

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Forestry**

RULE TITLE: Purpose and Definitions  
 PURPOSE AND EFFECT: This purpose is to provide guidance to Department staff and information to the public regarding use of lands managed by the Department for specific activities, and to comply with similar existing laws and rules. The effect will improve administration and provide guidance for public use.

RULE NO.: 5I-4.002

SUBJECT AREA TO BE ADDRESSED: Revision to the existing Administrative Rule Chapter 5I-4, F.A.C., regarding the current effective date for scheduled fees administered by the Florida Department of Agricultural and Consumer Services, Division of Forestry.

SPECIFIC AUTHORITY: 589.011(4), 589.071, 589.12 FS.

LAW IMPLEMENTED: 589.011(4), 589.071 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: John Waldron, Forest Recreation Coordinator, Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Blvd., C-25, Tallahassee, FL 32399-1650, (850)414-9852

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code  
 RULE CHAPTER NO.: 5L-1

RULE TITLE: Compliance and Penalties  
 RULE NO.: 5L-1.006

PURPOSE AND EFFECT: This amendment proposes to change the penalties for 'repeat' Other deficiencies.

SUBJECT AREA TO BE ADDRESSED: The proposed change seeks to make enforcement activities for minor "Other" deficiencies in accordance with Rule 5L-1.006, F.A.C., more consistent with enforcement activities required by the National Shellfish Sanitation Program (NSSP).

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Tuesday, July 26, 2005

PLACE: Department of Environmental Protection, Robert Howell Building, Estuarine Research Reserve, 261 7th Street, Apalachicola, Florida

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Monday, August 8, 2005

PLACE: George G. Kirkpatrick Marine Laboratory, 11350 S. W. 153rd Court, Cedar Key, Florida

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Tuesday, August 9, 2005

PLACE: Brevard County Agricultural Center, 3695 Lake Drive, Cocoa, Florida

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Wednesday, August 10, 2005

PLACE: Pine Island Public Library, 10700 Russell Road, Bokeelia, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Buddy Levins, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE: Aquaculture Best Management Practices  
 RULE CHAPTER NO.: 5L-3

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend Chapter 5L-3, F.A.C., to reference an updated Aquaculture Best Management Practices Manual, dated January, 2005.

SUBJECT AREA TO BE ADDRESSED: The Aquaculture Best Management Practices Manual, October 2002 will be rearranged and edited to clarify requirements and create a more understandable manual. Specifically, there are new requirements for aquaculture related construction, a new section on aquaculture dock construction and use, a new section on shellfish culture in open water, and new provisions for aquatic animal welfare.

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 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: Kal Knickerbocker, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Educational Facilities  
 RULE NO.: 6A-2.0010

PURPOSE AND EFFECT: The purpose of this rule development is to review the current requirements relating to educational facilities and the current laws to ensure that the rule accurately reflects the implementing laws. The effect will be a rule which is aligned with governing laws.

SUBJECT AREA TO BE ADDRESSED: Requirements for state educational facilities.

SPECIFIC AUTHORITY: Section 1(a) Article IX, State Constitution, 1001.02(1), 1013.02(2), 1013.37 FS.

LAW IMPLEMENTED: Section 1(a) Article IX, State Constitution, 50.011, 50.021, 50.031, 50.041, 50.051, 50.061, 50.071, 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1301.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS.

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

TIME AND DATE: 1:30 p.m. – 4:30 p.m., May 16, 2005

PLACE: Department of Education, Turlington Building, 17th Floor, 325 West Gaines Street, Tallahassee, Florida 32399-0400

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

PLACE: Orange County School Board, Orlando Vocational Technical School, Room 317, 301 West Amelia Street, Orlando, Florida 32801

TIME AND DATE: 9:00 a.m. – 12:00 Noon, Friday, May 20, 2005

PLACE: Broward County School Board, School Board Meeting Room, Kathleen C. Wright Administration Building, 600 S. E. 3rd Avenue, Fort Lauderdale, Florida 33301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Spessard Boatright, Director, Office of Educational Facilities, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400

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

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

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management**

RULE CHAPTER TITLE: Leases for Real Property  
 RULE CHAPTER NO.: 60H-1

RULE TITLES: Definitions  
 RULE NOS.: 60H-1.001

Division Approval; When Required 60H-1.002

Standard Lease Agreement Form 60H-1.003

Filing of Leases 60H-1.004

Escalation Clauses 60H-1.006

Right-to-Terminate Clause Required 60H-1.007

Notice of Renewal 60H-1.009

Fire Code Compliance in Leased Space 60H-1.013

Leases of 5,000 Square Feet or More 60H-1.015

Turnkey (Lease) Construction Program 60H-1.017

Prior Approval of Space Need 60H-1.022

Disclosure Statement-Private Entities 60H-1.025

Disclosure Statement-Public Officials 60H-1.026

Legal Review 60H-1.027

Information and Forms 60H-1.028

Rental Rate Guidelines for Privately Owned Space 60H-1.030

PURPOSE AND EFFECT: To consider amendments to an existing rule chapter to incorporate proposed objections made by the Joint Administrative Procedures Committee and to update and revise outdated and superfluous language contained in the rules.

SUBJECT AREA TO BE ADDRESSED: Amendment of the rule chapter that sets out the procedures and guidelines for state agencies to lease both private and public sector building space.

SPECIFIC AUTHORITY: 255.249(2)(a),(e),(4)(f),(5), 255.25(2), 255.503(11), 120.53(1)(a) FS.

LAW IMPLEMENTED: 255.21, 255.25(1),(2)(a),(b),(3),(4), (5),(7), 255.503, 255.249(1),(2)(b),(e),(h),(i),(j),(k),(3),(4), 255.254 FS.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-20.001 Examination Designated.

(1) No change.

~~(2) All applicants (except applicants for licensure by endorsement) shall be required to take and pass one of the following:~~

~~(a) A professional interior design examination which shall consist of six parts:~~

<del>PART</del>	<del>NAME OF EXAM</del>	<del>FORM OF EXAM</del>
<del>1.</del>	<del>Building and Barrier Free Codes</del>	<del>Multiple Choice</del>
<del>2.</del>	<del>Identification and Application</del>	<del>Multiple Choice</del>
<del>3.</del>	<del>Practicum: Programming</del>	<del>Client Interview and Graphie</del>
<del>4.</del>	<del>Practicum: Three Dimensional</del>	<del>Graphie</del>
<del>5.</del>	<del>Practicum: Scenario</del>	<del>Graphie</del>
<del>6.</del>	<del>Problem Solving</del>	<del>Multiple Choice</del>

~~(b) National Council for Architectural Registration Boards (NCARB).~~

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b), 481.209 FS. History—New 7-4-90, Formerly 21B-20.001, Amended 5-30-95, 5-4-97, 3-8-04,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Child and Farm Labor Program**

RULE CHAPTER TITLE: Florida Farm Labor Registration

RULE CHAPTER NO.: 61L-1

PURPOSE AND EFFECT: To implement the amendment of Chapter 450 Part Three, Florida Statutes (2003), pursuant to Chapter 2004-64, Laws of Florida (2004).

SUBJECT AREA TO BE ADDRESSED: Farm Labor Contractor Registration.

SPECIFIC AUTHORITY: 450.321(1),(2), 450.36, 450.38(3),(7) FS.

LAW IMPLEMENTED: 450.27, 450.271, 450.28, 450.321, 450.33, 450.34, 450.35, 450.37, 450.38, 450.39 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: Francisco R. Rivera, 1940 N. Monroe Street, Tallahassee, FL 32399-1044, (850)487-3218 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**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.”

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLE: Regulation and Prohibition of Certain Harvesting Gear Allowable Gear, Incidental Bycatch, Violation

RULE NO.: 68B-14.005

PURPOSE AND EFFECT: The purpose of this rule is to specify buoy and trap marking for black sea bass traps. The effect will be to allow the prosecution of the black sea bass trap fishery while clearly identifying those traps being used in it.

SUBJECT AREA TO BE ADDRESSED: Identification of black sea bass traps.

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

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

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

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

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

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

68B-14.005 Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation.

(1) Allowable gear. Except as provided in subsection (2), the following shall be the only gear types and methods allowed for the harvest in or from state waters of any of the species specified in subsection 68B-14.001(2), F.A.C.:

(a) No change.

(b) A black sea bass trap, which shall only be used north of Latitude 27° North. Each such trap shall comply with the following specifications:

1. The outer dimensions do not exceed 2 feet in height, 2 feet in width, and 2 feet in depth, and the throat or entrance does not exceed 5 inches in height and 2 inches in width at its narrowest point.

2. A biodegradable panel shall be part of each trap used to take black sea bass. A black sea bass trap shall be considered to have a "biodegradable panel" or a "degradable panel" if one of the following methods is used in construction of the trap:

a. The trap lid tie-down strap is secured to the trap at one end by a single loop of untreated jute twine. The trap lid must be secured so that when the jute degrades, the lid will no longer be securely closed.

b. The trap lid tie-down strap is secured to the trap at one end with a corrodible loop composed of non-coated steel wire measuring 24 gauge or thinner. The trap lid must be secured so that when the loop degrades, the lid will no longer be securely closed.

c. The trap lid tie-down strap is secured to the trap at one end by an untreated pine dowel no larger than 2 inches in length by 3/8 inch in diameter. The trap lid must be secured so that when the dowel degrades, the lid will no longer be securely closed.

d. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

e. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed. "Untreated pine" means raw pine wood that has not been treated with any preservative

or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

f. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

g. The trap contains at least one sidewall with a vertical rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by rings made of non-coated 24 gauge or thinner wire or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

3. Escape vents. All black sea bass traps shall have an unobstructed escape vent opening on at least two opposite vertical sides, excluding top and bottom, that complies with one of the following minimum sizes:

a. A rectangular vent, 1.125 inches (2.9 cm) by 5.75 inches (14.6 cm).

b. A circular vent, 2 inches (5.1 cm) in diameter.

c. A square vent with sides of 1.75 inches (4.4 cm) measured inside the square.

#### 4. Trap marking requirements.

a. Each black sea bass trap used for harvesting black sea bass shall have the trap owner's saltwater products license number permanently attached. Each buoy attached to such trap shall have the letter "B" and the owner's saltwater products license number affixed to it in legible figures at least 1.5 inches high.

b. A buoy or time-release buoy shall be attached to each black sea bass trap or at each end of a weighted trap trotline. The buoy shall be constructed of styrofoam, cork, molded polyvinyl chloride, or molded polystyrene, be of sufficient strength and buoyancy to float, and be either white in color or the same color as the owner's blue crab or stone crab buoy colors. Buoys shall be either spherical in shape with a diameter no smaller than 6 inches or some other shape so long as it is no shorter than 10 inches in the longest dimension and the width at some point exceeds 5 inches. No more than 5 feet of any buoy line attached to a buoy used to mark a black sea bass trap or attached to a trotline shall float on the surface of the water.

(c) No change.

(2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-11-86, Amended 2-1-90, 3-1-94, 10-4-95, 7-15-96, 1-1-98, 12-31-98, 6-1-99, Formerly 46-14.005, Amended 1-1-03, 3-1-05, \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firefighter Death Benefits  
 RULE CHAPTER NO.: 69A-64

RULE TITLE: Adjustments to Reflect Consumer Price Index  
 RULE NO.: 69A-64.005

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2005-2006.

SUBJECT AREA TO BE ADDRESSED: Firefighter death benefits in Section 112.191, Florida Statutes.

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

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

TIME AND DATE: 9:00 a.m., May 16, 2005

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

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting: Kimberly Riordan, (850)413-3170.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3170, Fax (850)922-1235

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, F.S., requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment.

(2) The amounts payable for the period from July 1, 2005 ~~2004~~ through June 30, 2006 ~~2005~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2005 ~~2004~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: \$ \_\_\_\_\_ (to be inserted in the notice of hearing).

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: \$ \_\_\_\_\_ (to be inserted in the notice of hearing).

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: \$ \_\_\_\_\_ (to be inserted in the notice of hearing).

~~(2) On or before July 1, 2003, and each year thereafter, the Division shall adopt by rule the Consumer Price Index adjustment for the next annual period, in accordance with the most recent Consumer Price Index available at the time of such adoption.~~

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, \_\_\_\_\_.

**Section II  
 Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE TITLE: Registration  
 RULE NO.: 5J-12.002

PURPOSE AND EFFECT: The purpose and effect of this rule change is to delete outdated language no longer applicable to the registration process.

SUMMARY: This rule deletes the language which established the biennial registration period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed revisions do not incur any regulatory costs.

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: 559.2201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 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:

TIME AND DATE: 10:00 a.m., May 24, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-12.002 Registration

(1)(a) No change.

(b) If the motor vehicle repair shop is located in a municipality or county that has an ordinance containing standards that the Department has determined are at least equal to the requirements of the Florida Motor Vehicle Repair Act, the motor vehicle repair shop must register with the Department and provide a one of the following to evidence compliance with the local ordinance;

1. The registration number provided to the motor vehicle repair shop by the municipality or county in the appropriate space on from DACS 10900; or

2. A copy of the receipt of payment of the required fee for the municipality or county issued registration; or

3. A copy of the current actual registration issued by the municipality or county.

(c) through (d) No change.

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

~~(3) The Department will register motor vehicle repair shops whose current registration expires on or after September 1, 2003, and who have fully complied with Section 559.901-559.9221, Florida Statutes, and the Rules adopted thereunder in the following manner:~~

~~(a) All motor vehicle repair shops renewing their registration with the Department and whose name begins with a number or the letter A through J will be registered for a period of one year. All motor vehicle repair shops registering under this section will be required to pay a one year registration fee;~~

~~(b) All motor vehicle repair shops renewing their registration with the Department whose name begins with the letter K through Z will be registered for a period of two years. All motor vehicle repair shops registering under this section will be required to pay a two year registration fee;~~

~~(c) All motor vehicle repair shops registering with the Department for the first time will be required to be registered for a two year period and pay a two year registration fee;~~

~~(d) Subsection (3) will expire on July 1, 2004.~~

Specific Authority 559.2201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History--New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03, 11-4-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005

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

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**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Correctional Probation Officers

RULE NO.:

Carrying Firearms 33-302.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for carrying firearms and reloading devices, update training and qualification requirements, and delete unnecessary and obsolete language.

SUMMARY: The proposed rule corrects titles and cross references; clarifies that only one weapon will be authorized; requires that the officer submit required information to the department before carrying a replacement weapon on duty; allows for annual qualification without attending training if circumstances beyond the employee's control prevent training attendance; clarifies that suspension of the weapon card removes the officer's authority to carry a firearm while on duty; deletes the provision allowing firearms to be carried in shoulder holsters; deletes the requirement that holsters, ammunition and reloading devices be stored in a locker while the officer is in the probation office; eliminates detail as to the type of weapons to be approved; provides for provision of ammunition by the Department; limits officers to carrying two reloading devices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06, 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

- (1) No change.
- (2) Definitions.

(a) "Field supervision and investigation" ~~refers to~~ means that professional activity performed by correctional probation officers, supervisors and administrators which involves a personal presence in the community during which personal contact is made or is attempted with offenders and citizens regarding official agency matters in accordance with their responsibilities pursuant to Section 943.10(3), F.S.

(b) "Correctional probation officer" ~~refers to~~ means a person who is employed full time by the Department of Corrections whose primary responsibility is the supervised custody, surveillance, and control of assigned offenders and includes supervisory personnel whose duties include the supervision, training and guidance of correctional probation officers. This term does not include personnel above the level of regional director of ~~community corrections probation and parole~~.

(c) "~~Weapon Firearm~~ card" ~~refers to~~ means the document issued by the department pursuant to this rule to a correctional probation officer who has been authorized by the department to carry a firearm while on duty.

(d) Reviewing authority, for the purpose of this rule, refers to staff who are authorized to review and approve requests to carry firearms, issue ~~weapon firearm~~ cards, maintain lists of staff under their supervision who have been authorized to carry a firearm, and permanently remove or temporarily suspend authorization for staff to carry a firearm.

~~1. Circuit Administrators are the reviewing authority for Correctional Probation Officers up to the level of Deputy Circuit Administrator.~~

~~2. Regional Directors of probation and parole are the reviewing authority for Circuit Administrators and Deputy Regional Directors of probation and parole.~~

~~3. The Director of Community Operations or the Assistant Secretary for probation and parole is the reviewing authority for the Regional Directors of probation and parole.~~

- (3) Authorization Procedures.

(a) In addition to the requirements of this rule, correctional probation officers who elect to carry firearms shall also be required to comply with ~~Chapter Rule 33-209-103~~, F.A.C.

(b) Any correctional probation officer who elects to carry a firearm while on duty shall obtain authorization through the circuit administrator. Any circuit administrator or deputy

regional director of ~~community corrections probation and parole~~ who elects to carry a firearm while on duty shall obtain authorization from the regional director of ~~community corrections probation and parole~~. A regional director of ~~community corrections probation and parole~~ who elects to carry a firearm while on duty shall obtain authorization from the ~~Assistant Secretary of Community Corrections director of community operations~~. A Deputy Assistant Secretary of Community Corrections who elects to carry a firearm while on duty shall obtain authorization from the Assistant Secretary of Community Corrections. The written request shall contain documentation that the individual has complied with the required training and qualification requirements provided in Chapter 33-209, F.A.C set forth in paragraph (e) below.

(c) Correctional probation officers who elect to carry firearms while on duty shall complete training and qualification requirements pursuant to Rule 33-209.103, F.A.C. Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and a ~~weapon the firearm~~ card has been issued. Initial qualification, annual re-qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted along with the documentation of training and qualification in the request for authority to carry the firearm. Correctional probation officers shall not be authorized to carry more than one firearm at a time. This approved single weapon shall be the only weapon authorized to be carried by the correctional probation officer until the annual qualification or transition training has been completed with a different weapon.

(d) If an officer temporarily or permanently replaces the firearm used for qualification, before carrying the weapon on duty the officer shall notify the department of the replacement and provide the model, make and serial number of the replacement firearm and proof of ownership and inspection to the reviewing authority. If the officer chooses to replace a revolver with a ~~9 millimeter~~ semi-automatic firearm, the officer shall complete the department-approved ~~semi-automatic firearm~~ 9mm transition course. The officer shall ~~re-qualify~~ re-qualify with the replacement weapon and provide proof of ownership and inspection to the reviewing authority. ~~Correctional probation officers shall not be authorized to carry more than one firearm at a time.~~

(e) Prior to approving a request to carry a firearm, the reviewing authority shall review the request, the documentation of training and qualification pursuant to ~~Chapter Rule 33-209-103~~, F.A.C., and shall complete a Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) check on the firearm by serial number, and an



FCIC/NCIC check on the applicant. Upon approval, the reviewing authority shall issue a weapon firearm card which establishes that the officer has been authorized to carry a specific firearm while on duty.

(f) The weapon firearm card shall expire twelve months after the date of the initial qualification the following year, on the last day of the month the firearms card was issued unless written documentation of annual re-qualification is submitted to the authorizing entity prior to the expiration of the weapon firearms card. The officer shall be required to successfully re-qualify within twelve months after the date of the initial qualification and every twelve months each year thereafter pursuant to Chapter Rule 33-209-103, F.A.C., and this rule in order to remain qualified to carry a firearm.

(g) Annual Re-qualification must occur prior to the employee's weapon firearm card expiration month date. The new weapon firearm card will be issued effective the date of the annual re-qualification. If the employee is unable to attend annual qualification training due to circumstances beyond the employee's control, the employee may, if approved by the reviewing authority, qualify by demonstrating proficiency with the weapon without being required to re-attend initial qualification training. The firearm card will expire the following year, on the last day of the month the firearms card was issued.

(h) The reviewing authority shall immediately suspend authorization to carry a firearm, except for firearm training purposes, and shall secure the weapon firearm card from any officer who has failed to re-qualify as of the card expiration month date. Suspension of the weapon card removes the officer's authority to carry a firearm while on duty. A correctional probation officer who attempts to re-qualify and fails shall be provided the opportunity to participate in remedial firearm training as specified in Chapter 33-209, F.A.C. at a time approved by the reviewing authority.

(i) No change.

(4) Carrying a Firearm While on Duty.

(a) Officers who elect to carry a firearm and who receive Department authorization to carry a firearm, are authorized to carry the firearm, in accordance with Department standards, shall be carried by the officer only while on duty conducting field supervision and investigation. The firearm shall be carried in a holster about the waist or under the shoulder. All holsters that secure the firearm about the waist or under the shoulder shall be of a type which secures the firearm with a thumb break retainer. Only the authorized firearm may be carried.

(b) No change.

(c) Each probation office shall have a designated secure space containing a secure locker for storage of firearms, ammunition, and reloading devices. Officers shall place their holstered firearms in the secure locker immediately upon

entering the office. The firearm shall be removed from the locker at the conclusion of the duty day. No firearm shall be left in the probation office overnight.

(d) Any officer authorized to carry a firearm while on duty shall carry a Department of Corrections identification card and weapon firearm authorization card while carrying the firearm on duty. If the officer is carrying a firearm on duty, he or she shall display the Department of Corrections issued badge in plain view.

(5) No change.

(6) Firearm Type and Ammunition.

(a) Correctional probation officers are authorized to carry a firearm shall only department approved firearms, ammunition and reloading devices be authorized to carry a five or six shot revolver of .38 or .357 caliber with a barrel length not to exceed four inches, or a 9 millimeter semi automatic pistol, with the exception of weapons specified in Federal Firearms Regulations, 921(a)(30), as semi automatic assault weapons.

(b) Each correctional probation officers who completes initial or annual qualification shall be issued one box of duty ammunition to be used in his or her weapon of choice while on duty. This ammunition will be utilized by the officer in the following year's qualification. A correctional probation officer who elects to no longer carry a weapon, changes the type of weapon, or is no longer employed by the department shall immediately return department issued ammunition shall only be authorized to carry ammunition approved by the department for each respective weapon. All ammunition used for training, qualification, or re-qualification, must be approved by the range facility for use.

(c) Correctional probation officers are authorized to carry no more than two department approved reloading devices while carrying a firearm. These reloading devices and all accompanying ammunition shall be stored in the same secure locker as the officer's firearm immediately upon entering the office. Only that ammunition stored in a firearm or reloading device may be brought into an office.

(7) through (8) No change.

(9) Removal of Authorization to Carry a Firearm.

(a) The reviewing authority shall permanently remove or temporarily suspend the authorization to carry a firearm for a correctional probation officer if:

1. The correctional probation officer has exhibited behavior that indicates that the carrying of a firearm by this officer could present a threat to the security of other staff, offenders, or the general public, or the correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm safely;

2. The correctional probation officer has demonstrated an inability to properly care, maintain, handle or secure the firearm.;

3. The correctional probation officer is found to have been negligent by failure to comply with those standards and procedures provided in the training required by Chapter 33-209, F.A.C. ~~or and the standards set forth in this rule in the case of loss or theft of the firearm while on duty shall have the authorization to carry the firearm removed and shall be subject to disciplinary action in accordance with Chapter 33-208, F.A.C.~~

4. The correctional probation officer fails to complete ~~annual re-qualification, or~~

~~5. The correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm or other weapon safely.~~

- (10) Care and Maintenance of Firearm.
  - (a) through (b) No change.
  - (c) If an officer finds that his or her firearm needs repair, it shall not be carried on duty or used for any reason. The officer shall advise his or her immediate supervisor of its condition and shall make arrangements to have it repaired.
  - (d) through (e) No change.
- (11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History—New 5-28-86, Amended 7-7-92, 12-20-92, 03-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03, 6-24-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Beth Atchison  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 8, 2005

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Individual Environmental Resource Permits	40D-4
RULE TITLES:	RULE NOS.:
Exemptions	40D-4.051
Publications and Agreements	
Incorporated by Reference	40D-4.091
Additional Conditions for Issuance of Permits	40D-4.302

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend Rules 40D-4.051, 40D-4.091, 40D-4.302, F.A.C. and section 3.2.2 of the Environmental Resource Permitting Basis of Review to conform to statutory changes and to be consistent with the Florida Department of Environmental Protection’s and the other water management districts environmental resource permitting rules.

