	30/41	
12D-13.061	12/10/04	12/30/04	30/41	
12D-13.064	12/10/04	12/30/04	30/41	
12D-16.001	12/10/04	12/30/04	30/41	
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**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

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19B-4.002	12/8/04	12/28/04	30/45	
19B-16.002	12/8/04	12/28/04	30/45	
19B-16.003	12/8/04	12/28/04	30/45	

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**DEPARTMENT OF CORRECTIONS**

33-501.401	12/10/04	12/30/04	30/46	
33-601.202	12/8/04	12/28/04	30/44	

**WATER MANAGEMENT DISTRICTS**

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40A-2.051	12/10/04	1/1/05	30/43	
40A-2.302	12/10/04	1/1/05	30/43	
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**Benefits and Assistance**

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**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

60DD-7.001	12/6/04	12/26/04	30/39	30/46
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60DD-7.003	12/6/04	12/26/04	30/39	
60DD-7.004	12/6/04	12/26/04	30/39	
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60DD-7.011	12/6/04	12/26/04	30/39	30/46
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**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

64B2-11.003	12/8/04	12/28/04	30/44	
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**Board of Medicine**

64B8-9.0092	12/8/04	12/28/04	30/40	
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**Board of Psychology**

64B19-17.007	12/7/04	12/27/04	30/45	
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**FLORIDA HOUSING FINANCE CORPORATION**

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67-50.070	12/8/04	12/28/04	30/24	30/35
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67-50.100	12/8/04	12/28/04	30/24	
67-50.105	12/8/04	12/28/04	30/24	30/45

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

69L-6.027	12/9/04	12/29/04	30/44	
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