SUMMARY: The amendments to paragraphs 40D-4.051(8)(b) and (c), F.A.C., add the word “pier” to the exemption, in conformance with the 1997 amendments to Section 403.813(2)(b), Florida Statutes (F.S.). The amendment to paragraph 40D-4.051(8)(d), F.A.C., modifies the rule exempting maintenance dredging in order to conform with the amendments to Section 403.813(2)(f), F.S. The modification describes the requirements for maintenance dredging in previously dredged natural water bodies.

Rule 40D-4.302, F.A.C., lists additional conditions for issuance of permits. The amendment to this rule removes the language “by the Department”, which is redundant because the rule references Chapter 62R-7, F.A.C., which is promulgated by DEP.

The amendment to Rule 3.2.2 of the Basis for Review addressing fish, wildlife, listed species and their habitats removes the language “[G]enerally, wildlife surveys will not be required.” DEP was directed to remove this language from DEP’s rules by the Environmental Regulatory Commission during a September 1994 rule adoption hearing. The language does not appear in the rules of any of the other water management districts.

The amendment to Rule 40D-4.091, F.A.C., incorporates the new date of the ERP Basis of Review including the modifications discussed above.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rules 40D-4.051, 40D-4.091 and 40D-4.302, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.016, 373.044, 373.046, 373.113, 373.118, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.016, 373.042, 373.0361, 373.114, 373.171, 373.403, 373.406, 373.409, 373.413, 373.414, 373.414(9), 373.416, 373.426, 373.429, 373.441 FS.

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

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 IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (7) No change.

(8) In accordance with the provisions of Section 403.813(2), F.S., no permit shall be required under Chapter 40D-4, 40D-40 or 40D-400, F.A.C. for the following activities:

(a) No change.

(b) The installation, replacement or repair of mooring pilings and dolphins associated with private docking facilities or piers.

(c) The installation and repair of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local government entities when the local governmental entity's entity's activities will not take place in any manatee habitat, which structures have 1000 square feet or less of surface area over wetlands or other surface waters or 500 square feet or less of surface area over wetlands or other surface waters which are Outstanding Florida Waters. This exemption shall include the construction of structures above the dock or pier area, such as gazebos and boat shelters, provided such structures are not enclosed with walls and doors, are not used for living, commercial purposes, or storage of materials other than those associated with recreational use and provided the structures do not exceed, together with the docking facility or pier, the total area limitations above. To qualify for this exemption, any such structure:

1. through 3. No change.

4. Shall be the sole dock or pier constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this rule, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a dock under this exemption does not obligate the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a dock shall include the construction of the structures attached to the dock which are only suitable for the mooring or storage of boats (i.e., boatlifts). Nothing in this paragraph shall prohibit the Department from taking appropriate enforcement action pursuant to Chapter 403, F.S., to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the Department can demonstrate that the exempted activity has caused water pollution in violation of Chapter 403, F.S.

(d) The performance of maintenance dredging of existing manmade canals, channels, basins, berths, ~~and~~ intake and discharge structures, and previously dredged portions of natural water bodies within drainage rights-of-way or drainage easements which have been recorded in the public records of the county where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material ~~and return water from the spoil site~~ into waters of the state wetlands or other surface waters, provided that no more dredging is performed than is necessary to restore the canals, channels, basins, berths, and intake and discharge structures, and previously dredged portions of natural water bodies, to original design specifications, ~~and~~ provided that the work is conducted in compliance with Section 370.12(2)(d), F.S., provided that no significant impacts occur to previously undisturbed natural areas, and provided that control devices for return flow and best management practices of erosion and sediment control are utilized to prevent bank erosion and scouring and are used at the dredge site to prevent turbidity, dredged material, and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. Further, for maintenance dredging of previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements, an entity that seeks an exemption must notify the department or water management district, as applicable, at least 30 days prior to dredging and provide documentation of original design specifications or configurations where such exist. This exemption shall apply to all canals and previously dredged portions of natural water bodies within recorded drainage rights-of-way or drainage easements constructed before April 3, 1970, and to those canals and previously dredged portions of natural water bodies constructed on or after April 3, 1970, pursuant to all necessary state permits. This exemption shall not apply to the removal of a natural or manmade barrier separating a canal or canal system from adjacent wetlands or other surface waters. Where no previous permit has been issued by the Board of Trustees of the Internal Improvement Trust Fund, the Department, the District or the United States Army Corps of Engineers for construction or maintenance dredging of the existing manmade canal, channel, basin, berth or intake or discharge structure, such maintenance dredging shall be limited to a depth of no more than 5 feet below mean low water.

(e) through (o) No change.

(9) through (12) No change.

Specific Authority 373.044, 373.118, 373.414(9) FS. Law Implemented 373.406, 373.413, 373.414(9) FS. History—Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95, 4-18-01, 5-17-01, 4-9-02, 2-19-04, \_\_\_\_\_.

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) "Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, ~~February 1, 2005~~. This document is available from the District upon request.

(2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between Southwest Florida Water Management District and Department of Environmental Protection, dated October 27, 1998. This document is available from the District upon request.

(3) Chapter 62-344, F.A.C., Delegation of Environmental Resource Program to Local Governments.

(4) Memorandum of Understanding Between the Southwest Florida Water Management District and the Florida Department of Agriculture and Consumer Services for the Non-Binding Review of Disputed Environmental Resource Permitting Exemption Claims Under Section 373.406(2), F.S., dated December 13, 2002. This document is available from the District upon request.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, \_\_\_\_\_.

40D-4.302 Additional Conditions for Issuance of Permits.

(1) In addition to the conditions set forth in Rule 40D-4.301, F.A.C., in order to obtain a general, individual, or conceptual permit under this chapter an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:

(a) through (b) No change.

(c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified ~~by the Department~~ as approved, restricted or conditionally restricted for shellfish harvesting pursuant to Chapter 62R-7, F.A.C., will comply with the additional criteria in subsection 3.2.5 of the Basis of Review for Environmental Resource Permit Applications adopted by reference in Rule 40D-4.091, F.A.C.

(d) through (2) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.042, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History—New 10-3-95, Amended 9-26-02, 2-19-04, \_\_\_\_\_.

ENVIRONMENTAL RESOURCE PERMITTING  
INFORMATION MANUAL

3.2.2 Fish, Wildlife, Listed Species and their Habitats

Pursuant to paragraph 3.1.1(a), an applicant must provide reasonable assurance that a regulated activity will not impact the values of wetlands, other surface waters and other water related resources of the District, so as to cause adverse impacts to:

(a) The abundance and diversity of fish, wildlife and listed species; and

(b) The habitat of fish, wildlife and listed species.

In evaluating whether an applicant has provided such reasonable assurance under subsection 3.2.2, B.O.R., the magnitude of the effect of the regulated activity shall be considered, and de minimis effects shall not be considered adverse.

As part of the assessment of the impacts of regulated activities upon fish and wildlife and their habitat, the District will provide a copy of all notices of application for standard general and individual permits, including conceptual permits, which propose regulated activities in, on or over wetlands or other surface waters to the Florida Fish and Wildlife Conservation Commission for review and comment. In addition, the District staff may solicit comments from the Florida Fish and Wildlife Conservation Commission regarding other applications to assist in the assessment of potential impacts to wildlife and their habitats, particularly with regard to listed wildlife species. Where proposed activities have a potential to impact listed marine species, the District will provide a copy of the above-referenced types of applications to the Department of Environmental Protection.

~~Generally, wildlife surveys will not be required.~~ The need for a wildlife survey will depend upon the likelihood that the site is used by listed species, considering site characteristics and the range and habitat needs of such species, and whether the proposed system will impact that use such that the criteria in subsection 3.2.2 through 3.2.2.3 and subsection 3.2.7 will not be met. Survey methodologies employed to inventory the site must provide reasonable assurance regarding the presence or absence of the subject listed species.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLES: Issuance of Citations  
 RULE NOS.: 61-32.001  
 Guidelines for Issuing Citations for

Unlicensed Practice of a Profession 61-32.003

PURPOSE AND EFFECT: This rule amendment provides citation fines for first-offense unlicensed professional practice not involving consumer injury or financial harm.

SUMMARY: The proposed rules establish citation fines for unlicensed activity where there has been no prior violation and where there is no consumer injury. The rule specifies the appropriate citation based on whether unlicensed services are offered or are actually performed. The proposed rule also provides a remedy for unpaid citation final orders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs was prepared.

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

SPECIFIC AUTHORITY: 455.228(3)(a) FS.

LAW IMPLEMENTED: 455.224, 455.228 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, A HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jennifer M. Causseaux, Administrative Assistant I, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399-2202

THE FULL TEXT OF THE PROPOSED RULES IS:

61-32.001 Issuance of Citations.

(1) No change.

(2) Citations shall be issued by the Division of Regulation in accordance with the following procedures:

(a) Citations may be issued upon the initiative of the department based upon a citationable violation of Chapter 455, Florida Statutes, or the applicable practice act. Citations may also be issued in response to receipt of a completed ~~Upon completion of a~~ DBPR Uniform Complaint Form (UCF) Form DBPR/REG 001, incorporated herein by reference and effective 7/93, This form can be obtained by writing the Department of Business and Professional Regulation, Division of Regulation, Office of Central Complaints ~~Consumer Complaints~~, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0782, ~~describing the alleged violation. The complaint section shall serve the citation.~~

(b) The citation shall be served on the sSubject by personal service or by U.S. Mail, certified with return receipt, and if initiated by a consumer complaint, the cComplainant shall be notified by letter that a complaint has been opened.

(c) Citations shall be issued to the sSubject and shall contain the subject’s name and address, the subject’s license number if licensed, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure set forth in Section 455.225, F. S.

~~(d) Citations which are disputed shall be processed pursuant to Sec.455.225, Fla. Stat., as Level I (Central Office Investigation (“COI”)) investigations.~~

(3) No change.

(4) Once a citation has become a Final Order, it shall be filed in accordance with procedures established for the filing of final orders by board rule or department rule, whichever is appropriate.

(a) Citations which have become final orders shall be closed ~~by the complaint section,~~ under the computer code “R 32” PL85.

(5) through (6) No change.

Specific Authority 455.201, 455.203(5), 455.224, 455.228 FS. Law Implemented 455.224, 455.228 FS. History—New 1-6-92, Formerly 21-32.001, Amended 6-19-95,\_\_\_\_\_.

61-32.003 Guidelines for Issuing Citations for Unlicensed Practice of a Profession.

(1) Citations imposing a designated fine may be issued to persons unlicensed by the Department for the violations listed below, under the following conditions:

(a) There has been no prior citation, final order, or Notice and Order to Cease and Desist issued to the subject; and

(b) There is no evidence of consumer harm in the current case; and

(c) The subject has not previously held a license to practice the activity at issue.

(2) Citations may be issued for the following unlicensed activities and impose the following penalties:

(a) Advertising or otherwise holding ones self out as available to practice a profession, provide a service, or engage in an activity that requires licensure by the department. CITATION PENALTY: A fine of \$1000 and costs of the investigation.

(b) Contracting to perform or performing a service, or offering a bid to engage or engaging in a practice, that requires licensure by the department. CITATION PENALTY: A fine of \$2500, and costs of investigation.

(3) All citations issued under this part shall be accompanied by a Notice and Order to Cease and Desist, as provided by Section 455.228(1), F.S.

(4) Citations for unlicensed practice of a profession shall be either hand-served or served by certified mail and shall include the following information:

- (a) Subject’s full name, age and date of birth.
- (b) Subject’s driver’s license number.
- (c) Subject’s current residence address.
- (d) A brief factual statement of the activity engaged in, the provision of law requiring licensure, and the penalty imposed.
- (e) A statement that, in lieu of the citation, the subject may choose the administrative procedures in Section 455.225, F.S.

Specific Authority 455.228(3)(a) FS. Law Implemented 455.224, 455.228 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gail Scott-Hill, Assistant General Counsel, Office of the General Counsel, Florida Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Florida Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 25, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE TITLES:	RULE NOS.:
Regular Elections; Vacancies Caused by Expiration of Term; Resignations; Death; Election Monitoring	61B-23.0021
Ombudsman; Election Monitoring; Monitor’s Role; Scope and Extent	61B-23.00215

PURPOSE AND EFFECT: This rule amendment provides procedures and a petition form for condominium unit owners to request that the Condominium Ombudsman appoint a monitor for the condominium association’s annual election. The rule addresses the scope and extent of the monitor’s role in the election process.

SUMMARY: This rule addresses the appointment of election monitors by the Condominium Ombudsman.

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

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

SPECIFIC AUTHORITY: 718.5012(9) FS.

LAW IMPLEMENTED: 718.1255, 718.5012(9) 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., May 23, 2005

PLACE: Warren Building, Conference Room #B03, 201 West Bloxham Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. ELZIE, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-23.0021 Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death; Election Monitors.

(1) through (13) No change.

(14) Election Monitors. As provided by Section 718.5012(9), F.S. (2004), fifteen percent of the total voting interests entitled to vote at the annual meeting of unit owners for the election of directors, or the owners of six units entitled to vote at the annual meeting of unit owners for the election of directors, whichever number is greater, may petition the ombudsman for the appointment of an election monitor. The procedures for filing a petition for the appointment of an election monitor are contained in Rule 61B-23.00215, F.A.C.

Specific Authority 718.112(2)(d)3., 718.501(1)(f), 718.5012(9) FS. Law Implemented 718.112, 718.301, 718.5012(9) FS. History–New 1-23-92, Amended 12-20-92, Formerly 7D-23.0021, Amended 8-24-94, 12-20-95, 1-19-97, 4-14-99, 2-19-01, 12-23-02, \_\_\_\_\_.

61B-23.00215 Ombudsman; Election Monitoring; Monitor’s Role; Scope and Extent.

(1) Fifteen percent of the total voting interests entitled to vote at the annual meeting of unit owners for the election of directors, or the owners of six units entitled to vote at the annual meeting of unit owners for the election of directors,

whichever number is greater, may petition the ombudsman for the appointment of an election monitor to attend the annual meeting of unit owners for the election of directors and conduct the election of directors. No monitor shall be appointed for a special election, an interim election, a runoff election, an election to fill vacancies caused by a recall of one or more board members, or any election other than the annual meeting of unit owners for the election of directors.

(2)(a) Form of petition. In order to file a petition for the appointment of an election monitor, a unit owner must complete DBPR FORM CO 6000-9, PETITION FOR APPOINTMENT OF ELECTION MONITOR, incorporated by reference and effective \_\_\_\_\_, or shall use a substantial equivalent of the form which shall contain the following information. The form must:

1. State that the purpose of the petition is to seek signatures for the appointment of an election monitor by the ombudsman for the annual meeting of unit owners for the election of directors;

2. Contain a signature space for authorized unit owners or voting interests to sign and must provide a space for those signing the petition to provide his or her name;

3. Identify his or her unit number;

4. Supply the date that each unit owner signed the petition;

5. Provide the name of an individual who is authorized to represent the unit owners petitioning for the appointment of an election monitor, along with the mailing address, telephone number, fax number, and email address of the representative;

6. Indicate that if a monitor is appointed, the association and all its members shall be obligated to pay the costs and fees of the monitor; and

7. State the total number of voting interests in the association.

8. Briefly state the basis for having an election monitor appointed (optional).

(b) Only the signatures of those persons who are unit owners of record shall be counted in the calculation to determine whether the minimum number of votes have been cast in favor of requesting the appointment of a monitor.

(3) Time to File. The petition for appointment of an election monitor must be filed with the ombudsman not less than 14 days in advance of a planned election to provide sufficient time to process the petition, provide for verification of the signatures, and appoint a monitor. If insufficient time exists to perform these activities, the ombudsman may return the petition for appointment of election monitor and any supporting materials to the owners petitioning for a monitor.

(4) Once the ombudsman has received a timely filed petition for appointment of an election monitor, the ombudsman shall examine the petition to ensure that all required information is provided and that a sufficient number of voting interests have signed the petition.

(a) If the petition is deficient, the ombudsman shall provide the petitioners with notice of the deficiencies, and petitioners will have 5 calendar days from receipt of such notice to timely correct the petition, or if the deficiencies cannot be corrected, the petition shall be denied and the materials shall be returned to the unit owners petitioning for appointment of an election monitor.

(b) Within 5 calendar days of the determination that a petition is complete and sufficient, the ombudsman shall provide a copy of the petition to the association by certified mail, along with a notice that a petition for appointment of election monitor has been filed with the ombudsman. Where the determination that a petition is complete and sufficient is made within 5 days of a scheduled election, the ombudsman shall immediately provide a copy of the petition to the association upon making such determination of completeness.

(5) Once a petition has been found to be adequate, the ombudsman shall appoint an election monitor as provided by the provisions of Section 718.5012(9), Florida Statutes and this rule. Any appointment of a division employee shall be subject to the approval of the division director.

(6) The appointed monitor shall review any documents provided by the petitioners or by the association in advance of the scheduled election and shall attend and conduct the election in person.

(7) The monitor shall conduct the election, but where a division employee is appointed as monitor, the employee shall not provide direct advice or suggestions to the association or to individual owners in the course of the election. Each monitor shall submit a report regarding the election to the ombudsman, and to the parties, within 14 days following the date the election is concluded.

(8) Where a division employee has been approved to be appointed as the election monitor, the division shall prepare an itemized statement of costs and expenses and shall submit the statement and a request for reimbursement to the association along with the monitor's report. The association shall have 30 days in which to reimburse the division. It shall be considered a violation of this rule for an association not to timely reimburse the division for all costs and expenses associated with the election monitoring process.

(9) Where a monitor is appointed who is not a division employee, the division will not enforce the billing and collection of amounts owed to the monitor. Nothing in these rules prohibits a private monitor from requiring the association to pre-pay all or part of the reasonable fees and costs of the monitor.

Specific Authority 718.5012(9) FS. Law Implemented 718.1255, 718.5012(9) FS. History—New \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael Cochran, Director of the Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Educational Advisory Committees  
 PURPOSE AND EFFECT: The proposed rule amendment creates a second educational advisory committee and clarifies the duties of the committees.

RULE NO.: 61G1-11.012

SUMMARY: The proposed rule amendment establishes both an architectural and an interior design educational advisory committee and clarifies the duties of those committees.  
 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: 489.507(3), 489.519 FS.  
 LAW IMPLEMENTED: 489.519 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-11.012 Educational Advisory Committees.  
 The Board shall appoint both an Architecture Educational Advisory Committee and an Interior Design Education Advisory Committee which shall each be composed of not less than one (1) member of the Board. In addition, the committees shall be advised by expert staff retained by the Department of Business and Professional Regulation. Said staff shall be individuals who have knowledge and experience with curricula of architecture and interior design, respectively, and national accreditation standards for professional degrees in architectural and interior design programs either as a college faculty member or as a practicing architect and interior designer. The Educational Advisory Committees shall examine and review applications for examination or licensure by endorsement made to the Board, in respect to the following matters:

(1) Evaluation of whether the architectural or interior design curriculum of applicants' degree program meets the required standards of accreditation.

(2) Evaluations of whether criteria for issuance of a license from another jurisdiction were substantially equivalent to the licensure criteria that existed in Florida at the time the other license was issued. ~~Evaluations of educational qualifications of applicants for licensure by endorsement who claim "education and training which shall be found by the Board to be fully equivalent to such degree" as used in, Section 467.08(1)(b)5., F.S., (1974) so long as the applicants have received at least a four year degree in architecture from an accredited program prior to their licensure in another state or territory of the United States prior to July 1, 1979.~~

Specific Authority 120.53(1), 481.2055 FS. Law Implemented 481.209(2)(b), 481.213(3)(b) FS. History—New 12-23-79, Amended 1-20-85, Formerly 21B-11.12, Amended 5-14-86, 2-11-88, 11-12-89, Formerly 21B-11.012, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Examination Designated,  
 General Requirements

RULE NO.: 61G1-14.001

PURPOSE AND EFFECT: The Board has proposed to amend this rule to delete subsection (2).

SUMMARY: Subsection (2) will be deleted from this rule.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.217 FS.  
 LAW IMPLEMENTED: 455.217(1)(b),(c), 481.209 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783



THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-14.001 Examination Designated, General Requirements.

(+) No change.

~~(2) Applicants for licensure by examination shall be required to take and pass a professional architectural examination which shall consist of nine divisions as follows:~~

SUBJECT AREA	TYPE OF EXAMINATION
Pre-Design	Multiple Choice
Site Planning	Graphics
Building Planning	Graphics
Building Technology	Graphics
General Structures	Multiple Choice
Lateral Forces	Multiple Choice
Mechanical and Electrical Systems	Multiple Choice
Materials and Methods	Multiple Choice
Construction Documents and Services	Multiple Choice

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b),(c), 481.209 FS. History—New 12-23-79, Amended 5-18-83, Formerly 21B-14.01, 21B-14.001, Amended 4-22-97, 3-8-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: October 22, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLES:	RULE NOS.:
Content of Examination	61G1-14.002
Grading Criteria	61G1-14.003
Passing Grades	61G1-14.004
Grade Review Procedure	61G1-14.005
Transfer Credits from Previous Professional Examinations	61G1-14.0051
Reexamination	61G1-14.006
Foreign Licensure Examinations	61G1-14.007
Security on Examinations	61G1-14.008

PURPOSE AND EFFECT: The Board has voted to repeal these rules.

SUMMARY: These are repeals of rules.

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: 120.54(8), 455.11(2), 455.217, 455.217(1),(2) FS.

LAW IMPLEMENTED: 455.11(2), 455.217(1)(b),(2), 481.209 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULES IS:

61G1-14.002 Content of Examination.

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b), 481.209 FS. History—New 12-23-79, Amended 5-18-83, Formerly 21B-14.02, Formerly 21B-14.002, Amended 4-22-97, Repealed \_\_\_\_\_.

61G1-14.003 Grading Criteria.

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b), 481.209 FS. History—New 12-23-79, Amended 7-4-82, 5-18-83, Formerly 21B-14.03, 21B-14.003, Amended 4-22-97, Repealed \_\_\_\_\_.

61G1-14.004 Passing Grades.

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b), 481.209 FS. History—New 12-23-79, Amended 9-16-80, 7-6-82, 5-18-83, Formerly 21B-14.04, Amended 7-16-89, 9-17-89, 6-13-90, Formerly 21B-14.004, Amended 4-22-97, Repealed \_\_\_\_\_.

61G1-14.005 Grade Review Procedure.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2) FS. History—New 12-23-79, Formerly 21B-14.05, 21B-14.005, Repealed \_\_\_\_\_.

61G1-14.0051 Transfer Credits from Previous Professional Examinations.

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b),(2), 481.209 FS. History—New 5-18-83, Formerly 21B-14.051, Amended 9-23-86, 12-10-86, Formerly 21B-14.0051, Amended 4-22-97, Repealed \_\_\_\_\_.

61G1-14.006 Reexamination.

Specific Authority 455.217 FS. Law Implemented 455.217(2), 481.209 FS. History—New 12-23-79, Amended 5-18-83, Formerly 21B-14.06, 21B-14.006, Amended 4-22-97, Repealed \_\_\_\_\_.

61G1-14.007 Foreign Licensure Examinations.

Specific Authority 455.217(1), 455.11(2) FS. Law Implemented 455.217(1), 455.11(2) FS. History—New 11-26-80, Formerly 21B-14.07, 21B-14.007, Repealed \_\_\_\_\_.

61G1-14.008 Security on Examinations.

Specific Authority 455.217, 120.54(8) FS. Law Implemented 455.217 FS. History—New 12-19-82, Formerly 21B-14.08, 21B-14.008, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

Table with 2 columns: RULE TITLES and RULE NOS.: Content of Examination (61G1-20.002), Grading Criteria (61G1-20.003), Passing Grades (61G1-20.004), Grade Review Procedure (61G1-20.005), Transfer Credit (61G1-20.006), Reexamination (61G1-20.007)

PURPOSE AND EFFECT: The Board has voted to repeal these rules.

SUMMARY: These are repeals of rules.

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

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

SPECIFIC AUTHORITY: 455.217 FS.

LAW IMPLEMENTED: 455.217(1)(b),(2), 481.209 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULES IS:

61G1-20.002 Content of Examination.

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b), 481.209 FS. History-New 7-4-90, Formerly 21B-20.002, Repealed

61G1-20.003 Grading Criteria.

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b), 481.209 FS. History-New 7-4-90, Formerly 21B-20.003, Repealed

61G1-20.004 Passing Grades.

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b), 481.209 FS. History-New 7-4-90, Formerly 21B-20.004, Repealed

61G1-20.005 Grade Review Procedure.

Specific Authority 455.217 FS. Law Implemented 455.217(2) FS. History-New 7-4-90, Formerly 21B-20.005, Repealed

61G1-20.006 Transfer Credit.

Specific Authority 455.217 FS. Law Implemented 455.217(1)(b),(2), 481.209 FS. History-New 7-4-90, Formerly 21B-20.006, Repealed

61G1-20.007 Reexamination.

Specific Authority 455.217 FS. Law Implemented 455.217(2), 481.209 FS. History-New 7-4-90, Formerly 21B-20.007, Amended 5-3-98, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Continuing Education for Interior Designers RULE NO.: 61G1-21.001

PURPOSE AND EFFECT: The proposed rule amendment reorganizes existing language and clarifies the two ways an interior designer can meet continuing education requirements. Amendment also removes outdated language.

SUMMARY: The proposed rule amendment clarifies the two ways to meet continuing education requirements and that both ways require the licensee to acquire a minimum of 2 hours of the required 20 hours of continuing education, by completing an approved specialized or advanced course relating to their respective area of practice. Amendment also removes outdated language.

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: 481.2055 FS.

LAW IMPLEMENTED: 481.215(3),(4),(5),(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-21.001 Continuing Education for Interior Designers.

(1) Each interior designer in Florida shall be required to reestablish the interior designer's professional knowledge and competency in conformity with this rule by the completion of 20 contact hours of continuing professional education per biennium. This requirement shall be met through either:

(a) ~~as secured through P~~ programs approved by the Board, provided that a minimum of two (2) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the interior designer's respective area of practice; or ~~by~~

(b) ~~S~~ submission of proof of compliance with the continuing education requirements of another state in which the interior designer is licensed, provided that the requirements of the other state equal or exceed the completion of 20 contact hours in a two (2) year period, and be that the education build upon the basic knowledge of interior design, and require that a minimum of two (2) of the 20 required contact hours be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the interior designer's respective area of practice.

~~(2) Each interior designer whose license was in an active status on January 31, 1991, shall complete the first two-year reestablishment period on October 15, 1992.~~

~~(2)(3)~~ The initial and each succeeding reestablishment period shall begin on February 28 of the year that the interior designer is licensed if that year is an odd-numbered year or the next odd-numbered year if the interior designer is licensed in an even-numbered year, and end on February 28, two (2) years thereafter.

~~(4) A minimum of two (2) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the interior designer's respective area of practice.~~

Specific Authority 481.2055 FS. Law Implemented 481.215(3),(4),(5),(6) FS. History—New 11-29-90, Amended 9-2-92, Formerly 21B-21.001, Amended 5-4-97, 4-12-04, 12-13-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Continuing Education for Architects

RULE NO.: 61G1-24.001

PURPOSE AND EFFECT: The proposed rule amendment reorganizes existing language and clarifies the two ways an architect can meet continuing education requirements. Amendment also removes outdated language.

SUMMARY: The proposed rule amendment clarifies the two ways to meet continuing education requirements and that both ways require the licensee to acquire a minimum of 2 hours of the required 20 hours of continuing education, by completing an approved specialized or advanced course relating to their respective area of practice. Amendment also removes outdated language.

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: 481.2055 FS.

LAW IMPLEMENTED: 481.215(3),(4),(5),(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-24.001 Continuing Education for Architects.

(1) Each architect in Florida shall be required to reestablish the architect's professional knowledge and competency in conformity with this rule by the completion of 20 contact hours of continuing professional education per biennium. This requirement shall be met through either:

(a) ~~as secured through P~~ programs approved by the Board, provided that a minimum of two (2) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the architect's respective area of practice; or ~~by~~

(b) ~~S~~ submission of proof of compliance with the continuing education requirements of another state in which the architect is licensed, provided that the requirements of the other state equal or exceed the completion of 20 contact hours in a two (2) year period, be and that the education build upon the basic knowledge of architecture, and require that a

minimum of two (2) of the 20 required contact hours be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the architect's respective area of practice.

~~(2) All architects licensed on or before February 28, 1995 will be required to complete their first two year establishment period on February 28, 1997. Succeeding establishment periods will begin on February 28 of every odd numbered year thereafter.~~

~~(2)(3) Architects licensed after February 28, 1995 will begin their first two-year establishment period on February 28 of the year that the architect is licensed if that year is an odd-numbered year or February 28 of the next odd-numbered year if the architect is licensed in an even-numbered year.~~

~~(4) A minimum of two (2) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the architect's respective area of practice.~~

Specific Authority 481.2055 FS. Law Implemented 481.215(3),(4),(5),(6) FS. History--New 1-17-96, Amended 4-12-04, 12-13-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Architecture and Interior Design  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLES:	RULE NOS.:
Membership	61J2-25.001
Meetings	61J2-25.002
Chairperson	61J2-25.003
Minutes	61J2-25.004
Official Records	61J2-25.005
Principal Office	61J2-25.006
Committee Members Compensation	61J2-25.007

PURPOSE AND EFFECT: These rules are being repealed as they governed the internal organization and operation of the Education Research & Foundation Advisory Committee which was dissolved during the 2000 Legislative session. All duties and responsibilities were transferred to the Florida Real Estate Commission (FREC).

SUMMARY: These rules governed the Foundation Advisory Committee with regard to membership, meetings, chairperson, minutes, official records, principal offices, and committee members compensation.

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: 475.045 FS.

LAW IMPLEMENTED: 455.207(3), 475.045 FS.

IF REQUESTED, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING DATE 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 RULES IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-25.001 Membership.

Specific Authority 475.045 FS. Law Implemented 455.207(3), 475.045 FS. History--New 11-17-87, Amended 3-1-89, 7-20-93, Formerly 21V-25.001, Amended 4-22-98, Repealed \_\_\_\_\_.

61J2-25.002 Meetings.

Specific Authority 475.045 FS. Law Implemented 475.045 FS. History--New 11-17-87, Amended 7-20-93, Formerly 21V-25.002, Repealed \_\_\_\_\_.

61J2-25.003 Chairperson.

Specific Authority 475.045 FS. Law Implemented 475.045 FS. History--New 11-17-87, Amended 6-28-93, Formerly 21V-25.003, Repealed \_\_\_\_\_.

61J2-25.004 Minutes.

Specific Authority 475.045 FS. Law Implemented 475.045 FS. History--New 11-17-87, Amended 7-20-93, Formerly 21V-25.004, Repealed \_\_\_\_\_.

61J2-25.005 Official Records.

Specific Authority 475.045 FS. Law Implemented 475.045 FS. History--New 11-17-87, Amended 6-28-93, Formerly 21V-25.005, Repealed \_\_\_\_\_.

61J2-25.006 Principal Office.

Specific Authority 475.045 FS. Law Implemented 475.045 FS. History--New 11-17-87, Amended 7-20-93, Formerly 21V-25.006, Repealed \_\_\_\_\_.

61J2-25.007 Committee Members Compensation.

Specific Authority 475.045 FS. Law Implemented 475.045 FS. History--New 11-17-87, Amended 7-20-93, Formerly 21V-25.007, Repealed \_\_\_\_\_.

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: August 18, 2003

**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.”

Errors	Grade
>=4	0.0
3	0.5
2	2.0
1	3.5
0	5

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Dental Hygiene Examination

RULE NO.: 64B5-2.0135

PURPOSE AND EFFECT: The Board proposes the rule amendment to provide dental hygiene examination candidates the ability to assess board patients in order to assure that the patient presents the needed diagnosis according to the examination to be performed and also to screen for any significant health problems that might present potential risks during the clinical board examination.

SUMMARY: The proposed rule would allow examination candidates for the dental hygiene clinical boards under direct supervision to assess the suitability of patients as board patients.

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: 456.017, 466.004(4), 466.007 FS.

LAW IMPLEMENTED: 456.017, 466.007, 466.009(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0135 Dental Hygiene Examination.

(1) through (5) No change.

(6) The three parts of the clinical (or practical) portion of the examination shall be graded as follows:

(a) through (b) No change.

(c) For the root planing part, an applicant’s score will be based on the absence of or number of corroborated errors committed. Only four teeth will be evaluated and at least one of which shall be a multi-rooted molar. The four teeth will be identified by ~~to~~ the applicant and authorized by the examiner prior to the beginning of the clinical (or practical) part.

(7) through (8) No change.

(9) Candidates for the dental hygiene state clinical boards may assess patients for suitability as board patients at any dental office under the direct supervision of a dentist, or at any accredited dental hygiene program or accredited dental school under direct supervision of a program faculty member. A candidate that fails the prophylaxis shall retake the entire clinical examination. A candidate that fails only the root planing part shall retake that part, and shall be allowed 45 minutes.

Specific Authority 456.017, 466.004(4), 466.007 FS. Law Implemented 456.017, 466.007, 466.009(3) FS. History–New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended 10-31-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Standards of Practice – Drug

RULE NO.: 64B16-27.830

Therapy Management

64B16-27.830

PURPOSE AND EFFECT: The Board proposes the rule amendments to address practice requirements regarding formulary compliance approval. The amendments are the result of the Board’s comprehensive review of all rules in Chapter 64B16-27, F.A.C., and the consolidation of all pharmacist practice requirements into the rule chapter.

SUMMARY: The proposed rule amendments set forth the requirements for dispensing prescriptions from practitioners designated as “formulary compliance approval.”

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, 465.0155 FS.  
LAW IMPLEMENTED: 465.003(13), 465.0155, 465.022(1)(b) FS.

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

64B16-27.830 Standards of Practice – Drug Therapy Management.

(1) through (3) No change.

(4) A pharmacist may dispense a drug pursuant to a prescription where the practitioner indicates on the prescription “formulary compliance approval” either in the practitioner’s own handwriting or preprinted with a box where the practitioner indicates approval by checking the box when:

(a) The pharmacist receives a formulary change as a consequence of the patient’s third party plan or Medicaid.

(b) The product that the third party formulary designates as its preferred product is a therapeutic equivalent for the prescribed product. A therapeutic equivalent is a product that is in the same therapeutic class as the prescribed drug.

(c) The pharmacist, within 24 hours of the formulary compliance substitution, shall provide to the practitioner either in writing or by facsimile a statement indicating that the pharmacist engaged in formulary compliance and the therapeutic equivalent that the pharmacist dispensed.

(d) The pharmacist has complied with the requirements of Rule 64B16-27.530, F.A.C., with regard to notification to the patient.

The pharmacist may make adjustments in the quantity and directions to provide for an equivalent dose of the preferred formulary therapeutic alternative.

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

Specific Authority 465.005, 465.0155 FS. Law Implemented 465.003(13), 465.0155, 465.022(1)(b) FS. History–New 4-4-00, Amended

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: April 13, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE TITLE: Physical Environment  
RULE NO.: 65C-22.002

PURPOSE AND EFFECT: The modifications to the Physical Environment, General Requirements will clarify that the provision which prohibits firearms or weapons as defined in Section 790.001, F.S., in any building or conveyance, or upon any person located on the premises of a child care facility, does not apply to local, state or federal law enforcement officers.

SUMMARY: The modifications to the minimum physical environment standards will, clarify that the prohibition of firearms or weapons as defined in Section 790.001, F.S., does not apply to local, state or federal law enforcement officers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 402.302, 402.305 FS.

LAW IMPLEMENTED: 402.302, 402.305 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., May 23, 2005

PLACE: Room 361A, Bldg. 6, 3rd Floor, Department of Children and Families, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

The purpose of this hearing, if held, will be to obtain public comments on proposed rule revisions in Chapter 65C-22, Florida Administrative Code, pertaining to the areas of the physical environment in child care facilities.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Abbie Messer, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-22.002 Physical Environment.

(1) General Requirements.

(a) through (d) No change.

(e) No firearms or weapons as defined in Section 790.001, F.S., shall be allowed within any building or conveyance, or upon any person located on the premises, excluding federal state or local Law Enforcement Officers.

(f) No narcotics, alcohol, or other impairing drugs shall be present on the premises.

(g) through (h) No change.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, 9-12-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Abbie Messer, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd., Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE TITLE: Training  
 RULE NO.: 65C-22.003

PURPOSE AND EFFECT: The purpose and effect of these rule changes are to modify the minimum training standards for child care in Florida. The modifications to the minimum training standards in this document will, clarify the requirements for early literacy and language development training, including documentation of completion of this mandatory training, revise the child care facility staff credential requirements relating to employment history recognition exemptions, clarify the credentialed staff requirements during periods of transition and the methods of calculating the number of credentialed personnel necessary in a child care facility, and modify the Application to Provide the Florida School Age Certification Training Program.

The modifications will revise the Child Development Associate Equivalency (CDAE) credential renewal requirements, including documents and training required, extend the grace period for renewals of existing CDAE credentials, make the renewal of CDAE credentials mandatory and move the review and issuance of CDAE renewals from the CDAE program providers to the Department of Children and Family Services.

SUMMARY: The modifications to the minimum training standards will, clarify the requirements for early literacy and language development training, revise the child care facility staff credential requirements relating to employment history recognition exemptions, and periods of transition, modify the Application to Provide the Florida School Age Certification Training Program and modify the Child Development Associate Equivalency (CDAE) credential renewal requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 402.302, 402.305 FS.

LAW IMPLEMENTED: 402.302, 402.305 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., May 23, 2005

PLACE: Room 361A, Bldg. 6, 3rd Floor, Department of Children and Families, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Abbie Messer, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

The purpose of this hearing, if held, will be to obtain public comments on proposed rule revisions in Chapter 65C-22, Florida Administrative Code, pertaining to the areas of child care training requirements.

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-22.003 Training.

(1) No change.

(2) Training Requirements.

(a)1. through 5. No change.

(b)1. through 6. No change.

7. Early Literacy for Children Age Birth to Three in the Child Care Environment (5 hours web based).

(c) No change.

(d) Pursuant to Section 402.305(2)(d)5., F.S., all child care personnel must complete 5-clock-hours or .5 continuing education units (CEU's) of training in early literacy and language development of children birth to 5 years of age. Literacy training must be a single class or course that is no less than 5 hours in duration and focuses on early literacy and language development of children from birth to 5 years of age.

~~1.(d)~~ All child care personnel employed on or before December 31, 2004 shall complete 5-clock-hours or .5 documented continuing education units (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005.

2. All child care personnel hired on or after January 1, 2005, shall complete early literacy training ~~this training~~ within 12 months of the date of employment. ~~Literacy training must be a single class or course that is no less than 5 hours in duration.~~

3. In order to meet this requirement, child care personnel must complete one of the following: ~~select a~~

a. The department's online literacy course available at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training).

b. A training course from the Department of Children and Family Services' list of approved literacy training programs, which can be accessed by contacting the licensing authority or by going to [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training). The Department of Children and Family Services will continue to approve literacy courses through May 31, 2005. After this date, no additional courses will be added to the list; or

c. One college level early literacy course if taken (for credit or non-credit) within the last 5 years.

4. Literacy training that was taken ~~within~~ between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority ~~until January 1, 2005~~, if it meets all the required components stated above.

(e) No change.

1. through 2. No change.

3. A copy of the certificate or training transcript for the director and owner must be included in the department's official licensing file.

(3) through (6) No change.

(7) Staff Credentials.

(a) Every licensed child care facility must have one member of its child care personnel for every 20 children with one of the following qualifications:

1. An active National Child Development Associate (CDA) Credential.

2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, April 05 Feb. 04, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference. CF-FSP Form 5211 may be obtained on by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training).

3. An active Graduate of a state approved Florida CDA eEquivalency (CDAE) credential training program.

a. Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, April 05 Feb. 04, Application for Child Development Associate (CDA) Equivalency for Training Programs, which is incorporated by reference, to the Department of Children and Family Services for approval.

CF-FSP Form 5191 may be obtained on by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training).

b. The criterion for programs wishing to be recognized as a state approved CDA ~~e~~Equivalency is determined by the Department of Children and Family Services and is outlined on the Application for Child Development Associate (CDA) Equivalency ~~for~~ Training Programs, CF-FSP 5191.

c. The Department of Children and Family Services will only approve CDA Equivalency programs that are accredited by one of the national or regional accreditation organizations recognized by the United States Department of Education or licensed by the Florida Commission for Independent Education.

4. Employment History Recognition Exemption.

a. In addition to the requirements and time frames established in statute ~~(a person employed in a child care facility on July 1, 1995, who has a high school diploma or its equivalent and has at least 10 years of documented experience, as determined by the department, in child care between July 1, 1980 and July 1, 1995, or 10 years of teaching experience in early childhood education through grade 3 in a public or private school since July 1, 1980, meets the minimum staff credential requirement)~~, employment history experience must include a minimum of 15 hours per week or per year or 540 hours per year working with children in a licensed, registered or exempt child care program as defined in Section 402.301, F.S., or teaching experience in a public or private school.

b. No change.

5. An active Graduate of the approved Florida School-Age Certification Training Program.

a. ~~Early Childhood Education Training providers organizations seeking to offer provide~~ the Florida School-Age Certification Training Program must utilize the Florida School-Age Certification Training Program as approved by the Department of Children and Family Services ~~and Organizations seeking to provide the Florida School-Age Certification Training Program~~, must apply for approval on CF-FSP Form 5257, April 05 July 02, Application to Provide the Florida School-Age Certification Training Program, which is incorporated by reference. The application CF-FSP Form 5257 may be obtained on by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training). Effective July 1, 2005, the Department of Children and Family Services will only approve Florida School-Age Certification Training Programs that are accredited by one of the national or regional accreditation organizations recognized by the United States Department of Education or licensed by the Florida Commission for Independent Education.



b. In order to receive the Florida School-Age Certification, a candidate must have completed the Department of Children and Family Services' Florida School-Age Certification Training Program, which consists of the following:

(I) A total of 120 hours of training consisting of the successful completion of the training for School-Age Child Care Personnel identified in paragraphs 65C-22.008(4)(a) and (b), F.A.C.; Part I of the Introductory Child Care Training, and the Department of Children and Family Services approved School Age Appropriate Practices Training module, as evidenced by passage of competency examinations with a score of seventy (70) or better; and a minimum of 80-clock hours of training using the Department of Children and Family Services' approved curriculum, which focuses on the following six competency areas:

(I)(A) through (F) No change.

(II) through (IV) No change.

c. through d. No change.

e. Early Childhood Education Training providers organizations that offer provide the Florida School-Age Certification Training Program must complete CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Certification Training Program, which is incorporated by reference, for each graduate. The Early Childhood Education Training providers Organizations must submit the completed CF-FSP Form 5259 for each graduate, to the Department of Children and Family Services or its designated representative for processing upon completion of all components of the Florida School-Age Certification Training Program.

f. through g. No change.

(b) Periods of Transition. Child care personnel meeting the staff credentialing requirement in subparagraph (a)1.-5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and lunch times are excluded from this calculation. A credentialed staff person must be on-site on a full time basis for those facilities that operate 20 hours or less per week.

(c) Calculation of Number of Personnel Necessary.

1. Child care facilities with 19 or less children or which operate less than (8) hours per week are not subject to the credentialing requirement.

2. For every 20 children, a child care facility must have one child care personnel who meets the credentialing requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed staff member, facilities with 40-59 children must have 2 credentialed staff members, and so on.

3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.

4. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.

5. In addition to CF-FSP Form 5206, April 05, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.

(d)(b) CDA or CDAE Renewal. A CDA or (CDAE) must Child Development Associate Equivalency may be renewed as specified in subparagraphs 1.-63. below. However, for the purpose of meeting the staff credentialing requirement for every 20 children in care, as mandated in Section 402.305(3), F.S., a renewal is not required, but is encouraged and appropriate if the individual chooses.

1. Florida CDAE Renewals. To maintain an active Florida CDAE, every 5 years a candidate must renew their Florida CDAE by completing complete and provide documentation of the following criteria, along with the Florida CDAE Renewal Application, CF-FSP 5273, April 05, Feb. 2004, which is incorporated by reference, and may which can be obtained on by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training); incorporated herein by reference. The Florida CDAE Renewal will be documented on CF-FSP 5270, Feb. 05, Florida CDA Equivalency Certificate of Renewal, which is incorporated by reference. Renewal applications may be submitted no earlier than one year prior to the expiration date of the active CDAE certificate. The completed renewal application must be submitted to the Department of Children and Family Services and include documentation of the following criteria:

a. No change.

b. Proof of 45 hours of professional education obtained within the past five years by meeting one of the following:

(I)b. Proof of Aat least 4.5 Continuing Education Units (CEUs); ~~or a~~

(II) ~~T~~three college credits ~~credit hour course~~ in early childhood education/child development, within the past 5 years that is in addition to the original 120 clock hours required for obtaining the CDA equivalency credential;

(III) Forty-five (45) clock hours of early childhood education/child development training completed at a Florida Career Education Center (public vocational or technical school), Florida Community Colleges, or an institution licensed by the Florida Commission for Independent Education.

4. Any combination of the professional education outlined in subparagraphs 65C-22.003(7)(d)1.b.(I)-(III), F.A.C., listed above.

c. through e. No change.

f. Copy of a CDA or CDAE credential. Three (3) completed Parent Opinion Questionnaires (within current year), documented on CF-FSP 5271, Feb. 2004, which can be obtained by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training), or an equivalent form that contains all the information required by the Department of Children and Family Services' Form.

g. The renewal fee for processing the Florida CDAE renewal application shall be \$25.00 \$65.00. Payment must be via a business check or a money order. No personal checks will be accepted.

2. Individuals with a Florida CDAE credential obtained before December 31, 2003 will have the opportunity to renew this credential by submitting a completed Florida CDAE Renewal Application, CF-FSP 5273, with the required documentation, by December 31, 2008. A Florida CDAE issued after December 31, 2003 will have a renewal date of 5 years from the date of issuance.

3. If a CDAE credential is not renewed prior to the expiration date, an individual with an expired CDAE credential may submit a renewal application for a period up to three (3) years after the CDAE credential expiration date. The application will be reviewed, and if approved, a certificate issued with a five-year expiration date based on the date the completed renewal application is processed. The State of Florida CDAE program will renew and issue a CDAE renewal to individuals holding an inactive National CDA upon submission of the renewal documents specified in paragraph 65C-22.003(7)(b), F.A.C., above. This renewal option will be available through June 30, 2005. The Florida CDAE renewal will be documented on CF-FSP 5270, Feb. 2004, Florida CDA Equivalency Certificate of Renewal. CF-FSP 5270 may be obtained by going to the Department of Children and Family Services' website at [www.myflorida.com/childcare/training](http://www.myflorida.com/childcare/training).

4.2. National CDA Renewals. To renew a National CDA, that is not current, individuals may must contact the Council for Early Childhood Professional Recognition, located in Washington, DC, at 1(800)424-4310, or follow the Florida CDAE renewal process outlined in subparagraphs 65C-22.003(7)(b)1.-4., F.A.C. and complete a waiver form which can be obtained by going to their website at <http://www.edacouncil.org>.

5. An individual with an expired CDA or CDAE is ineligible to be counted as a credentialed staff person pursuant to paragraph 65C-22.003(7)(a), F.A.C., until the CDA or CDAE credential is renewed or the individual meets one of the other qualifications listed in subparagraph 65C-22.003(7)(a)1.-4., F.A.C.

(e) Periods of Transition. Child care personnel meeting the credentialing requirement in (a)1.-5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and

lunch times are excluded from this calculation. A credentialed staff person must be on-site on a full time basis for those facilities that operate 20 hours or less per week.

(e)(d) Verification of Education and Employment History.

1. Child care personnel seeking satisfaction of the staff credentialing requirement, in subparagraphs 65C-22.003(7)(a)1.-5., F.A.C., of this section, are responsible for completing and submitting to the Department of Children and Family Services or its designated representative CF-FSP Form 5211, April 05 Feb. 04, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation.

2. through 3. No change.

(e) Calculation of Number of Personnel Necessary.

1. Child care facilities with 19 or less children or which operate less than (8) hours per week are not subject to the credentialing requirement.

2. For every 20 children, a child care facility must have one child care personnel who meets the credentialing requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed staff member, facilities with 40-59 children must have 2 credentialed staff members, and so on.

3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.

4. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.

5. In addition to CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.

(8) Director Credential.

(a) through (g) No change.

(h) Renewal.

1. To maintain an active valid temporary Director Credential or Director Credential at either level, every 5 years, candidates must have an active staff credential documented on CF-FSP 5206, Child Care Personnel Professional Development Confirmation Form, and complete and document 4.5 Continuing Education Units (CEUs), or three college credit hours one hour course in any one of the curriculum areas listed in subparagraph 65C-22.003(8)(c)5., F.A.C. Coursework must be in addition to the original coursework required for the credential. Coursework completed to renew a State of Florida Teaching Certificate also satisfies this coursework requirement

for renewal of a Director Credential. Candidates must also demonstrate professional contributions in the field through any one of the following:

a. Serve as an officer or committee member in a professional organization related to the field of early childhood or school age programs;

b. through h. No change.

i. Participate in a creative activity, outside of the candidate's child care program, relating production that relates to the field of early childhood or school-age programs.

2. A Director Credential issued prior to January 1, 2004 will have an initial renewal date of January 1, 2009 and every 5 years thereafter. A Director Credential issued after January 1, 2004 will have an initial renewal date after 5 years and every 5 years thereafter. The completed application, including all required documentation, must be submitted to the Department of Children and Family Services for review and issuance of a Director Credential certificate no earlier than one year prior to the expiration date of the active Director Credential. The renewal date will be determined by the active Director Credential expiration date.

3. If a renewal application is received after the Director Credential expiration date, the Director Credential renewal application will be reviewed, and if approved, a certificate issued with a five-year expiration date based on the date the completed renewal application is processed.

4. An individual with an inactive Director Credential is ineligible to be the director of a child care facility.

(i) No change.

(j) Before-school and after school sites.

1. A director holding a foundational or advanced Director Credential may supervise multiple before-school and after-school sites for a single organization as follows:

a. through b. No change.

c. In counties where the public school district has included 4-year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve 4-year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in subparagraphs 65C-22.003(7)(6)(a)1.-5., F.A.C., in order to accommodate the 4-year old children.

2.a. through d. No change.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, 9-12-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Abbie Messer, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd., Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-50.001
Definitions	67-50.005
Fees	67-50.010
General Program Eligible Activities	67-50.030
General Program Restrictions	67-50.040
Scattered Site Developments	67-50.045
HAP Restrictions	67-50.050
HOME Restrictions	67-50.060
Application and Selection Procedures	67-50.070
Credit Underwriting Procedures	67-50.080

PURPOSE, EFFECT AND SUMMARY: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the Homeownership Loan Program which provides funds to assist Developers with the construction of affordable housing and provides purchase assistance to Eligible Homebuyers. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of the program.

SPECIFIC AUTHORITY: 420.507(12),(14),(23) FS.

LAW IMPLEMENTED: 420.507(23), 420.5088, 420.5089 FS.

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

DATE AND TIME: Tuesday, May 24, 2005, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Nicole Gibson at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bridget Warring, Homeownership Loan Program Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

## THE FULL TEXT OF THE PROPOSED RULES IS:

## 67-50.001 Purpose and Intent.

The purpose of this rule chapter is to establish the Homeownership Loan Program procedures by which the Corporation shall:

(1) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the Florida Homeownership Assistance Program (HAP)/Construction Loan Program ~~and provide purchase assistance to Eligible Homebuyers under the HAP Permanent Loan Program~~ as authorized by Sections 420.507 and 420.5088, Florida Statutes (F.S.); and

(2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership Program as authorized by Section 420.5089, F.S. and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this rule chapter by reference and which is available on the HUD website at www.hud.gov.

Specific Authority 420.507(12),(14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History—New 9-5-02, Amended 12-28-04,

## 67-50.005 Definitions.

As used in this rule chapter, the following definitions shall apply:

(1) through (2) No change.

(3) “Adjusted Income” means the gross income from wages or assets, cash or non-cash contributions, and any other resources and benefits determined to be income by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, as defined in 24 CFR § 5.609, formerly known as Section 8, which is adopted and incorporated herein by reference and which is available on the HUD website at www.hud.gov. For HAP, the 4-person income limit will be utilized for households of 1 to 4 persons with adjustments made for additional household members.

(4) through (14) No change.

(15) “CHDO” or “Community Housing Development Organization” means an Community Housing Development Organization as defined in Section 420.503, F.S., and organized pursuant to HUD Notice CPD 97-11, which is adopted and incorporated herein by reference and which is available on the HUD website at www.hud.gov.

(16) No change.

(17) “Community Land Trust” means a community housing development organization which acquires or develops parcels of land for the primary purpose of providing affordable housing in perpetuity through conveyance of the structural improvement subject to a long term ground lease which retains

a preemptive option to purchase any such structural improvement at a price determined by a formula designed to ensure the improvement remains affordable in perpetuity.

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

~~(21)(20)~~ “Contractor” or “General Contractor” means a person or entity duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.

(21) through (48) renumbered (22) through (49) No change.

~~(49) “General Contractor” means a person or entity duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.~~

(50) “HAP” or “HAP Program” “Florida Home Ownership Assistance Program” means the Florida Homeownership Home Ownership Assistance Program created under Section 420.5088, F.S.

(51) No change.

(52) “HLP” or “Homeownership Loan Program” means the combined rule and Application, that incorporates incorporating the HAP Construction, HAP Permanent, and HOME Homeownership Loan Programs. These programs provide funding for either construction or purchase assistance.

(53) through (67) No change.

(68) “Non-Profit” means a qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the Code, and organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, to provide low-income housing and other services on a not-for-profit basis, which owns at least fifty one percent (51%) of the ownership interest in the Development held by the general partner entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for housing.

(69) through (76) No change.

(77) “QCT” or “Qualified Census Tract” means any census tract that is designated by the Secretary of HUD as having either fifty percent (50%) or more of the households at an income that is less than sixty percent (60%) AMI or a poverty rate of at least twenty five percent (25%), in accordance with Section 42(d)(5)(C) of the Code.

(78) through (82) No change.

(83) “Scattered Sites” means an individual action on a project of five (5) or more housing units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four (4) housing units on any one site Development consisting of five or more single family residential units, where no more than four single family residential units are located on any one site and any additional site or sites must not share a common boundary.

(84) "Second Mortgage" means the recorded mortgage securing the HAP or HOME Construction Loan or the HAP or HOME Purchase Assistance Loan; which is subordinate only to the First Mortgage unless otherwise approved by the Board.

(85) through (98) No change.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History--New 9-5-02, Amended 5-4-03, 12-28-04, \_\_\_\_\_.

67-50.010 Fees.

(1) No change.

(2) Upon acceptance of the invitation to enter credit underwriting, the Applicant will be required to pay a commitment fee.

(3)(2) No change.

(4)(3) With respect to HOME, the fees referenced in subsection (3)(2) above are paid directly by the HOME Program.

(5)(4) Penalty Fees: Applicants will be charged a penalty fee of \$100 for each extension request, pursuant to Section 420.507(4), F.S., payable at the time of the request, for the following:

(a) Deadline to submit information to the Credit Underwriter;

(b) Loan Closing Date;

(c) Commencement of construction; and

~~(d) Construction completion; and~~

~~(d)(e) Commitment expiration.~~

(6)(5) Failure to pay any fee shall cause any ~~the loan~~ commitment of funds to be terminated or shall constitute a default on the respective loan documents.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(19), 420.5088, 420.5089 FS. History--New 9-5-02, Amended 5-4-03, 12-28-04, \_\_\_\_\_.

67-50.030 General Program Eligible Activities.

(1) No change.

(2) Funds may be used for the following eligible costs:

(a) No change.

(b) Soft costs as they relate to the identified assisted units must be reasonable and necessary, as determined by the Corporation and Credit Underwriter, and associated with the financing, development, or both, including:

1. through 2. No change.

3. Developer Fees, including administrative overhead, are limited to sixteen percent (16%) of the Total Development Cost and Contractor fees are limited to fourteen percent (14%) of the actual construction cost; The Developer Fee cannot increase over the life of the Development;

4. through 6. No change.

7. Temporary relocation costs, as required for the HOME Program.

(3) through (4) No change.

(5) The Corporation shall make individual homebuyer Permanent Loans under the SFMRB Program utilizing HAP or and HOME funding available to participating lenders in the SFMRB Program for eligible homebuyers, in accordance with the SFMRB documents and Rule Chapters 67-25 and 67-45, F.A.C. If HAP or HOME funding is used in conjunction with the SFMRB Program, the homebuyer may not utilize more than one down payment assistance program sponsored by the Corporation.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088, 420.5089 FS. History--New 9-5-02, Amended 5-4-03, 12-28-04, \_\_\_\_\_.

67-50.040 General Program Restrictions.

(1) through (4) No change.

(5) ~~The term of the HLP funding must be expended within Construction Loan shall be for a period of three (3) years of,~~ beginning on the Loan Closing Date unless otherwise approved by the Board.

(6) through (8) No change.

(9) Prior to disbursing any funds, there must be a written agreement with the Applicant ensuring compliance with the requirements of ~~the HLP Program,~~ pursuant to this rule chapter, Florida Statutes, and HUD Regulations.

(10) through (13) No change.

(14) The unpaid principal balance of the Construction Loan shall be due and payable upon the sale or transfer of the secured property.

(15) through (16) No change.

(17) Applicants that choose to withdraw from the program ~~after the receipt of a firm commitment and~~ prior to developing any units shall be responsible for repayment of any expenses paid by the Corporation, including credit underwriting, environmental review, and monitoring services fees.

(18) through (25) No change.

~~(26) Scattered Sites Developments. Applicants will have 60 days from the date of the invitation to enter in credit underwriting to submit site control information to the underwriter for analysis. Failure to submit the required documentation for all sites identified in the Application will result in the underwriter adjusting the funding request proportionate to the number of units for which site control was secured. If the site control information submitted to the underwriter is less than 50% of the total units committed to in the initial Application, the Corporation will require the Applicant to withdraw and relinquish the allocation.~~

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History--New 9-5-02, Amended 5-4-03, 12-28-04, \_\_\_\_\_.

67-50.045 Scattered Site Developments.

(1) A Scattered Site Development must meet the definition in subsection 67-50.005(83), F.A.C., under this rule chapter. Information in this section is meant to clarify the credit underwriting and environmental review process. All other requirements of HLP still apply.

(2) Applicants will not be required to demonstrate site control during the application cycle or credit underwriting unless construction financing is requested. However, each Applicant will be required to submit supporting information for the general areas in which funding will be used during the credit underwriting process for the proposed number of homes. This option is available to Applicants applying for purchase assistance funds only.

(3) Florida Housing’s Credit Underwriter will perform an underwriting analysis of the Developer to determine experience, financial capacity and the economic feasibility of the proposed Development and make a recommendation to the Board.

(4) Upon completion of credit underwriting and approval from the Board, the Developer must identify suitable lots in groups of a minimum of four (4), demonstrate site control for those lots, and provide the appropriate information to all service providers for further analyses relating to environmental impacts, suitability and affordability.

(5) All Scattered Site Developments will be required to undergo an environmental analysis in accordance with ASTM E1528-00 standards. The analysis must be completed prior to the submission of the group of four (4) or more lots to the Corporation.

(6) For HOME developments only, as an additional HUD requirement, Florida Housing’s environmental specialist, or designee, will perform the environmental analysis pursuant to 24 CFR § 92.352.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History–New \_\_\_\_\_.

67-50.050 HAP Restrictions.

(1) HAP ~~funding Construction Loans~~ shall be made available for either the construction of affordable housing Developments or purchase assistance to Eligible Homebuyers. Funding shall also be made available for land acquisition, predevelopment expenses and infrastructure; however, in no event shall the funds be used solely for these purposes.

(2) through (5) No change.

(6) ~~HAP Purchase Assistance Loan~~. The terms of the HAP Purchase Assistance Loan made to an Eligible Homebuyer are as follows:

(a) A HAP Purchase Assistance Loan shall be made available to an Eligible Homebuyer who purchases a home built by a Developer participating in ~~the HLP Program~~, under HAP.

(b) No change.

(c) A HAP Purchase Assistance Loan is limited to the lesser of twenty five percent (25%) of the purchase price of the house or \$30,000 and may not exceed the initial amount of per home assistance as stated in the Application.

(d) No change.

(e) The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the appraised value of the home. In the one hundred five percent (105%) loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) year period or any portion of a subsidy that is forgivable within a five (5) year period.

(f) through (g) No change.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History–New 9-5-02, Amended 5-4-03, 12-28-04, \_\_\_\_\_.

67-50.060 HOME Restrictions.

(1) No change.

(2) The maximum per-unit subsidy of HOME funding is limited to the lesser of twenty five percent (25%) of the purchase price of the house or \$70,000, with the exception of Eligible Homebuyers with disabilities and Eligible Homebuyers at fifty percent (50%) AMI or below. For these exceptions, assistance shall not exceed thirty five percent (35%) of the purchase price and may not exceed the initial amount of per home assistance as stated in the Application.

(3) through (7) No change.

(8) All contracts for the construction of a Development with 12 or more HOME-Assisted Units must contain a provision requiring that the wages paid to all laborers and mechanics employed for the construction of the Development will not be less than the wages prevailing in the locality, as predetermined by the U.S. Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), 24 CFR § 92.354, 24 CFR § 70 (volunteers) and 40 U.S.C. 276c, which are adopted and incorporated herein by reference and which are available on the HUD website at www.hud.gov. Such contracts shall also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 327-333 (1994), and the Copeland Act (Anti-Kickback Act) 40 U.S.C. § 276c (1994) and the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), which are adopted and incorporated herein by reference and which are available on the HUD website at www.hud.gov.

(9) No change.

(10) If the Development contains 12 or more HOME-Assisted Units, Davis Bacon shall apply to all units in the Development. The Corporation requires attendance at a FHFC-sponsored preconstruction conference prior to the commencement of any physical construction activities regardless of the use of HOME funds. No waivers for this conference will be granted.

(10) through (11) renumbered (11) through (12) No change.

(13)(12) All HOME Developments must conform to the following federal requirements:

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, 42 U.S.C. 2000d et seq., 42 U.S.C. 3601-3620, 42 U.S.C. 6101, and 24 CFR § 5.105(a), which are adopted and incorporated herein by reference and are available on the HUD website at [www.hud.gov](http://www.hud.gov).

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351, which is adopted and incorporated herein by reference and is available on the HUD website at [www.hud.gov](http://www.hud.gov).

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR § 58 and National Environmental Policy Act of 1969, which are adopted and incorporated herein by reference and are available on the HUD website at [www.hud.gov](http://www.hud.gov). The Corporation requires HUD Environmental Review clearance prior to commencing any physical construction activities, regardless of the use of HOME funding.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, 42 U.S.C. 4201-4655, 49 CFR § 24, 24 CFR § 42 (Subpart B), and Chapter 104(d) "Barney Frank Amendments", which are adopted and incorporated herein by reference and are available on the HUD website at [www.hud.gov](http://www.hud.gov).

(e) Labor Standards as enumerated in 24 CFR § 92.354, 40 U.S.C. 276a-276a-5, 24 CFR § 70 (volunteers), and 40 U.S.C. 276c, which are adopted and incorporated herein by reference and are available on the HUD website at [www.hud.gov](http://www.hud.gov).

(f) Lead-based Paint as enumerated in 24 CFR § 92.355, 42 U.S.C. 4821 et seq., 24 CFR § 35 and 24 CFR § 982.401(j) (except paragraph 982.401(j)(1)(i)), which are adopted and incorporated herein by reference and are available on the HUD website at [www.hud.gov](http://www.hud.gov).

(g) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR § 85.36 and 24 CFR § 84.42, which are adopted and incorporated herein by reference and are available on the HUD website at [www.hud.gov](http://www.hud.gov).

(h) Debarment and Suspension as enumerated in 24 CFR § 5, which is adopted and incorporated herein by reference and is available on the HUD website at [www.hud.gov](http://www.hud.gov).

(i) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106), which is adopted and incorporated herein by reference and is available on the HUD website at [www.hud.gov](http://www.hud.gov).

(j) Handicapped Accessibility as enumerated in 24 CFR § 8 and 24 CFR § 100.205, which are adopted and incorporated herein by reference and are available on the HUD website at [www.hud.gov](http://www.hud.gov).

(k) Equal Opportunity Employment as enumerated in 41 CFR § 60, which is adopted and incorporated herein by reference and is available on the HUD website at [www.hud.gov](http://www.hud.gov).

(l) Economic Opportunity as enumerated in 24 CFR § 13.5, which is adopted and incorporated herein by reference and is available on the HUD website at [www.hud.gov](http://www.hud.gov).

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e), which is adopted and incorporated herein by reference and is available on the HUD website at [www.hud.gov](http://www.hud.gov).

~~(14)~~~~(13)~~ No change.

~~(15)~~~~(14)~~ A HOME-Assisted Unit shall qualify as affordable housing if:

(a) The value or initial purchase price of the property after construction does not exceed ninety-five percent (95%) of the median purchase price for the area, pursuant to 24 CFR § 92;

(b) The combined loan-to-value ratio cannot exceed one hundred five percent (105%) of the after construction or appraised value of the HOME-Assisted Unit, with the exception of Eligible Homebuyers with disabilities for which the ratio cannot exceed one hundred twenty percent (120%). In the loan-to-value calculation, the Corporation will not include any subsidy that contains forgivable terms within a five (5) year period or any portion of a subsidy that is forgivable within a five (5) year period;

(c) through (e) No change.

~~(16)~~~~(15)~~ No change.

~~(17)~~~~(16)~~ The Eligible Homebuyer shall adhere to the following terms and conditions:

(a) No change.

(b) Repayment of Principal on the HOME Purchase Assistance Loan shall be deferred until the homebuyer sells, transfers or disposes of the home either voluntarily or involuntarily, or ceases to occupy the home as a principal residence during the affordability period, pursuant to 24 CFR § 92.254(4). In the case of Community Land Trusts, loans may be assumed by Eligible Homebuyers.

~~(18)~~~~(17)~~ No change.

~~(19)~~~~(18)~~ Any borrower requesting subordination is subject to a one time processing fee not to exceed \$50. In the event it is determined that the borrower is not eligible for subordination, fifty percent (50%) of the processing fee will be returned to the borrower. Failure to submit the appropriate documentation and fees may result in a delay in receiving the subordination agreement.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 9-5-02, Amended 5-4-03, 12-28-04, \_\_\_\_\_.

67-50.070 Application and Selection Procedures.

(1) All Applicants must submit a completed HLP Application Package: HOMEOWN-0530 (Rev. 8/1/05 ~~12/9/04~~), which is adopted and incorporated herein by reference, and which can be obtained from the Corporation, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 and is available on the Corporation's Website. All Applications must:

(a) through (c) No change.

(2) through (8) No change.

(9) Notwithstanding any other provisions of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. ~~The These~~ items are as follows:

- (a) Name of Applicant;
- (b) Identity of each Name of the Developer, including all co-Developers;
- (c) Funding applied for (HAP or HOME);
- (d) ~~Total n~~Number of units;
- (e) Site for the Development (except for scattered site developments);
- (f) Type of Development category;
- (g) County;
- (h) Demographic or target demographic area;
- (i) Designation of Applicant (Non-Profit, for-profit, Local Government, Public Housing Authority, CBO, or CHDO); ~~and~~
- (j) Funding request amount;-
- (k) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline; and
- (l) Payment of the required Application fee by the Application Deadline.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New 9-5-02, Amended 5-4-03, 12-28-04, \_\_\_\_\_.

67-50.080 Credit Underwriting Procedures.

- (1) through (5) No change.
- (6) The Credit Underwriters shall request the following information:
  - (a) For Principals and guarantors, audited financial statements or financial statements compiled or reviewed in accordance with Statement on Standards for Accounting and Review Services (SSARS) No. 1, which is adopted and incorporated herein by reference and which can be obtained from the Corporation, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statement compiled or reviewed in accordance with SSARS No. 1 are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter and the two most recent year’s tax returns.
  - (b) No change.
  - (7) through (20) No change.

Specific Authority 420.507(12), (23) FS. Law Implemented 420.507(23), 420.5088, 420.5089 FS. History—New 9-5-02, Amended 5-4-03, 12-28-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget Warring, Homeownership Loan Program Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Esrone McDaniels, Deputy Development Officer, Homeownership, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2005

DATE NOTICE PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 31, No. 5, February 4, 2005

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLE: Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits

RULE NO.:

68B-14.0045

PURPOSE AND EFFECT: On February 17, 2005, the National Marine Fisheries Service published an emergency rule establishing trip limits for the commercial shallow-water grouper (black grouper, gag, red grouper, yellow-fin grouper, scamp, yellowmouth grouper, rock hind, and red hind) and deep-water grouper (misty grouper, snowy grouper, yellowedge grouper, warsaw grouper, and speckled hind) fisheries in the federal exclusive economic zone (EEZ) of the Gulf of Mexico adjacent to Florida. The federal emergency rule was effective on March 3, 2005. The purpose of this rule amendment pursuant to the expedited provisions of Section 120.54(6), Florida Statutes, is to conform state rules governing harvest of groupers in Florida waters of the Gulf of Mexico to these new federal trip limits. The effect of the rule amendment will be to assure enforcement of both state and federal rules and protect the health and abundance of Gulf grouper stocks.

SUMMARY: A new subparagraph 3. Is added to paragraph (3)(b) of Rule 68B-14.0045, F.A.C., to set commercial vessel trip limits for grouper harvest in state waters, to conform with a federal emergency regulation. The trip limits are based on vessel limit season segments corresponding to harvest levels under federal quotas.

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

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

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



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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

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

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

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

- (c) through (d) No change.

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

**FINANCIAL SERVICES COMMISSION**

**OIR Insurance Regulation**

RULE TITLE: Forms Adopted  
 RULE NO.: 69O-149.022

PURPOSE, EFFECT AND SUMMARY: To update existing forms and to adopt new form checklists to be used in the review of life and health form filings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.424(1)(c), 627.410, 636.216 FS.

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

TIME AND DATE: 9:30 a.m., May 25, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.022 Forms Adopted.

(1) The forms adopted in subsection (2), below, shall be used, as applicable, by insurers making form filings for life and accident insurance, annuities, and health insurance. All the forms in subsection (2), below, are hereby adopted and incorporated by reference. All forms ~~may be obtained from the Document Processing Section, Division of Administration, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0311.~~ Forms are also available and may be printed from the Office's website: www.fldfs.state.fl.us. ~~All forms may be reproduced at will.~~

(2)(a) Form OIR-B2-1507, "Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter", Rrev. 9/04 9/02.

(b) Form OIR-B2-1507 A, "Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet", Rrev. 9/04 9/02.

(c) Health Checklists.

1. OIR-B2-1616, "Blanket Application Checklist", Rev. 1/05. ~~Form OIR B2 520, "Florida Individual Health Application Checklist," rev. 4/91.~~
2. OIR-B2-535, "Blanket Health Contract Checklist", Rev. 1/04. ~~(d) Form OIR B2 521, "Florida Individual Health Contract Outline of Coverage Checklist," rev. 4/91.~~
3. OIR-B2-527, "Debtor Group Application Checklist", Rev. 1/04. ~~(e) Form OIR B2 523, "Florida Individual Health Contract Checklist," rev. 4/91.~~
4. OIR-B2-529, "Debtor Group Contract Checklist", Rev. 1/04. ~~(f) Form OIR B2 524, "Florida Out of State Group Health Checklist," rev. 4/91.~~
5. OIR-B2-528, "Florida Additional Information Checklist for Debtor Group", Rev. 08/03. ~~(g) Form OIR B2 525, "Florida Group Health Application Checklist for Employees, Labor Union and Association Groups," rev. 4/91.~~
6. OIR-B2-1607, "Discount Medical Plan Organization (DMPO) Contract and Application Checklist", 09/04. ~~(h) Form OIR B2 526, "Florida Group Health Checklist for Employees, Labor Unions and Association Groups," rev. 4/91.~~
7. OIR-B2-539, "Excess-Specific and Aggregate Checklist", Rev. 1/04. ~~(i) Form OIR B2 527, "Florida Health Application Checklist for Debtor Groups," rev. 4/91.~~
8. OIR-B2-540, "Informational Memorandum Checklist – Florida Excess Specific and Aggregate – F.S. 624.406", Rev. 1/04. ~~(j) Form OIR B2 528, "Florida Additional Information Checklist for Debtor Groups," rev. 4/91.~~
9. OIR-B2-1356, "Florida HMO Contract Checklist", Rev. 1/04. ~~(k) Form OIR B2 529, "Florida Group Health Contract Checklist for Debtor Groups," rev. 4/91.~~
10. OIR-B2-1617, "Florida HMO Individual Application Checklist", 1/05. ~~(l) Form OIR B2 535, "Checklist for Blanket Health Contracts/Section 627.659, F.S.," rev. 4/91.~~
11. OIR-B2-1618, "Florida HMO Master Group Application Checklist", 1/05. ~~(m) Form OIR B2 536, "Florida Franchise Health Application Checklist," rev. 4/91.~~
12. OIR-B2-536, "Franchise Health Application Checklist", Rev. 1/04. ~~(n) Form OIR B2 537, "Florida Franchise Health Contract Outline of Coverage Checklist," rev. 4/91.~~
13. OIR-B2-538, "Franchise Health Contract Checklist", Rev. 1/04. ~~(o) Form OIR B2 538, "Florida Franchise Health Contract Checklist," rev. 4/91.~~
14. OIR-B2-537, "Franchise Health Outline of Coverage Checklist", Rev. 1/04. ~~(p) Form OIR B2 539, "Florida Excess – Specific and Aggregate Checklist/Section 624.406, F.S.," rev. 4/91.~~
15. OIR-B2-525, "Group Health Application Checklist – Employers, Labor Unions, Association Groups and Additional Groups", Rev. 1/04. ~~(q) Form OIR B2 540, "Informational Memorandum Checklist/Florida Excess Specific and Aggregate/Section 624.406, F.S.," rev. 4/91.~~
16. OIR-B2-526, "Group Health Contract Checklist – Employers, Labor Unions, Association Groups and Additional Groups", Rev. 1/04. ~~(r) Form OIR B2 541, "Florida Health Application Checklist for Long Term Care Groups," rev. 4/91.~~
17. OIR-B2-1623, "Health Flex Plan and Enrollment Form Checklist", 1/05. ~~(s) Form OIR B2 542, "Florida Long Term Care Checklist/Outline of Coverage," rev. 4/91.~~
18. OIR-B2-520, "Individual Health Application Checklist", Rev. 1/04. ~~(t) Form OIR B2 1353, "Florida Pre-Paid Limited Health Services Contract Checklist," 7/00.~~
19. OIR-B2-523, "Individual Health Contract Checklist", Rev. 1/04. ~~(u) Form OIR B2 1354, "Florida Individual Medicare Supplement Health Application Checklist," 7/00.~~
20. OIR-B2-521, "Individual Health Outline of Coverage Checklist", Rev. 1/04. ~~(v) Form OIR B2 1355, "Florida Medicare Supplement Contract Checklist," 7/00.~~
21. OIR-B2-1619, "Long Term Care Advertisement Checklist", 1/05. ~~(w) Form OIR B2 1356, "Florida HMO Contract Checklist (Includes Individual, Large, and Small Group)," 7/00.~~
22. OIR-B2-541, "Long Term Care Application Checklist", Rev. 1/04. ~~(x) Form OIR B2 1357, "Florida Small Group Health Checklist for Indemnity Plans Other Than Standard and Basic," 7/00.~~
23. OIR-B2-543, "Long Term Care Contract Checklist", Rev. 1/04. ~~(y) Form OIR B2 1358, "Florida Pre-Paid Limited Health Services Group Application," 7/00.~~
24. OIR-B2-542, "Long Term Care Outline of Coverage Checklist", Rev. 1/04. ~~(z) Form OIR B2 1359, "Florida Pre-Paid Limited Health Services Conversion Application," 7/00.~~
25. OIR-B2-1620, "Medicare Supplement Advertisement Checklist", 1/05. ~~(aa) Form OIR B2 1360, "Florida Pre-Paid Limited Health Services Individual Application," 7/00.~~
26. OIR-B2-1354, "Medicare Supplement Application Checklist", Rev. 1/04.
27. OIR-B2-1355, "Medicare Supplement Contract Checklist", Rev. 1/04.
28. OIR-B2-1621, "Medicare Supplement Outline of Coverage", 1/05.
29. OIR-B2-524, "Out-of-State Group Health Checklist", Rev. 1/04.
30. OIR-B2-1353, "Pre-Paid Limited Benefit Contract Checklist", Rev. 1/04.
31. OIR-B2-1359, "Pre-Paid Limited Benefit Conversion Application Checklist", Rev. 1/04.
32. OIR-B2-1358, "Pre-Paid Limited Benefit Group Application Checklist", Rev. 1/04.
33. OIR-B2-1360, "Pre-Paid Limited Benefit Individual Application Checklist", Rev. 1/04.
34. OIR-B2-1622, "Small Group Advertisement Checklist", 1/05.

35. OIR-B2-1357, "Florida Small Group Health Checklist For Indemnity Plans Other Than Standard and Basic", Rev. 1/04.

(d) Life Checklists.

1. OIR-B2-1624, "Credit Disability Policy Checklist", 1/05. (bb) Form OIR-B2-1314, "Individual Fraternal Whole Life," 7/00.

2. OIR-B2-1625, "Credit Life or Disability Application Checklist", 1/05. (cc) Form OIR-B2-1328, "Out of State Group Term Life," 7/00.

3. OIR-B2-1626, "Credit Life Policy Checklist", 1/05. (dd) Form OIR-B2-1329, "Out of State Group Whole Life," 7/00.

4. OIR-B2-1367, "Endorsements, Amendments & Riders Checklist", Rev. 1/04. (ee) Form OIR-B2-1330, "Out of State Group Universal Life," 7/00.

5. OIR-B2-1627, "Group Annuity Enrollment Application Checklist", 1/05. (ff) Form OIR-B2-1342, "Group Enrollment Application Variable Annuity," 7/00.

6. OIR-B2-1628, "Group Life Enrollment Application Checklist", 1/05. (gg) Form OIR-B2-1343, "Out of State Group Variable Life," 7/00.

7. OIR-B2-1363, "Group Non-Variable Annuity Contract Checklist", Rev. 1/04. (hh) Form OIR-B2-1345, "Group Universal Life," 7/00.

8. OIR-B2-1349, "Group Non-Variable Annuity Enrollment Application Checklist", Rev. 1/04. (ii) Form OIR-B2-1346, "Individual Life Application," 7/00.

9. OIR-B2-1488, "Group Term Life Policy Checklist", Rev. 1/04. (jj) Form OIR-B2-1347, "Individual Fixed Annuity Life Application," 7/00.

10. OIR-B2-1345, "Group Universal Life Policy Checklist", Rev. 1/04. (kk) Form OIR-B2-1348, "Individual Variable Annuity Application," 7/00.

11. OIR-B2-1365, "Group Variable Annuity Contract Checklist", Rev. 1/04. (ll) Form OIR-B2-1349, "Group Enrollment Application (non variable annuity)," 7/00.

12. OIR-B2-1342, "Group Variable Annuity Enrollment Application Checklist", Rev. 1/04. (mm) Form OIR-B2-1350, "Master Group Application," 7/00.

13. OIR-B2-1629, "Group Variable Life Enrollment Application Checklist", 1/05. (nn) Form OIR-B2-1351, "Industrial Life Policy," 7/00.

14. OIR-B2-1489, "Group Variable Life Policy Checklist", Rev. 1/04. (oo) Form OIR-B2-1352, "Individual Non-Variable Annuity Policy," 7/00.

15. OIR-B2-1490, "Group Whole Life Policy Checklist", Rev. 1/04. (pp) Form OIR-B2-1363, "Group Non-Variable Annuity Policy," 7/00.

16. OIR-B2-1630, "Individual Fraternal Life Application Checklist", 1/05. (qq) Form OIR-B2-1364, "Individual Variable Annuity Policy," 7/00.

17. OIR-B2-1631, "Individual Fraternal Non-Variable Annuity Application Checklist", 1/05. (rr) Form OIR-B2-1365, "Group Variable Annuity Policy," 7/00.

18. OIR-B2-1632, "Individual Fraternal Non-Variable Annuity Contract Checklist", 1/05. (ss) Form OIR-B2-1366, "Out of State Group Annuity Policy," 7/00.

19. OIR-B2-1382, "Individual Fraternal Term Life Policy Checklist", Rev. 1/04. (tt) Form OIR-B2-1367, "Endorsement, Amendments, Riders," 7/00.

20. OIR-B2-1491, "Individual Fraternal Universal Life Policy Checklist", Rev. 1/05. (uu) Form OIR-B2-1368, "Accelerated Death Benefit Rider," 7/00.

21. OIR-B2-1633, "Individual Fraternal Variable Annuity Application Checklist", 1/05. (vv) Form OIR-B2-1369, "Credit Life and Disability," 7/00.

22. OIR-B2-1634, "Individual Fraternal Variable Annuity Contract Checklist", 1/05. (ww) Form OIR-B2-1382, "Individual Fraternal Term Life," 7/00.

23. OIR-B2-1635, "Individual Fraternal Variable Life Application Checklist", 1/05. (xx) Form OIR-B2-1383, "Group Fraternal Variable Life," 7/00.

24. OIR-B2-1636, "Individual Fraternal Variable Life Policy Checklist", 1/05. (yy) Form OIR-B2-1384, "Individual Variable Life," 7/00.

25. OIR-B2-1314, "Individual Fraternal Whole Life Policy Checklist", Rev. 1/04. (zz) Form OIR-B2-1485, "Group Fraternal Term Life," 7/00.

26. OIR-B2-1346, "Individual Life Application Checklist", Rev. 1/04. (aaa) Form OIR-B2-1486, "Group Fraternal Whole Life," 7/00.

27. OIR-B2-1637, "Individual Non-Variable Annuity Application Checklist", 1/05. (bbb) Form OIR-B2-1487, "Group Fraternal Universal Life," 7/00.

28. OIR-B2-1352, "Individual Non-Variable Annuity Contract Checklist", Rev. 1/04. (ccc) Form OIR-B2-1488, "Group Term Life," 7/00.

29. OIR-B2-1493, "Individual Term Life Policy Checklist", Rev. 1/04. (ddd) Form OIR-B2-1489, "Group Variable Life," 7/00.

30. OIR-B2-1494, "Individual Universal Life Policy Checklist", Rev. 1/04. (eee) Form OIR-B2-1490, "Group Whole Life," 7/00.

31. OIR-B2-1348, "Individual Variable Annuity Application Checklist", Rev. 1/04. (fff) Form OIR-B2-1491, "Individual Fraternal Universal Life," 7/00.

32. OIR-B2-1364, "Individual Variable Annuity Contract Checklist", Rev. 1/04. (ggg) Form OIR-B2-1492, "Individual Fraternal Variable Life," 7/00.

33. OIR-B2-1638, "Individual Variable Life Application Checklist", 1/05. (hhh) Form OIR-B2-1493, "Individual Term Life," 7/00.

34. OIR-B2-1384, "Individual Variable Life Policy Checklist", Rev. 1/04. (iii) Form OIR-B2-1494, "Individual Universal Life," 7/00.

35. OIR-B2-1496, "Individual Whole Life Policy Checklist", Rev. 1/04. (jii) Form OIR-B2-1496, "Individual Whole Life," 7/00.

36. OIR-B2-1350, "Master Group Application Checklist", Rev. 1/04. (kkk) Form OIR-B2-1607, "Discount Medical Plan Organization (DMPO) Contract and Application Checklist", 09/04.

37. OIR-B2-1639, "Out-of-State Group Life Enrollment Application Checklist", 1/05.

38. OIR-B2-1640, "Out-of-State Group Non-Variable Annuity Contract Checklist", 1/05.

39. OIR-B2-1641, "Out-of-State Group Non-Variable Annuity Enrollment Application Checklist", 1/05.

40. OIR-B2-1328, "Out-of-State Group Term Life Policy Checklist", Rev. 1/05.

41. OIR-B2-1330, "Out-of-State Group Universal Life Policy Checklist", Rev. 1/05.

42. OIR-B2-1642, "Out-of-State Group Variable Annuity Contract Checklist", 1/05.

43. OIR-B2-1644, "Out-of-State Group Variable Annuity Enrollment Application Checklist", 1/05.

44. OIR-B2-1643, "Out-of-State Group Variable Life Enrollment Application Checklist", 1/05.

45. OIR-B2-1343, "Out-of-State Group Variable Life Policy Checklist", Rev. 1/05.

46. OIR-B2-1329, "Out-of-State Group Whole Life Policy Checklist", Rev. 1/05.

47. OIR-B2-1646, "Viatical Contract Checklist", 3/05.

48. OIR-B2-1647, "Viatical Settlement Escrow Form Checklist", 3/05.

49. OIR-B2-1648, "Viatical Settlement Purchase Agreement Checklist", 3/05.

50. OIR-B2-1649, "Viatical Settlement Related Form Checklist", 3/05.

Specific Authority 624.308 FS. Law Implemented 624.424(1)(c), 627.410, 636.216 FS. History--New 10-29-91, Amended 5-15-96, 4-4-02, 5-2-02, 6-19-03, Formerly 4-149.022, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

### Section III Notices of Changes, Corrections and Withdrawals

#### 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 ELDER AFFAIRS

##### Federal Aging Programs

RULE NO.:	RULE TITLE:
58A-5.0191	Staff Training Requirements and Training Fees
	NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 11, March 18, 2005, issue of the Florida Administrative Weekly.

#### TEXT OF PROPOSED RULE CHANGES:

58A-5.0191 Staff Training Requirements and Competency Test.

(9) ~~ALZHEIMER'S DISEASE AND RELATED DISORDERS ("ADRD") TRAINING REQUIREMENTS.~~ Facilities which advertise that they provide special care for persons with ~~ADRD Alzheimer's disease and related disorders~~, or who maintain secured areas as described in Rule 58A-5.023, F.A.C., must ensure that facility staff receive the following training.

(a) Facility staff who have regular contact with or provide direct care to residents with ~~ADRD Alzheimer's disease and related disorders~~, shall obtain 4 hours of initial training within 3 months of employment. Completion of the core training program between April 20, 1998 and July 1, 2003 shall satisfy this requirement. Facility staff who meet the requirements for ~~ADRD Alzheimer's disease and related disorders~~ training providers under paragraph (g) of this subsection will be considered as having met this requirement. "Staff who have regular contact" means staff who interact on a daily basis with residents but do not provide direct care to residents. Initial training, entitled, "Alzheimer's Disease and Related Disorders Level I Training," must address the following subject areas:

1. through 6. No change.

(b) Staff who have received both the initial one hour and continuing three hours of ~~ADRD Alzheimer's disease and related disorders~~ training pursuant to Sections 400.1755,

400.5571(1) and 400.6045(1), F.S., shall be considered to have met the initial assisted living facility Alzheimer's Disease and Related Disorders Level I Training.

(c) Facility staff who provide direct care to residents with ~~ADRD Alzheimer's disease and related disorders~~, must obtain an additional 4 hours of training, entitled "Alzheimer's Disease and Related Disorders Level II Training," within 9 months of employment. Facility staff who meet the requirements for ~~ADRD Alzheimer's disease and related disorders~~ training providers under paragraph (g) of this subsection will be considered as having met this requirement. Alzheimer's Disease and Related Disorders Level II Training must address the following subject areas as they apply to these disorders:

1. through 5. No change.

(d) A detailed description of the subject areas that must be included in an ~~ADRD Alzheimer's disease and related disorders~~ curriculum which meets the requirements of subparagraphs (a) and (b) of this subsection can be found in the document "Training Guidelines for the Special Care of Persons with Alzheimer's Disease and Related Disorders," dated March 1999, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(e) No change.

(f) Facility staff who have only incidental contact with residents with ~~ADRD Alzheimer's disease and related disorders~~ must receive general written information provided by the facility on interacting with such residents, as required under Section 400.4178, F.S., within 3 months of employment. "Incidental contact" means all staff who neither provide direct care nor are in regular contact with such residents.

(g) Persons who seek to provide ~~ADRD Alzheimer's disease and related disorders~~ training in accordance with this subsection must provide the department or its designee with documentation that they hold a Bachelor's degree from an accredited college or university or hold a license as a registered nurse, and:

1. through 3. No change.

(h) No change.

(10) ALZHEIMER'S DISEASE AND RELATED DISORDERS ("~~ADRD~~") TRAINING PROVIDER AND CURRICULUM APPROVAL.

(a) The training provider and curriculum shall be approved by the department or its designee prior to commencing training activities. The department or its designee shall maintain a list of approved ADRD training providers and curricula. Approval as a training provider and approval of the curriculum may be obtained as follows:

1. ~~(a) Applicants~~ Persons seeking approval as ~~ADRD an~~ Alzheimer's disease and related disorders training providers shall complete DOEA form ALF/ADRD-001, Application for Alzheimer's Disease and Related Disorders Training Provider

Certification, dated March 2005, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

2. ~~Applicants~~ Persons seeking to obtain approval of ~~ADRD an~~ Alzheimer's disease and related disorder curriculum shall complete DOEA form ALF/ADRD-002, Application for Alzheimer's Disease and Related Disorders Training Three-Year Curriculum Certification, dated March 2005, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. ~~Approval must be obtained from the department or its designee for the training provider and the training curriculum prior to commencing training activities. Upon receipt of approval from the department or its designee, the Alzheimer's disease and related disorders training provider shall be considered as an "approved Alzheimer's disease and related disorders training provider" by the Florida Department of Elder Affairs for purposes of meeting the training requirements of Section 400.4178 or Section 400.452, F.S., and Rule 58A-5.0191, F.A.C. The department or its designee shall maintain a list of approved Alzheimer's disease and related disorders training providers and approved curricula. Approval of the curriculum shall be granted for 3 years, whereupon the training curriculum must be re-submitted to the department or its designee for re-approval.~~

(b) Approved ~~ADRD Alzheimer's disease and related disorders~~ training providers must maintain records of each course taught for a period of 3 years following each program presentation. Course records shall include the title of the approved ~~ADRD Alzheimer's disease and related disorders~~ training curriculum, the department's curriculum approval number, the number of hours of training, the training provider's name and the department's training provider approval number, the date and location of the course, and a roster of ~~trainees~~ participants.

(c) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the training and the department's curriculum approval number, the number of hours of training, the ~~trainee's~~ participant's name, dates of attendance, location, and the training provider's name, ~~and the department's training provider~~ approval number, and dated signature. The training provider's signature on the certificate shall serve as documentation that the training provider has verified that the trainee has completed the required training pursuant to Section 400.4178, F.S.

(d) The department or its designee reserves the right to attend and monitor ~~ADRD Alzheimer's disease and related disorders~~ training courses, review records and course materials approved pursuant to this rule, and revoke approval on the basis of non-adherence to approved curriculum, the provider's

failure to maintain required training credentials, or if the provider is found to knowingly disseminate any false or misleading information.

(e) Except as otherwise noted, certificates of any ADRD Alzheimer's disease and related disorders training required by this rule shall be documented in the facility's personnel files.

(f) ADRD Alzheimer's disease and related disorders training providers and training curricula which are approved consistent with the provisions of Sections 400.1755, 400.6045, 400.5571, F.S., shall be considered as having met the requirements of paragraph (9)(a) and subsection (10) of this rule.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:                    RULE TITLE:  
59G-4.110                    Hearing Services  
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the Notice of Proposed Rulemaking that was published in Vol. 31, No. 14, April 8, 2005, issue of the Florida Administrative Weekly (FAW).

The Notice erroneously stated that the Notice of Proposed Rule Development was published in the FAW on December 17, 2004. The correct date is January 7, 2005.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:                    RULE TITLE:  
59G-6.030                    Payment Methodology for  
    Outpatient Hospital Services  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 31, No. 7, February 18, 2005, beginning on page 677 of the Florida Administrative Weekly has been withdrawn. This proposed rule incorporated Version XIII of the Florida Title XIX Outpatient Hospital Reimbursement Plan by reference.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.:                    RULE TITLES:  
61G17-5.0031                    Continuing Education Credit for  
    Biennial Renewal  
61G17-5.0043                    Obligation of Continuing Education  
    Providers  
61G17-5.0051                    Approval of Classes

**NOTICE OF CORRECTION**

The above-proposed rules were published in the April 1, 2005 issue of the Florida Administrative Weekly, Vol. 31, No. 13. The date notice of proposed rule development that published in FAW reads "January 25, 2005" the date should read "March 25, 2005." The foregoing change does not affect the substance of the rule.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.:                    RULE TITLES:  
61G17-9.006                    Probation  
61G17-9.0065                    Surrender of Seal and Cancellation  
    of Digital Signature

**NOTICE OF CORRECTION**

The above-proposed rules were published in the April 1, 2005 issue of the Florida Administrative Weekly, Vol. 31, No. 13. The date notice of proposed rule development that published in FAW reads "January 25, 2005" the date should read "March 25, 2005." The foregoing change does not affect the substance of the rule.

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:                    RULE TITLE:  
64B5-7.0035                    Temporary Certificate  
    Requirements for Dentists  
    Practicing in State and  
    Government Facilities

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 44, October 29, 2004 Florida Administrative Weekly has been withdrawn.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Oysters

RULE NOS.:                   RULE TITLES:  
 68B-27.017                Apalachicola Bay Oyster  
                                   Harvesting Restrictions  
 68B-27.019                Seasons

**NOTICE OF CHANGE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rules published in Vol. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly, as a result of the final public hearing on the rule held on April 15, 2005, in Tallahassee, Florida. Although the text of the rules has not changed, the Commission has decided to include a proposed effective date of September 1, 2005.

The rules will now read as follows:

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:

- (1) No person shall harvest or take oysters for commercial purposes from the waters of Apalachicola Bay:
  - (a) On any Friday or Saturday from June July 1 through August 31 September 30 of each year.
  - (b) On any Saturday or Sunday from September October 1 through November 15 of each year.
  - (2) through (3) No change.

PROPOSED EFFECTIVE DATE: September 1, 2005.

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

68B-27.019 Seasons.

(1) In all areas of the state, no person shall harvest oysters on the public reefs of this state, or have such oysters in possession, from July 1 through September 30 of each year, except in the following areas or circumstances:

- (a) In Apalachicola Bay:
  - 1. The harvest or possession of oysters on the public reefs is allowed from June July 1 through August 31 September 30 of each year only in the areas specified in subsection 5L-1.003(1), F.A.C., for the Apalachicola Bay System paragraph 68D-7.005(6)(c), F.A.C.
  - 2. The harvest or possession of oysters on the public reefs is allowed from September 1 through May 31 of each year only in the areas specified in subsection 5L-1.003(1), F.A.C., for the Apalachicola Bay System.

(b) As otherwise provided in this chapter or in Section 370.16, Florida Statutes.

(c) In Wakulla, Dixie, and Levy Counties, no person shall harvest or possess oysters on public reefs from June 1 through August 31 each year.

(2) The possession of oysters during the closed seasons specified in this chapter constitutes a violation of this rule.

PROPOSED EFFECTIVE DATE: September 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-10-91, Amended 10-3-94, 7-15-96, Formerly 46-27.019, Amended 9-1-05.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Blue Crab  
 RULE NOS.:                   RULE TITLES:  
 68B-45.002                Definitions  
 68B-45.007                Blue Crab Limited Entry  
                                   Endorsement Program

**NOTICE OF CHANGE**

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rules published in Vol. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly, as a result of the final public hearing on the rule held on April 15, 2005, in Tallahassee, Florida.

The rules will now read as follows:

68B-45.002 Definitions.

- (1) through (6) No change.
- (7) “Hard shell crab” means any blue crab in intermolt condition that has a shell that is rigid and inflexible.

~~(8)(7)~~ “Mesh size” means the size of the opening or space within a polygon formed by the wire of a crab trap, to be measured at the largest dimension across such opening or space in an undistorted condition.

~~(9)(8)~~ “Harvest” means the catching or taking of a blue crab by any means whatsoever, followed by a reduction of such blue crab to possession. Blue crabs caught but immediately returned to the water free, alive, and unharmed are not harvested. Temporary possession of a blue crab for the purpose of measuring it to determine compliance with the size requirements of this chapter shall not constitute the harvesting of such blue crab, provided that it is measured on the water immediately after taking, and immediately returned to the water free, alive, and unharmed if undersized.

~~(10)(9)~~ “Harvest for commercial purposes” means the taking or harvesting of blue crab for purposes of sale or with intent to sell or in excess of the bag limit.

(11) “Immediate family” refers to a license holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law or daughter-in-law.

(12) “Offshore” means all state waters seaward of the COLREGS Demarcation Line.

~~(13)~~~~(10)~~ “Peeler crab” means a hard blue crab in pre-molt condition having a new soft shell developed under the hard shell and having a definite white, pink, or red line or rim on the outer edge of the back fin or flipper, and retained specifically for soft crab shedding operations and marketed only after molting and prior to the hardening of the new shell.

~~(14)~~~~(11)~~ “Push scrape” means a mesh net or bag attached to the outer edges of a triangular or rectangular rigid frame with a handle attached that is fished by being pushed across the bottom by a person wading.

~~(15)~~ “Soft shell crab” means any blue crab that has recently molted and has a shell that is tender and flexible.

~~(16)~~~~(12)~~ “Trotline” means a submerged line with bait at repetitive intervals.

~~(17)~~~~(13)~~ “Untreated pine” means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.002, Amended 7-1-03, 7-15-04, \_\_\_\_\_.

#### 68B-45.007 Blue Crab Limited Entry Endorsement Program.

(1) Beginning in the 2006/2007 license year, in addition to a valid saltwater products license and a valid restricted species endorsement, a blue crab limited entry endorsement number is required to harvest or possess blue crab in quantities greater than the recreational bag limit or to sell blue crab.

(2) The Commission shall notify all holders of a 2004/2005 commercial saltwater products license with a restricted species endorsement and an existing blue crab endorsement of their initial eligibility or denial of a blue crab limited entry endorsement. Those notified will indicate either their acceptance of the initial award of a blue crab limited entry endorsement number by completion of an acceptance application (Form DMF-SL4500 (05-05), incorporated herein by reference) or submit an application to appeal (Form DMF-SL4510 (05-05), incorporated herein by reference), as specified in paragraph (10)(b).

(3) The acceptance application must be received by the Commission no later than September 30, 2006. An applicant may be a person, firm, or corporation.

(a) In order to qualify for a blue crab limited entry endorsement number, an applicant must have held a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 370.135(2), F.S., at the time of application and qualify as specified in paragraph (3)(b). A limited entry blue crab endorsement number will not be issued to an applicant who did not hold a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 370.135(2), F.S., at the time of application.

(b) Qualification for a blue crab limited entry endorsement number shall be determined by landings of blue crab reported on a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement, and as specified in paragraph (c).

(c) Qualified blue crab limited entry endorsement number applicants must have documented blue crab landings in quantities as specified in subsections (4) or (5) pursuant to Commission trip ticket records generated under the provisions of Chapter 68E-5, F.A.C., during at least one of the following three license years: July 1, 2000 through June 30, 2001, July 1, 2001 through June 30, 2002, or July 1, 2002 through June 30, 2003. Qualifying landings must have been received by the FWC by August 1 2003; applicants lacking sufficient blue crab landings during the qualifying years may have their eligibility for a blue crab limited entry endorsement considered by the blue crab limited entry endorsement appeals board as specified in paragraph (10).

(4) Hard Shell Blue Crab Endorsement (V-H). The hard shell blue crab limited entry endorsement is required to harvest commercial quantities of hard shell blue crab using gears as authorized in subsection 68B-45.004(1), F.A.C.

(a) In order to obtain a V-H endorsement on a saltwater products license, an applicant must have documented landings of hard shell blue crab equal to or greater than 500 pounds during any one of the qualifying years as specified in paragraph (3)(c). Persons holding more than one saltwater products license, none of which individually have 500 pounds of hard shell blue crab landings, may qualify for a single V-H endorsement if the sum of hard shell blue crab landings listed on multiple saltwater products licenses that have a restricted species endorsement and current blue crab endorsement is equal to or greater than 500 pounds.

(b) An applicant qualifying for a V-H endorsement pursuant to paragraph (4)(a) may receive a unique endorsement number on each additional saltwater products license with a restricted species endorsement and current blue crab endorsement if the applicant has hard shell blue crab landings equal to or greater than 7,500 pounds on each such license during any one of the qualifying landings years as specified in paragraph (3)(c).

(c) An applicant will be issued a unique V-H endorsement number for each qualifying saltwater products license.

(d) Once eligible, a qualifying applicant shall be entitled to deploy up to 600 hard shell blue crab traps in any state waters and an additional 400 hard shell blue crab traps in offshore state waters in the Gulf of Mexico per V-H endorsement number.

(e) Persons holding a hard shell V-H endorsement number shall be allowed to land a maximum bycatch of 150 peeler crabs daily and operate up to three peeler crab shedding tanks.



(5) Soft Shell Blue Crab Endorsement (V-S). The soft shell blue crab limited entry endorsement is required to harvest peeler blue crabs in excess of the bycatch limit established in paragraph (4)(e) using gears as authorized in subsection 68B-45.004(2), F.A.C., or to produce soft shell blue crabs with more than three (3) shedding tanks.

(a) In order to obtain a V-S endorsement number on a saltwater products license, an applicant must have documented landings of soft shell or peeler blue crabs equal to or greater than 750 crabs during any one of the qualifying years as specified in paragraph (3)(c). Persons holding more than one saltwater products license, none of which individually have 750 soft shell or peeler blue crabs, may qualify for a V-S endorsement number if the sum of soft shell or peeler blue crab landings listed on multiple licenses is equal to or greater than 750 soft shell or peeler blue crabs.

(b) An applicant that qualifies for a single V-S endorsement number pursuant to paragraph (5)(a) may receive a unique V-S endorsement number on one additional saltwater products license if such license has documented landings of soft shell blue crab or peeler crab landings equal to or greater than 2,500 crabs during any one of the qualifying landings years specified in paragraph (3)(c).

(c) An applicant will be issued a unique V-S endorsement number for each qualifying saltwater products license.

(d) Once eligible, the holder of a V-S endorsement number as specified in paragraph (a) shall be entitled to fish up to 400 peeler crab traps as specified in subsection 68B-45.004(2), F.A.C., in state waters.

(e) Persons holding a V-S endorsement number as specified in paragraph (b) shall be entitled to fish up to 250 peeler crab traps as specified in subsection 68B-45.004(2), F.A.C., in state waters in addition to those specified in paragraph (d).

(6) Trap Tags.

(a) Trap tags shall only be issued to holders of a current valid saltwater products license with a restricted species endorsement and a blue crab limited entry endorsement number.

(b) Beginning July 1, 2006, each trap used for the directed harvest of blue crabs must have securely fastened thereto a current trap tag issued annually by the Commission. Each such tag shall be manufactured by a Commission vendor and made of durable plastic or similarly durable material and shall have printed thereon the holder's blue crab limited entry endorsement number. To facilitate enforcement and record keeping, such tags shall be issued each year in a color different from those used in the preceding three years. Traps with tags that are not securely fastened shall be considered untagged for enforcement purposes.

(c) Blue crab trap tags shall only be issued to natural persons. For the purpose of this section, the term "natural person" or "person" refers to a human being and does not

include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. A corporation that holds a blue crab limited entry endorsement number shall designate one individual to whom they are assigning their trap tags.

(d) Each persons who possess a blue crab limited entry endorsement number must annually submit a blue crab limited entry endorsement trap tag order application form (DMF-SL4520 (05-05), incorporated herein by reference) within the time frame specified in paragraph (e) stating the number of tags they wish to receive, up to the maximum specified in subsections (4) or (5).

(e) Blue crab limited entry endorsement trap tag order applications for each license year will only be accepted from February 1 through March 15 of the prior license year, except as specified in paragraph (f).

(f) Additional authorized trap tags not ordered within the time-frame specified in paragraph (e) may only be ordered in blocks of 50 tags.

(g) Blue crab trap tags shall not be issued to blue crab limited entry endorsement holders until all license fees and any other outstanding fees owed the Commission have been paid in full and are current and the tag holder's saltwater products license with valid restricted species endorsement and blue crab limited entry endorsement are not otherwise inactive.

(h) Lost or damaged tags may be replaced using Commission Form DMF-SL4530 (05-05), Blue Crab Trap Tag Replacement Application, incorporated herein by reference, and upon proper verification of loss as provided in paragraph (i). Damaged tags must be immediately returned to the Commission.

(i) As part of the Blue Crab Trap Tag Replacement Application (DMF-SL-4530 (05-05)), the applicant shall provide the tag holder's name, saltwater products license number, blue crab limited entry endorsement number, the number of tags that were lost, location or area where the tags were lost, and circumstances under which the tags were lost.

(7) Effective September 30, 2006, no additional blue crab limited entry endorsements will be issued and no such endorsement will be renewed or replaced except those that were issued pursuant to subsections (4), (5), or (10).

(8) Beginning in the 2007/2008 license year, each holder of a blue crab limited entry endorsement number, or an immediate family member of such holder in the case of an individual, must renew the endorsement number each license year before September 30. Failure to renew the endorsement number by September 30 of any year will result in forfeiture of the endorsement number.

(9) Requalification. Beginning with license year 2009/2010, the holder of a blue crab limited entry endorsement number must requalify for the endorsement number by documenting landings on such endorsement as specified in paragraph (a) or (b) in at least one of the previous three license

years. Each endorsement number will then be valid for three years from the date of requalification, but must still be renewed annually as required by subsection (8). Any blue crab limited entry endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) In order to requalify a V-H endorsement number, an applicant for requalification must document landings equal to or exceeding 500 pounds of hard shell blue crabs. Persons wishing to also requalify V-H endorsement numbers on additional saltwater products licenses must document landings equal to or exceeding 7,500 pounds of hard shell blue crabs on each of those licenses.

(b) In order to requalify a V-S endorsement number, an applicant for requalification must document landings equal to or exceeding 750 soft crabs or peeler crabs. Persons wishing to also requalify a V-S endorsement number on an additional saltwater products license must document landings equal to or exceeding 2,500 soft crabs or peeler crabs on that license.

(10) Blue Crab Appeals Board. The Executive Director of the Commission shall appoint an appeals board composed of six blue crab limited entry endorsement holders or wholesale seafood dealers and one Commission staff member to consider disputes or problems arising from the initial denial of a blue crab limited entry endorsement.

(a) The six members of the appeals board will consist of at least four members that qualify for a V-H endorsement number and at least one that qualifies for a V-S endorsement number. No member may have appealed their initial blue crab limited entry endorsement award.

(b) An appeal of the initial denial of a blue crab limited entry endorsement number is initiated by submission and receipt of a completed appeals application (Form DMF-SL4510 (05-05)) to the Director of the Division of Marine Fisheries Management before September 30, 2005.

(c) The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer during the qualifying years or included in the agency landings database as of August 1, 2003.

(d) Criteria for issuance of blue crab limited entry endorsement numbers by the appeals board on grounds of hardship shall be established by the Blue Crab Advisory Board.

(e) After disputes are considered, a recommendation shall be submitted to the Executive Director of the Commission, or his designee, for resolution of the appeal, which recommendation shall either allot an endorsement number to the appellant or uphold the denial of an endorsement number. Notice will be given in writing to the appellant explaining the reasons for the final decision. The action of the Executive

Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(11) Blue Crab Advisory Board. There is hereby established the Blue Crab Advisory Board. Such board shall consider and advise the Commission on the operation of the trap limitation program and any problems in the fishery.

(a) The board shall consist of a member of the Commission staff appointed by the Executive Director of the Commission, and eight members appointed by the Executive Director of the Commission according to the following criteria, except as otherwise provided in paragraph (b).

1. All appointed members other than the commission staff person shall be holders of a blue crab limited entry endorsement holders and shall not have been convicted of any major fishery violations of Chapter 68B-45, F.A.C., within the last six (6) years. At least two shall have blue crab landings equal to or greater than 5,000 pounds during the preceding license year and at least two shall have landings less than 5,000 pounds during such license year.

2. At least five appointed members shall hold a V-H endorsement number, and at least two shall hold a V-S endorsement number.

3. At least one member shall come from each of the following regions of Florida:

(I) Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla counties;

(II) Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, Pasco counties;

(III) Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Collier counties;

(IV) Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, Monroe counties;

(V) Nassau, Duval, Clay, St. Johns, Putnam, Flagler, Volusia, Brevard counties.

(b) If there are not enough individuals that meet the above-referenced criteria, the Executive Director of the Commission of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph (12)(a)3. However, as soon as individuals are available that meet such requirements, the Executive Director of the Commission may reconstitute the board with qualified appointees. The Executive Director of the Commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-45, F.A.C., or who misses more than two scheduled meetings of the board without approval from the board chair with another blue crab fisherman from any region.

(c) Holders of blue crab limited entry endorsement numbers wanting to be considered for appointment to the Blue Crab Advisory Board shall make their request on Commission Form DMF-SL4540 (05-05), incorporated herein by reference.

(d) The staff member of the Commission appointed by the Executive Director of the Commission shall sit on the board as a voting member. The board shall annually elect a chair and a vice chair the first meeting in the calendar year. The Commission staff member may not serve as either chair or vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership or at the request of the Commission. Official action of the board shall require a majority vote of the total membership of the board members present during a meeting.

(e) Board members shall serve staggered terms of up to three (3) years, provided however, that this shall not apply to the Commission staff member who serves at the pleasure of the Executive Director of the Commission.

(f) Members of the board shall receive no compensation, however, they shall be reimbursed for *per diem* and travel expenses as provided in Section 112.061, Florida Statutes.

(g) Upon reaching a decision on any issue brought before it, the board shall submit such decision as a recommendation to the Executive Director of the Commission. The Executive Director of the Commission may submit said recommendation to the Commission at his or her discretion.

(h) The Board shall have the authority to conduct workshops with fishers to determine what problems exist in the fishery and to make recommendations to the Commission to solve those problems.

(i) On July 1, 2011, the board is dissolved unless extended by the Executive Director of the Commission.

(12) Leasing Prohibited. The leasing or renting of blue crab limited entry endorsement numbers, tags, or traps is prohibited.

(13) Endorsement Holder Responsibility. The holder of a blue crab endorsement number is responsible for the actions of anyone working under that endorsement. All monies or proceeds from the sale of blue crabs landed under the blue crab limited entry endorsement holder's saltwater products license shall be issued only to the endorsement holder.

(14) Transferability. After the initial issuance, the hard shell blue crab (V-H) and soft shell blue crab (V-S) limited entry endorsement numbers are transferable upon approval of the Commission under the following conditions:

(a) The buyer must hold a saltwater products license with a valid restricted species endorsement and a blue crab limited entry endorsement number. If a buyer does not possess a blue crab limited entry endorsement number, they must hold a certificate of completion of the blue crab apprentice program as specified in paragraph (b).

(b) Persons not already holding a blue crab limited entry endorsement number and wishing to purchase such an endorsement number shall complete an apprenticeship program consisting of working no fewer than fourteen (14) days fishing for blue crab with a properly licensed blue crab

limited entry endorsement number holder. As evidence thereof, such person must possess a blue crab limited entry apprenticeship form (DFM-SL4550 (05-05), incorporated herein by reference) signed by the endorsement holder attesting to the applicant having worked no fewer than fourteen (14) days fishing for blue crabs on the endorsement holder's vessel.

(c) A person who wishes to transfer an endorsement number shall submit a notarized statement of intent within 72 hours of the final notarized signature, that has been signed by both parties to the transaction, hand delivered, or sent by United States Postal Service certified mail, return receipt requested, to the Commission. The statement of intent (Form DMF-SL-4560 (05-05), incorporated herein by reference, shall include the following information:

1. The name, address, and SPL number of seller;
2. The name, address, and SPL number of buyer; and
3. The selling price.

(d) A blue crab limited entry endorsement number shall not be issued, transferred, or renewed until all license fees, surcharges, and any other outstanding fees, fines, or penalties owed to the Commission by either party to the transaction have been paid in full.

(15) In the event of the death or permanent disability of a person holding a blue crab endorsement number, the endorsement number may be transferred by the license holder or the executor of the estate to a member of his or her immediate family within 12 months of the date of death or disability and upon payment of all outstanding fees, fines, or penalties to the Commission in full.

(16) No Vested Rights. This blue crab limited entry program does not create any vested rights for endorsement number holders whatsoever and may be altered or terminated by the Commission as necessary to protect the blue crab resource, the participants of the fishery, or the public interest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**OIR Insurance Regulation**

RULE NO.: 69O-189.015	RULE TITLE: Workers' Compensation Insurer Reporting of Significant Underwriting Change
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**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed new rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 6, February 11, 2005, of the Florida Administrative Weekly. These changes are being made to address comments received at the public hearing and concerns expressed by the Joint Administrative Procedures Committee.

Substantial revisions have been made throughout proposed new Rule 690-189.015, F.A.C., and it is being changed to read in its entirety as follows:

690-189.015 Workers' Compensation Insurer Reporting of Significant Underwriting Change.

(1) Purpose: To administer the requirements of Section 624.4315, F.S.

(2) Definitions:

(a) "Insurer Group" means two or more affiliated insurers that are under common ownership and/or management.

(b) "Underwriting" is defined as the insurer selection of policyholders through hazard recognition and evaluation.

(c) "Underwriting Change" is any deliberately planned change in the insurer's administrative policies or procedures that will affect the insurer's acceptance or rejection of applicants for workers' compensation coverage or will affect the insurer's acceptance or rejection of renewal policies or will result in the mid-term cancellation of policies in Florida. An insurer that transfers policyholders to another insurer in the "Insurer Group", with no lapse in coverage occurring for the policyholder, has not made an "Underwriting Change" for purposes of this rule.

(d) "Significant Underwriting Change that materially limits or restricts the number of workers' compensation policies or premiums written in Florida" means an Underwriting Change that is reasonably expected to result in any of the following:

1. For an "Insurer Group" with more than one insurer licensed in Florida for workers' compensation:

a. Will reduce the number of in-force policies in Florida for the "Insurer Group" by at least 750 policies over the 12 months following the change.

b. Will reduce the number of in-force policies in Florida for the "Insurer Group" by at least 250 and will reduce the number of in-force policies in Florida for the "Insurer Group" at the end of the previous calendar year by more than 33% over the 12 months following the change.

c. Will reduce the direct premiums written in Florida by at least \$3 million and the direct written premiums for the "Insurer Group" in Florida for the 12 months following the change will be reduced by more than 33% of the prior calendar year, excluding the impact of rate changes and payroll changes.

d. Will result in the complete elimination of all workers' compensation policies in Florida for any insurer in the group.

2. For an individual insurer with no affiliated insurers licensed in Florida for workers' compensation:

a. Will reduce the number of in-force policies in Florida for the insurer by at least 750 policies over the 12 months following the change.

b. Will reduce the number of in-force policies in Florida for the insurer by at least 250 and will reduce the number of in-force policies in Florida for the insurer at the end of the previous calendar year by more than 33% over the 12 months following the change.

c. Will reduce the direct premiums written in Florida by at least \$3 million and the direct written premiums for the insurer in Florida for the 12 months following the change will be reduced by more than 33% of the prior calendar year, excluding the impact of rate changes and payroll changes.

d. Will result in the complete elimination of all workers' compensation policies in Florida for the insurer.

(e) Notwithstanding any other provision herein, a Significant Underwriting Change does not occur in the following situations:

1. A reduction in the number of policies or premium results for reasons other than an "Underwriting Change".

2. The reduction in premium results solely from conversion to a large deductible policy unless there has been an "Underwriting Change" such that the policyholder can only purchase a large deductible.

3. The reduction in premium results solely from conversion to a policy written under a retrospective rating plan unless there has been an "Underwriting Change" such that the policyholder can only purchase a retrospectively rated policy.

(3) Any insurer authorized to transact workers' compensation insurance in Florida shall notify the Office within 30 days of implementing any Significant Underwriting Change that will materially limit or restrict the number of workers' compensation policies or premiums written in Florida. The notification shall include the following:

(a) Name of Insurer or Insurers.

(b) A detailed description of the change.

(c) Anticipated number of policies that will be impacted by the change.

(d) Anticipated percentage of policies in force as of December 31 of the prior year that will be impacted by change.

(e) Estimated written premium impacted by change.

(f) Estimated annual written premium impacted by the change as a percent of total annual written premium for the previous calendar year, excluding the impact of rate changes or payroll changes.

(g) Does change affect some classes more than others? Yes, No or Unknown. If the answer is yes, describe the affected classes.

(h) Date that insurer implemented or anticipates implementing the change.

(i) Effective dates of new and renewal policies that will be affected by the change.

(j) If the change will result in the mid-term cancellation of existing polices, how long will it take for the change to be fully implemented?

(4) The information required by this rule shall be reported through the Office's website at <http://www.fldfs.com/companies/>.

Specific Authority 624.308(1), 624.4315 FS. Law Implemented 624.4315 FS. History–New \_\_\_\_\_.

## Section IV Emergency Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE TITLE: RULE NO.:

Course Requirements – Grades 6-12 Basic 6AER05-1  
and Adult Secondary Programs – 2005

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE:** The alarming number of students determined not to be reading on grade level has made it critical to provide intensive scientific based methods of providing rigorous course content to ensure every student has the opportunity to learn. The welfare of these students present a challenge for everyone involved. Their welfare is endangered when they lack the skills necessary to graduate and enter the workforce with employable skills, or continue their education in college. Reading is the key component to this continued development. In order to meet the needs of these struggling students, course descriptions including rigorous timelines and intensive course content must be provided to school districts throughout the state. School districts must rely on the adoption of the course descriptions to begin the planning and staffing process to provide these courses. In addition funding must be designated and the assurance that fte generated by the inclusion in state board approved course descriptions pursuant to section 1011.62(1)(r), Florida Statutes. This action must be taken now in order to assure that districts already planning for the 2005-2006 school year can begin to identify the instructors and resources to implement these courses. The course descriptions will be presented for further review in Rule 6A-1.09412, FAC., at the June State Board of Education meeting.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** Eighty percent of students who are currently level 1 in sixth grade, will stay there for the rest of their high school career. We cannot afford to wait another year before we serve these children.

**SUMMARY OF THE RULE:** This emergency rule adopts the 2005 Florida Course Descriptions for Grades 6-12/Adult, Basic Education which contain the intensive reading courses for

middle and high school grades to include suggested time allocations and instructional activities, as well as alignment to instruction grounded in scientifically based-reading research.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Mary Laura Openshaw, Director, Just Read, Florida!, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE EMERGENCY RULE IS:

6AER05-1 Course Requirements – Grades 6-12 Basic and Adult Secondary Programs – 2005.

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the “Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, F.A.C. Course requirements approved by the State Board of Education are contained in the publication “2002-2003 Florida Course Descriptions for Grades 6-12/Adult, Basic Education” as incorporated by reference in Rule 6A-1.09412, FAC., and “2005 Florida Course Descriptions for Grades 6-12/Adult, Basic Education” which is hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description. Copies of approved course descriptions may be obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 1001.03(1), 1011.62(1)(r) FS. Law Implemented 1001.42(7), 1003.42, 1011.62(1)(r) FS. History–New 4-20-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: April 20, 2005

#### **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.:

Instant Game Number 591, TRIPLE CASH 53ER05-42

**SUMMARY OF THE RULE:** This emergency rule describes Instant Game Number 591, “TRIPLE CASH,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule

sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-42 Instant Game Number 591, TRIPLE CASH.

(1) Name of Game. Instant Game Number 591, "TRIPLE CASH".

(2) Price. TRIPLE CASH lottery tickets sell for \$1.00 per ticket.

(3) TRIPLE CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning TRIPLE CASH lottery ticket, the ticket must meet the requirements of subsection 53ER05-27(11), Florida Administrative Code. In the event a dispute arises as to the validity of any TRIPLE CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> TWELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN
<b>19</b> NINTN					

**\$\$\$**  
TRIPLE

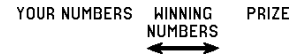
(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> TWO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX
<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN	<b>11</b> ELEVN	<b>12</b> TWELV
<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN
<b>19</b> NINTN					

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$20.00</b>	<b>\$25.00</b>
TICKET	ONE	FIVE	TEN	TWENTY	THY FIVE
<b>\$50.00</b>	<b>\$100</b>	<b>\$250</b>	<b>\$500</b>	<b>\$1,000</b>	<b>\$3,000</b>
FIFTY	ONE HUN	TWOHUNFTY	FIVE HUN	ONE THO	THR THO

(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to five sets of matching numbers. The prizes are: TICKET, \$1.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$250, \$500, \$1,000 and \$3,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a TRIPLE CASH lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

**\$\$\$**  
TRIPLE

(b) A ticket having a "TRIPLE" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of triple the corresponding prize shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 591 are as follows:

GAME PLAY:	WIN:	ODDS OF	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL:
TICKET	\$1 TICKET	1 IN: 10.00	1,008,000
\$1	\$1	12.00	840,000
\$1 (\$\$\$)	\$3	30.00	336,000
\$1 x 5	\$5	50.00	201,600
\$10	\$10	150.00	67,200
\$5 (\$\$\$)	\$15	300.00	33,600
\$25	\$25	300.00	33,600
\$10 (\$\$\$)	\$30	1,800.00	5,600
\$10 x 5	\$50	11,250.00	896
\$50	\$50	11,250.00	896
\$25 (\$\$\$)	\$75	45,000.00	224
\$20 x 5	\$100	90,000.00	112
\$100	\$100	90,000.00	112
\$100 (\$\$\$)	\$300	90,000.00	112
\$100 x 5	\$500	420,000.00	24
\$250 x 2	\$500	336,000.00	30
\$500	\$500	504,000.00	20
\$1,000 (\$\$\$)	\$3,000	2,520,000.00	4
\$3,000	\$3,000	2,520,000.00	4

(10) The estimated overall odds of winning some prize in Instant Game Number 591 are 1 in 3.99. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 591, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a TRIPLE CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for TRIPLE CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 4-15-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: April 15, 2005

**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**

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice is hereby given that the Department of Highway Safety and Motor Vehicles has approved petitions for variance of Rule 15A-10.014, F.A.C., submitted by the following programs: C.O.R.E. Program, filed on February 23, 2005; West Central Florida Safety Council, filed on February 25, 2005; and Lakeview Center, Inc., filed on March 7, 2005. The Department approved the above variances on April 12, 2005. The petitioners were seeking to contribute to their programs’ retirement plan in excess of the percentage of gross compensation contributed for members of the regular class of the Florida Retirement System (FRS). The petition was approved on the basis that the FRS contribution rate for the regular class is at 6.18% this fiscal year due to positive

investment performance and the legislature’s decision to spend down the FRS trust fund surplus. There are inherent and significant differences in how the FRS fund functions as compared to the DUI programs’ retirement plans. Therefore, application of this rule would create a substantial hardship for the DUI programs and their employees. Notice of the petitions was published in the FAW on March 25, 2005.

A copy of the order(s) can be obtained from: Bureau of Driver Education and DUI Programs, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, MS 88, Tallahassee, Florida 32399-0571.

**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 2005-038 DAO-ROW), on April 13, 2005, to Adventure Times Kayaks, Inc. The petition for waiver was received by the SFWMD on November 17, 2004. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 49, on December 3, 2004. No public comment was received.

This Order provides a waiver for the proposed bank stabilization, at-grade pathway and construction of a floating docking facility within the south right of way of C-17 Canal, to be located adjacent to 421 Northlake Boulevard (Suite 1), North Palm Beach; S16/T42S/R43E, Palm Beach County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j),(8), F.A.C., 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), F.A.C., which governs the use of the District’s rights of way in conjunction with commercial operations 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 Adventure Times Kayaks, Inc., 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.

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 2005-039 DAO-ROW), on April 13, 2005, to Stellar Biscayne LP. The amended petition for waiver was received by the SFWMD on February 8, 2005. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 31, No. 7, on February 18, 2005. No public comment was received. This Order provides a waiver for the existing wall and chain cross-link fence enclosure to remain, and placement of a pedestrian pass-through within the existing cross-fence, to be located within the east right of way of Arch Creek at the rear of 1822 Northeast 142nd Street; S21/T52S/R42E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6), F.A.C., 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), F.A.C., which governs the placement of semi permanent/permanent above-ground facilities within 40 feet of the top of canal bank 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 Stellar Biscayne LP 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.

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

NOTICE IS HEREBY GIVEN the Agency for Health Care Administration has denied a request for a rule variance from Hanson Services, Inc. The request was filed on January 13, 2005. Hanson Services, Inc. requested a waiver for subsection 59A-18.004(5), F.A.C., that requires nurse registries to make application for a geographic service area within the specific Agency for Health Care Administration area boundaries and in which the nurse registry office is to be located. Hanson Services, Inc. requested a variance to provide services in Manatee County, located in the AHCA Area 6, while allowing the nurse registry office to be located in Sarasota County, in AHCA Area 8. The notice of the request for a rule variance was published in the February 11, 2005 edition of the Florida

Administrative Weekly. On April 13, 2005, the Agency for Health Care Administration denied the request for a rule variance. The basis for the decision was: (1) there was no demonstrated substantial hardship as required by Section 120.542(5)(c), F.S.; (2) the Agency for Health Care Administration's enforcement of subsection 59A-18.004(5), F.A.C., does not violate principals of fairness per Section 120.542(2), F.S., since each of the 182 nurse registries licensed since the rule took effect on December 24, 2000 have been limited to the one Agency for Health Care Administration geographic area in which their offices were located; and (3) the requested variance would not serve the purpose of the underlying statute as required by Section 120.542(5)(c), F.S., since the underlying statute for subsection 59A-18.004(5), F.A.C., is Section 400.497(7), Florida Statutes, that requires the Agency for Health Care Administration to adopt and enforce rules providing standards for geographic service areas.

A copy of the denial of the rule variance may be obtained from: The Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 3, Tallahassee, Florida 32308.

For additional information, please contact Tim Elliott, Office of the General Counsel, at the above address or by telephone (850)922-5873.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on April 14, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), F.A.C., from the Asian Café located in Orlando. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... The proposed establishment does not have bathroom facilities for patrons or employees. They are requesting a variance to have a seating capacity of 32 and use public bathroom facilities located in the Festival Bay Mall that are approximately 140 feet from the proposed establishment.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on April 12, 2005, the Bureau of Elevator Safety received two Petitions for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Chapter 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from Tim Hawthorne of Otis Elevator Company.



The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: Salida Del Sol, Daytona Beach Shores and Sun Trust Colonnade and Wellesley Condominium Phase 1, Orlando (Petitions VW 2005-046 and 2005-045 respectively).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

**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 filed on behalf of Jennifer Chu, M.D., on April 11, 2005, seeking a variance from Rule 64B8-4.009, F.A.C., with regard to verification of medical school education.

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.

NOTICE IS HEREBY GIVEN THAT ON April 18, 2005, the Department of Health received a Petition for Variance from subsection 64B21-500.005(2), F.A.C., from Alicia M. Scott, PhD. The Petition requests a variance from the rule that requires a minimum of one and one-half (1 1/2) hours per week of face-to-face interactive supervision during the supervised experience requirement.

Comments on this Petition or a request for a copy of the Petition should be directed to: Paula Jones, Department of Health, School Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
  - Office of Insurance Regulation
  - Office of Financial Regulation
- Financial Management Information Board
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection
- DATE AND TIME: May 17, 2005, 9:00 a.m.
- PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of

certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as aquacultural issues as presented

by the Division of Aquaculture in the Department of Agriculture and Consumer Services mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, conservation and preservation lands and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters pertaining to the Office of Greenways and Trails for lands acquired through the Greenways and Trails land acquisition program and lands managed by the Office of Greenways and Trails. The Department of Environmental Protection, as staff to the Board of Trustees of the Internal Improvement Trust Fund in addition to the above, will also present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/index.html> or by contacting each individual agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold telephone calls to which all interested persons are invited to participate.

Legislative Committee

DATE AND TIME: May 10, 2005, 10:00 a.m.

Awards and Recognition Taskforce

DATE AND TIME: May 10, 2005, 11:00 a.m.

Annual Report Committee

DATE AND TIME: May 11, 2005, 10:00 a.m.

Finance and Budget Committee

DATE AND TIME: May 12, 2005, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW 5 days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Friends of Florida State Forests, Inc., which is open to all interested persons.

DATE AND TIME: Friday, June 5, 2005, 9:00 a.m. – 2:00 p.m. (EST)

PLACE: Florida Division of Forestry, Center for Wildfire & Forest Resource Management Training, 24059 Childs Rd., Brooksville, FL 34601, (352)754-6864

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Friends of Florida State Forests, Inc.

A copy of the agenda may be obtained by contacting: Deborah Parker, 3125 Conner Blvd., Bin #C25, Tallahassee, FL 32399-1650, (850)414-0869.

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The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Review Council.

DATE AND TIME: May 27, 2005, 9:00 a.m.

PLACE: Mote Aquaculture Park, 12300 Fruitville Road, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, Division of Aquaculture, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301, (850)488-4033).

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

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#### DEPARTMENT OF EDUCATION

The State of Florida, **Department of Education, Education Practices Commission** announces a New Commission Member Training Session; the public is invited to observe (public comments will not be taken).

New Commission Member Training Session

DATE AND TIME: May 2, 2005, 9:30 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Education Practices Commission considers final agency action in matters dealing with the disciplining of certified educators. This Training Session will serve to train new members of the Education Practices Commission who will sit on future Teacher and/or Administrator Hearing Panels.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 711.

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The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel; all persons are invited.

Teacher Hearing Panel

DATES AND TIMES: May 5, 2005, 9:00 a.m.; May 6, 2005, 9:00 a.m.

PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 711.

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The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting to which all interested persons are invited to participate.

TIME AND DATE: May 12, 2005, 10:00 a.m. (EDT)

PLACE: Gulf Franklin Center, Port St. Joe, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

Contact person for the meeting: Dr. Robert L. McSpadden, President.

The **Indian River Community College**, Criminal Justice Training Institute announces a public meeting for the Region XI Council, to which the public is invited.

DATE AND TIME: June 1, 2005, 10:00 a.m.

PLACE: Indian River Academy, Room 20, 5900 Tedder Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide update on training classes and any other issues involving the Region.

The public is invited to a meeting of the Florida **Board of Governors**.

DATE AND TIME: May 13, 2005, 8:30 a.m. – 9:30 a.m.

PLACE: By Telephone Conference Call, Room 1605, Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of matters of interest to the Board of Governors being discussed by the 2005 Florida Legislature; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Commissioner of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATE AND TIME: Wednesday, May 11, 2005, 9:00 a.m. – 3:00 p.m.

PLACE: Nova Southeastern University, Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will address master plan initiatives related to primary education and leadership as well as other ongoing responsibilities and assignments.

The agenda may be accessed at [www.cepri.state.fl.us](http://www.cepri.state.fl.us).

For further information, contact: Council office, (850)488-7894.

The **Florida Rehabilitation Council** announces the following conference call/meeting to which all interested persons are invited to participate.

MEETING: Executive

DATE AND TIME: May 17, 2005, 10:00 a.m. – 1:00 p.m.

MEETING: Planning

DATE AND TIME: May 18, 2005, 9:00 a.m. – 10:00 p.m.

MEETING: Coordination

DATE AND TIME: May 19, 2005, 10:00 a.m. – 11:00 p.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862 (NOTE: Phone numbers for these conference calls may be obtained by contacting Yolanda Manning.)

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 COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited.

DATE AND TIME: May 9, 2005, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Greystone Hotel, 1920 Collins Avenue, Miami Beach; Selby Group Office Building, 309 Moody Boulevard, Flagler Beach; Winterport LLC, 201 Ocean Boulevard, Melbourne Beach; Sarasota Film Society, No Address Yet Determined, Sarasota; Coral Springs Auto, 10820 Wiles Road, Coral Springs; Reid and Associates, 1630 F Road, Loxahatchee; New Yoga Studio, 233 11th Street, Miami Beach; Jeannette E. Williams and Susan Everhard, 400 Alton Road, No. 3A, Miami Beach; Paris Theater, 550 Washington Avenue, Miami Beach; S. S. Sasquatch LLC, 2211 Fruitville Road, Sarasota; Sea World Aviculture Barn, 7007 Sea World Drive, Orlando.

DATE AND TIMES: May 9, 2005

8:00 a.m. – Meeting of the Structural Technical Advisory Committee

10:00 a.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC

10:00 a.m. – Meeting of the Education Technical Advisory Committee

3:00 p.m. – Meeting of the Education Technical Advisory Committee

3:00 p.m. – Meeting of the Fire Technical Advisory Committee

DATE AND TIMES: May 10, 2005

8:00 a.m. – Miniature Golf Course Charrette

8:00 a.m. – Hurricane Research Advisory Committee

DATE AND TIME: May 10, 2005

3:30 p.m. – Meeting of the Plenary Session of the Florida Building Commission. Review and approval of the Agenda. Review and approval of the March 15 and 16, 2005 Minutes. Chair’s Discussion of Issues and Recommendations.

Consideration of requests for waiver from accessibility code requirements: Greystone Hotel, 1920 Collins Avenue, Miami Beach; Selby Group Office Building, 309 Moody Boulevard, Flagler Beach; Winterport LLC, 201 Ocean Boulevard, Melbourne Beach; Sarasota Film Society, No Address Yet Determined, Sarasota; Coral Springs Auto, 10820 Wiles Road, Coral Springs; Reid and Associates, 1630 F Road, Loxahatchee; New Yoga Studio, 233 11th Street, Miami Beach; Jeannette E. Williams and Susan Everhard, 400 Alton Road, No. 3A, Miami Beach; Paris Theater, 550 Washington Avenue, Miami Beach; S. S. Sasquatch LLC, 2211 Fruitville Road, Sarasota; Sea World Aviculture Barn, 7007 Sea World Drive, Orlando.

Consideration of Petitions for Declaratory Statement: Expedited Adoption of Hurricane Response Code Amendments

Second Hearing:

DCA05-DEC-031 by John I. Johnson, AIA of Gresham, Smith and Partners

DCA05-DEC-032 by James P. Stephan of Stephan Manufacturing

DCA05-DEC-034 by G. David Rogers of Florida Propane Gas Association

First Hearing:

DCA04-DEC-038 by A. Mark Scala, PE, Broward County Board of Rules & Appeals

DCA04-DEC-042 by John Alford, PE, TLC

DCA04-DEC-047 by William C. Hill, Fortifiber Building Systems Group

DCA04-DEC-053 by Thomas Rodgers, Arrowhead Point Property Corp.

DCA04-DEC-054 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

DCA04-DEC-066 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

DCA04-DEC-068 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

DCA05-DEC-072 by Bemmie Eustace, Interplan LLC

DCA04-DEC-073 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

DCA04-DEC-074 by Alan Bookspan, Allied Building Products

DCA04-DEC-075 by Robert Amoruso, PE, Florida Extruders International Inc.

DCA04-DEC-076 by Robert Amoruso, PE, Florida Extruders International Inc.

DCA04-DEC-077 by John I. Johnson, AIA, Gresham Smith & Partners

Consideration of Applications for Product and Entity Approval  
 Consideration of Committee Reports and Recommendations: Education TAC Report; Fire TAC Report; Special Occupancy TAC Report; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

General Public Comment

Commission Member Comments and Issues

Recess until Wednesday 8:30 a.m.

DATE AND TIMES: May 11, 2005

8:30 a.m. – Meeting of the Plenary Session of the Florida Building Commission continued.

Review and approval of the Agenda.

Review and Update of Commission Workplan

Building/Fire Code Duplicate Provisions and Overlapping Responsibilities Assessment Report.

Report on Miniature Golf Design Charrette

Legislative Issues Report.

Recommendations of the Hurricane Research Advisory Committee.

Product Approval Work Group Progress Report and Recommendations and Supplementary Rule Hearing on Rule 9B-72.

Public Comment on Quality of Construction

Review Committee Assignments and Issues for the Commission’s June 27, 28, and 29, 2005 Meeting.

Summary Review of Meeting Work Products

DATE AND TIME: May 11, 2005

1:00 p.m. – Attic Ventilation Workshop

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida, 1(800)800-9840

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development,

Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, website: www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** hereby gives notice that the time and date for the additional hearing for Rule 9B-72, F.A.C., which was originally scheduled for 10:00 a.m. on May 10, 2005, has been changed to:

DATE AND TIME: May 11, 2005, 10:30 a.m.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the additional hearing is to take additional public comment, including a report from the Product Approval Work Group, pertaining to the statewide system of product approval. The Notice of Proposed Rulemaking appeared in the June 25, 2004, edition of the Florida Administrative Weekly.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ADDITIONAL HEARING 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**

The Florida **Department of Transportation** announces a rule development workshop has been requested regarding Rules 14-51.011, Definitions, 14-51.052, Design and 14-51.053, Installation. All interested persons are invited to participate.

DATE AND TIME: May 19, 2005, 1:00 p.m.

PLACE: Department of Transportation, Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This amendment creates a Part V Wayfinding Signs. New definitions are added to Rule 14-51.011, F.A.C., and three new rules are established in a new Part V.

Notice of the rule development was published in Florida Administrative Weekly, Vol. 31, No. 15, dated April 15, 2005, pages 1391 and 1392.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATES AND TIME: May 11-12, 2005, 8:30 a.m.

PLACE: Hawthorne Suites Hotel, 7601 Canada Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call: Christine Jones, (850)245-7914.

Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Christine Jones, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

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

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

**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 6, 2005, 10:30 a.m., EDT, until conclusion of meeting.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is to select a service provider for the Florida Hurricane Catastrophe Fund's Loss Reimbursement Examination Program.

**PLACE:** The Florida Hurricane Catastrophe Fund Conference Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

**TELEPHONE:** For those who wish to participate by telephone, the number to call is (850)414-1707 or Suncom 994-1707.

Anyone wishing to receive a copy of the agenda for the meeting should contact Marcie Vernon, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; (850)413-1345.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to participate in any of these meetings is requested to call Marcie Vernon, (850)413-1345, five days prior to the meeting so that appropriate arrangements can be made.

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#### DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Gift Fruit Advisory Council to which all persons are invited.

**DATE AND TIME:** Wednesday, May 4, 2005, 10:30 a.m.

**PLACE:** Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Council will meet to review and discuss proposed Gift Fruit Marketing Plans for 2005/06. The Council will also discuss any other issues that may properly come before the Council.

If you would like to attend this meeting via telephone conference you may do so by calling 1(888)461-8118.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones, (863)499-2499.

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#### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

**DATES AND TIME:** Monday and Tuesday, May 9-10, 2005, 9:00 a.m.

**PLACE:** Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Administrative Rules Workshop.

This workshop is to update and clarify administrative rules pertaining to Commission operations, personnel issues, Interstate Compact and the Parole Program. If more information is needed, please contact: Ms. Susan Schwartz, (850)488-4460.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency not later than five working days prior to the proceeding at the address given on the notice: Telephone: (850)488-3417.

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#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

**DATE AND TIME:** May 16, 2005, 9:30 a.m.\*

**PLACE:** The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

\* In the event of a scheduling conflict, this meeting may be rescheduled to May 17, 2005, in Room 140, immediately preceding or immediately following the Commission Conference.

\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\*

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

**DATE AND TIME:** May 17, 2005, 9:30 a.m.

**PLACE:** The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider those matters ready for decision.

**LEGAL AUTHORITY AND JURISDICTION:** Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission

Clerk and Administrative Services, (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Council**, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Wednesday, May 18, 2005, 10:00 a.m.  
 PLACE: First Coast Technical Institute, 2890 Collins Avenue, St. Augustine, FL 32084  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Jeanie Palmer, (904)279-0880, Ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 20, 2005, 10:00 a.m.  
 PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Local Emergency Planning Committee. For additional information, please contact: Ms. Teri Hunalp, East Central Florida Regional Planning Council, (407)623-1075, Ext. 335, website: [www.ecfrpc.org](http://www.ecfrpc.org).

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

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, May 11, 2005, 9:30 a.m.  
 PLACE: Highlands County Health Department Conference Room, 7205 South George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the 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.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: May 20, 2005, 9:30 a.m.  
 PLACE: Wolf High-Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.



Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

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#### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: May 12, 2005, 9:00 a.m.

PLACE: Fiddler's Restaurant, 1306 S. E. Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

DATE AND TIME: May 12, 2005, 1:30 p.m.

PLACE: Fiddler's Restaurant, 1306 S. E. Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Workshop.

DATE AND TIME: May 13, 2005, 8:30 a.m.

PLACE: Fiddler's Restaurant, 1306 S. E. Riverside Drive, Steinhatchee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

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

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, Adm./Board Coordinator, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

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The **St. Johns River Water Management District** announces a Central Recreational Public Meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 4, 2005, 9:30 a.m. – 3:00 p.m.

MEETING: Central Recreational Public Meeting

DATE AND TIME: Wednesday, May 4, 2005, 9:30 a.m. – 12:00 Noon

PLACE: Apopka Recreation Building/Behind Fire Station, 176 E. 5th Street, Apopka, FL

TOUR: Management Review Team Tour, Lake Apopka Restoration Area, immediately following meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Central Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

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The **St. Johns River Water Management District** announces the following Projects and Land Committee Meeting(s) and Tour. All persons are invited.

Projects and Land Committee public meeting forum

DATE AND TIME: Thursday, May 5, 2005, 6:00 p.m. – 7:30 p.m.

Projects and Land Committee business meeting followed by a land tour of Indian River Lagoon (IRL) Projects

DATE AND TIME: Friday, May 6, 2005, 8:00 a.m. – 10:00 a.m.

PLACE: Titusville Public Library, 2121 S. Hopkins Avenue, Titusville, FL 32780; May 6, 2005 – following the business meeting, a tour of District project areas in the Indian River Lagoon Project Areas

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation of IRL Projects. Business meeting to consider Committee agenda items.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429, Sonia Blake, Water Resources Dept., (386)312-2330.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, May 10, 2005, 8:45 a.m., St. Johns River Water Management District Office, Highway 100, West, 4049 Reid Street, Palatka, FL. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

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The **Southwest Florida Water Management District** (SWFWMD) announces the following public tour to which all interested persons are invited:

CITRUS COUNTY TSALA-APOPKA CHAIN OF LAKES TASK FORCE OF THE CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL

DATE AND TIME: Monday, May 9, 2005, 9:00 a.m.

PLACE: Lake Hernando Boat Ramp, Hernando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tour of the Lake Tsala Apopka to Identify Priority Areas for Lake Restoration and Enhancement.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida), or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, May 4, 2005, 2:00 p.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Audit and Finance Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: [www.sfwmd.gov/gover/GovBoard/webpage/agenda.html](http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html).

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

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NOTICE OF CHANGE – The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, May 5, 2005, 9:00 a.m.

PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Meeting.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: [www.sfwmd.gov/gover/GovBoard/webpage/agenda.html](http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html).

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.

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NOTICE OF CHANGE – The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

Please note date change:

DATE AND TIME: Monday, May 9, 2005, 2:00 p.m.

PLACE: Town of Jupiter Community Center, 210 Military Trail, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6880, 210 Atlanta Avenue, Stuart, Florida 34994.

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: Gardenia Banks Long, Martin/St. Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3617.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, May 10, 2005, 9:00 a.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Land Resources and Regulatory Committee Meeting to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: [www.sfwmd.gov/gover/GovBoard/webpage/agenda.html](http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html).

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

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**The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, May 10, 2005, 10:30 a.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Human Resource and Outreach Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: [www.sfwmd.gov/gover/GovBoard/webpage/agenda.html](http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html).

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

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**The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, May 10, 2005, 1:00 p.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: [www.sfwmd.gov/gover/GovBoard/webpage/agenda.html](http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html).

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

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**The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, May 11, 2005, 9:00 a.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit and Finance Committee/Human Resources and Outreach Committee to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: [www.sfwmd.gov/gover/GovBoard/webpage/agenda.html](http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html).

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a Rate Review Committee Meeting to which all persons are invited.

DATE AND TIME: Monday, May 16, 2005, 1:00 p.m. – completion

PLACE: Conference call number (850)410-1706, Suncom 994-1706, 2740 Centerview Drive, Suite 1-A, Rhyne Building, Room 308, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To approve rate increase requests and other committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson’s request.

The Florida **Commission for the Transportation Disadvantaged** announces a Conference Committee Meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 17, 2005, 10:00 a.m. – completion

PLACE: 2740 Centerview Drive, Suite 1A, Rhyne Building, Tallahassee, FL, (850)410-5700, Conference Call Number (850)245-5775, Suncom 205-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss plans for 2005 TD conference.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Niki Branch,

Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson’s request.

The Florida **Commission for the Transportation Disadvantaged** announces a Rural Capital Equipment Grant Application Review Committee Meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 18, 2005, 9:30 a.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications for Rural Capital Equipment Grants.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson’s request.

The Florida **Commission for the Transportation Disadvantaged** announces a Finance, Audit, and Program Performance Committee Meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 18, 2005, 1:00 p.m. – completion

PLACE: 2740 Centerview Drive, Rhyne Building, Tallahassee, FL, (850)410-5700, Conference Call Number (850)414-5775, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson’s request.

The Florida **Commission for the Transportation Disadvantaged** announces a CTC Tour to which all persons are invited.

DATE AND TIME: Thursday, May 19, 2005, 2:00 p.m. – completion

PLACE: Departing from Hyatt Regency Riverfront Jacksonville, 225 Coast Line Drive, East, Jacksonville, Florida 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To tour local Community Transportation Coordinator facilities and observe the coordinated transportation system.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Thursday, May 19, 2005, 5:30 p.m. – completion

PLACE: Hyatt Regency Jacksonville Riverfront, 225 Coast Line Drive, East, Jacksonville, Florida 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear comments from the public concerning the transportation disadvantaged program.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Friday, May 20, 2005, 8:30 a.m. – completion

PLACE: Hyatt Regency Jacksonville Riverfront, 225 Coast Line Drive, East, Jacksonville, Florida 32202, (904)588-1234, Conference call number (850)410-0966, Suncom, 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only).

The meeting is subject to change upon chairperson's request.

## REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Special Board Meeting to which all persons are invited:

DATE AND TIME: Monday, May 16, 2005, 9:00 a.m.

PLACE: Tampa City Council Chambers, City Hall, 315 E. Kennedy, Tampa, Florida 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: Report to the Board on the Two-Party Agreement with the City of Tampa for the Downstream Augmentation Program and alternative water supply options, if necessary.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes 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.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web, [www.tampabaywater.org](http://www.tampabaywater.org), within 7 days of the meeting.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

## DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Department of Management Services** announces a meeting of the Florida State Employees' Charitable Campaign (FSECC) Statewide Steering Committee to which all persons are invited:

DATES AND TIMES: May 11, 2005, 1:00 p.m.; May 18, 2005 1:00 p.m.

PLACE: 4040 Esplanade Way, Suite 360P, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the FSECC Steering Committee to review applications for participation in the campaign.

For more information about the meeting, for a copy of the agenda, or if special accommodations are needed to attend this meeting because of a disability, please contact: John Kuczanski, Department of Management Services, 4050 Esplanade Way, Suite 280, Tallahassee, FL 32399-0950, (850)921-5266.

State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, May 16, 2005, 10:00 a.m. – 12:00 Noon

PLACE: Conference Room 166, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, (850)922-2680, e-mail: Elaine.womble@myflorida.com.

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: Tuesday, May 24, 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)488-8713, Suncom 278-8713)

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 decides 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.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Wednesday, May 11, 2005, 10:00 am.

PLACE: Colony Cove, 4313 Kings Drive, Ellenton, FL 34222  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

Additional information may be obtained by contacting: Mandy Lemons, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of a meeting of the Condominium Advisory Council. A condominium educational class on Election Procedures will precede the meeting and will begin at 8:30 a.m.

DATE AND TIME: Saturday, May 14, 2005, 10:00 a.m. – business is completed

PLACE: Edgewater Beach Resort, 11212 Front Beach Road, Panama City Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the council: general business, including public input.

AGENCY CONTACT PERSON: Carol Windham, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032, (850)488-1631.

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: Carol Windham, Government Analyst, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

The **Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Advisory Council to which all persons are invited:

DATE AND TIME: May 17, 2005, 10:00 a.m. – 1:00 p.m.

PLACE: The Florida Lodging Association Board Room, 200 West College Avenue, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council.

A copy of the agenda may be obtained by contacting: Lee Cornman, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting: Lee M. Cornman, Operations Review Specialist, (850)488-1133. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE WORKSHOP IS: Lee M. Comman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012; The Johns Building, 725 South Bronough Street, Tallahassee, FL, (850)488-9263

AMENDED NOTICE – The Florida **Electrical Contractor’s Licensing Board** announces the following Board Meeting to which all interested persons are invited to attend:

DATE AND TIME: May 18, 2005, 8:00 a.m. or soon thereafter  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Disciplinary Actions, General Board and Business Meeting.

DATE AND TIME: May 18, 2005, 4:00 p.m. or soon thereafter  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (closed to the public).

DATE AND TIME: May 19, 2005, 8:00 a.m. or soon thereafter  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

DATE AND TIME: May 20, 2005, 8:00 a.m. or soon thereafter  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative and Rules Discussion and General Business Meeting.

PLACE: The Edgewater Beach Hotel and Club, 1901 Gulf Shore Blvd., North, Naples, FL 34102, (239)403-2000

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact, in writing: Electrical Contractors’ Licensing Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he or she will need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board Office, (850)921-4847, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-9771 (TDD).

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 25, 2005, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference. To connect, dial (850)414-1706, Suncom 994-1706

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office, (850)487-8304. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Board of Professional Engineers** and the Florida Engineers Management Corporation announces a conference call to conduct business of the Board and Corporation, which all persons are invited.

DATE AND TIME: Thursday, May 26, 2005, 9:00 a.m. – until conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303, Conference Call Number 1(800)473-7794

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers and the Florida Engineers Management Corporation. Discussion on the contract for the fiscal year 2005-2006.

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 and 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 Professional Surveyors and Mappers** announces a General Business Meeting, to which all interested parties are invited to attend.

DATE AND TIME: May 26, 2005, 10:00 a.m.

PLACE: Telephone Conference Call Meet-Me-Number (850)414-1708, Suncom 994-1708

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Tuesday, May 24, 2005.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: June 15, 2005, 8:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-7154, 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).

## 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 Chiropractic Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, May 13, 2005, 8:30 a.m.

PLACE: The Westin Ft. Lauderdale, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

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 hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, [website: www.doh.state.fl.us/mqa/chiro/chiro\\_home.html](http://www.doh.state.fl.us/mqa/chiro/chiro_home.html).

The Florida **Boards of Medicine** and Osteopathic Medicine, Anesthesiologist Assistant Committee announces a meeting to which all persons are invited. This meeting will also be held via telephone conference.

DATE AND TIME: Friday, May 27, 2005, 9:00 a.m.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, FL 32822, (407)851-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (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 **Board of Nursing**, North Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: May 9, 2005, 5:30 p.m.

PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 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: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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The **Department of Health, Board of Physical Therapy Practice** hereby gives notice that the public workshop for the purposes of rule development on Rules 64B17-3.001, 64B17-3.002, 64B17-4.003, 64B17-7.001 and 64B17-9.001, F.A.C., as noticed in Vol. 31, No. 15, April 15, 2005, Florida Administrative Weekly, is hereby cancelled.

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT WORKSHOP IS: Kaye Howerton, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited: DATES AND TIMES: May 5, 2005, 6:30 p.m. or soon thereafter; May 6, 2005, 8:00 a.m. or soon thereafter

PLACE: The Wyndham Ft. Lauderdale Airport Hotel, 1870 Griffin Road, Dania Beach, FL 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting/Rules Workshop.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Tallahassee, FL 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 **Department of Health, Board of Physical Therapy** announces a conference call of the board:

DATE AND TIME: May 17, 2005, 11:30 a.m. or soon thereafter

PLACE: The meet me number may be obtained by contacting: Ivy Shivers, (850)245-4372

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

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, or by calling the board office, (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 Florida Alliance for Diabetes Prevention and Care (Formerly – IWG), **Department of Health**, Diabetes Prevention and Control Program will hold their next Alliance Group meeting to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, May 10, 2005, 12:30 p.m. – 4:30 p.m.

PLACE: Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, FL 33607, (813)879-5151

If you would like to attend, have questions or require additional information, please contact: M. R. Street, (850)245-4330.

All requests for special accommodations must be received by Friday, May 6, 2005, 5:00 p.m. Eastern Time.

The Florida **Diabetes Advisory Council** (DAC) members announce their quarterly meeting to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, May 11, 2005, 9:00 a.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, FL 33607, (813)879-5151

This is a public meeting. If you would like to attend, have questions or require additional information, please contact: M. R. Street, (850)245-4330.

All requests for special accommodations must be received by Friday, May 6, 2005, 5:00 p.m. Eastern Time.

The Florida **Department of Health**, Office of Statewide Research, on behalf of the Biomedical Research Advisory Council (BRAC) announces a public meeting.

DATES AND TIMES: Thursday, May 12, 2005, 10:00 a.m. – 5:00 p.m.; Friday, May 13, 2005, 9:00 a.m. – 3:00 p.m. (Business will be conducted on day one from 10:00 a.m. to 2:30 p.m. with strategic planning to follow.)

PLACE: Orlando Museum of Art, Council of 101 Meeting Room A, 2416 North Mills Avenue, Orlando, FL 32803-1483

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual May planning meeting of the James and Esther King Biomedical Research Advisory Council (Section 215.5602, F.S.)

The Florida **Department of Health, Division of Health Access and Tobacco** announces a public graduate medical education committee meeting to which all persons are invited.

DATES AND TIMES: Wednesday, May 11, 2005, 10:00 a.m. – 4:00 p.m.

PLACE: The Tampa Airport Marriott Hotel, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Graduate Medical Education Committee and the Community Health Education Council.

A copy of the agenda or additional information may be obtained by writing: Graduate Medical Education Program, Division of Health Access and Tobacco, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738, Jessica Rivenbark, (850)245-4446, Ext 2711.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Division of Health Access and Tobacco, (850)245-4446, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Division of Health Access and Tobacco using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services**, District 12, Community Alliance CBC Taskforce announces the following public meeting to which all persons are invited.

DATE AND TIME: May 4, 2005, immediately following Community Alliance

PLACE: Daytona Beach Regional Service Center, 210 N. Palmetto Ave., Conf. Rm 148, Daytona Beach, Florida

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Denise Kelly.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (904)238-4648, at least 48 hours in advance of the meeting.

If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

**FLORIDA HOUSING FINANCE CORPORATION**

Notice is hereby given that the **Florida Housing Finance Corporation** (“Florida Housing”) will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 (“TEFRA”) to which all interested persons are invited.

DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Altamira Apartments, a 152-unit multifamily residential rental development located at 3150 N. W. 79th Street, Miami, Dade County, Florida 33147. The prospective owner and operator of the proposed development is Altamira Associates, Ltd., 2121 Ponce De Leon Blvd., PH, Coral Gables, Florida 33134, or such successor in interest in which Altamira Associates, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling

stockholder. The prospective manager of the proposed development is Cornerstone Residential Management, LLC, 2121 Ponce De Leon Blvd., PH, Coral Gables, Florida 33134. The total tax-exempt bond amount is not to exceed \$8,870,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

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Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Anderson Terrace, a 275-unit multifamily residential rental development located at Anderson Snow Road, 1/2 mile North of Amero Lane, Spring Hill, Hernando County, Florida 34609. The prospective owner and operator of the proposed development is Creative Choice Homes XXXIII, Ltd., 4243-D Northlake

Blvd., Palm Beach Gardens, Florida 33410, or such successor in interest in which Creative Choice Homes XXXIII, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Lincoln Property Company, 6340 Sugarloaf Parkway, Suite 350, Duluth, Georgia 30097. The total tax-exempt bond amount is not to exceed \$14,100,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Christine Cove, a 96-unit multifamily residential rental development located at 3730 Soutel Drive, Jacksonville, Duval County, Florida 32208. The prospective owner and operator of the proposed development is Christine Cove Apartments, Ltd, 2950 S. W. 27th Avenue, Suite 200, Miami, Florida 33133, or such successor in interest in which Christine Cove Apartments, Ltd, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Carlisle Property Management, Inc., 2950 S. W. 27th Avenue, Suite 200, Miami, Florida 33133. The total tax-exempt bond amount is not to exceed \$7,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the

acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Columbian Apartments, a 188-unit multifamily residential rental development located at 518 3rd Avenue, South, St. Petersburg, Pinellas County, Florida 33701-4161. The prospective owner and operator of the proposed development is Reliance-Columbian Associates, Ltd., 516 N. E. 13th Street, Ft. Lauderdale, Florida 33304, or such successor in interest in which Reliance-Columbian Associates, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Reliance Housing Services, LLC, 516 N. E. 13th Street, Ft. Lauderdale, Florida 33304. The total tax-exempt bond amount is not to exceed \$7,900,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Kanapaha Villas, a 174-unit multifamily residential rental development located at S. W. of intersection of S. W. 46th Avenue and S. W. 69th Terrace, Gainesville, Alachua County, Florida 32608. The prospective owner and operator of the proposed development is Kanapaha Villas, Ltd., 11635 N. W. 1st Avenue, Gainesville, Florida 32607, or such successor in interest in which Kanapaha Villas, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is JOTAR Management Services, Inc., 11635 N. W. 1st Avenue, Gainesville, Florida 32607. The total tax-exempt bond amount is not to exceed \$9,600,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Brook Haven, a 160-unit multifamily residential rental development located at North side of Cortez Blvd., 1800 feet West of Candlelight Blvd., Brooksville, Hernando County, Florida 34601. The prospective owner and operator of the proposed development is Brook Haven, Ltd., c/o The Richman Group, Inc., 340 Pemberwick Road, Greenwich, CT 06831, or such successor in interest in which Brook Haven, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The total tax-exempt bond amount is not to exceed \$8,520,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Clear Harbor, an 84-unit multifamily residential rental development located at 11240 U.S. Hwy 19, North, Pinellas Park, Pinellas County, Florida 33782. The prospective owner and operator of the proposed development is Clear Harbor, Ltd., c/o The Richman Group, Inc., 340 Pemberwick Road, Greenwich, CT 06831, or such successor in interest in which Clear Harbor, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The total tax-exempt bond amount is not to exceed \$4,444,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Cutler Vista, a 216-unit multifamily residential rental development located at 10469 S. W. 212th Street, Miami, Miami-Dade County, Florida 33190. The prospective owner and operator of the proposed development is Cutler Vista Preservation, LP, 60 Columbus Circle, New York, NY 10023, or such successor in interest in which Cutler Vista Preservation, LP, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is TRG Management Company of Florida, 2828 Coral Way, Penthouse Suite, Miami, FL 33145. The total tax-exempt bond amount is not to exceed \$8,250,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

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DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Harbor Pointe, a 168-unit multifamily residential rental development located at 5125 South Dale Mabry Hwy, Tampa, Hillsborough County, Florida 33611. The prospective owner and operator of the proposed development is Harbor Pointe Housing, Ltd., c/o The Richman Group, Inc., 340 Pemberwick Road, Greenwich, CT, 06831, or such successor in interest in which Harbor Pointe Housing, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The total tax-exempt bond amount is not to exceed \$9,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

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calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Spanish Trace, a 120-unit multifamily residential rental development located on the West Side of North 15th Street, 800 feet north of the Intersection of 15th Street and 127th Avenue, Tampa, Hillsborough County, Florida 33612. The prospective owner and operator of the proposed development is Spanish Trace Housing, Ltd., c/o The Richman Group, Inc., 340 Pemberwick Road, Greenwich, CT 06831, or such successor in interest in which Spanish Trace Housing, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The total tax-exempt bond amount is not to exceed \$6,740,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

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DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Spring Haven II, a 88-unit multifamily residential rental development located on the west side of Mariner Blvd., 400 feet south of the Palmgren Lane and Mariner Blvd. intersection, Spring Hill, Hernando County, Florida 34609. The prospective owner and operator of the proposed development is SHA Associates II, Ltd., c/o The Richman Group, Inc., 340 Pemberwick Road, Greenwich, CT 06831, or such successor in interest in which SHA Associates II, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The total tax-exempt bond amount is not to exceed \$5,010,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

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Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Meetinghouse at the Grove, a 160-unit multifamily residential rental development located at W. side of US Hwy 1, approximately 1,000 feet north of Tumblin King Road, Ft. Pierce, St. Lucie County, Florida 34982. The prospective owner and operator of the proposed development is Finlay Interests 31, Ltd., 4300 Marsh Landing Blvd., Suite 101, Jacksonville, Florida 32250, or such successor in interest in which Finlay Interests 31, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Calex Realty Group, Inc., 3020 Hartley Road, Suite 200, Jacksonville, Florida 32257. The total tax-exempt bond amount is not to exceed \$8,590,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by



5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

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Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refinance bonds previously issued for the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Monterey Lake (fka Monterey Lakes Phase I and II), a 504-unit multifamily residential rental development located at 6701 Westwood Boulevard, Orlando, Orange County, Florida 32821. The prospective owner and operator of the proposed development is Monterey Lake Limited Partnership, c/o McKinley Associates, Inc., 320 North Main, Suite 200, Ann Arbor, Michigan 48107, or such successor in interest in which Monterey Lake Limited Partnership, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is McKinley Properties, Inc., 4618 Middlebrook Road, Orlando, Florida 32811. The total tax-exempt bond amount is not to exceed \$21,965,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond reissuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

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Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Stratford Downs, a 208-unit multifamily residential rental development located at 7191 Watts Road, Fort Myers, Lee County, Florida 33905. The prospective owner and operator of the proposed development is Stratford Downs Partners, Ltd., 1551 Sandspur Road, Maitland, Florida 32751, or such successor in interest in which Stratford Downs Partners, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is

Concord Management, Ltd, 1551 Sandspur Road, Maitland, Florida 32751. The total tax-exempt bond amount is not to exceed \$13,000,000.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing. All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

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Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 13, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Woods at Casselberry, a 148-unit multifamily residential rental development located at W. side of Jergo Road, 800' South of Howell Branch Road, Seminole, Seminole County, Florida 32792. The prospective owner and operator of the proposed development is Woods at Casselberry, Ltd., 1666 Kennedy Causeway, Suite 505, North Bay Village, Florida 33141, or such successor in interest in which

Woods at Casselberry, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Landmark Management Group, Inc., 1666 Kennedy Causeway, Suite 505, North Bay Village, Florida 33141. The total tax-exempt bond amount is not to exceed \$6,300,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 12, 2005, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

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## FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces public meetings to which all interested persons are invited.

DATE AND TIME: May 9, 2005, 7:00 p.m. – 9:00 p.m. (EDT)

PLACE: Sebring Civic Center, 4509 West George Blvd., Sebring, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In July 2004, the Fish and Wildlife Conservation Commission adopted a pilot program requiring registration for deer-dog hunting on private lands in the Northwest Region. This program was determined to be effective at reducing conflicts and is being proposed for statewide adoption at the Commission meeting in Daytona Beach on June 15-17, 2005. The purpose of this meeting is to make sure the public and stakeholders are fully aware of and understand this proposed rule package and have an opportunity to discuss it with FWC

staff. Please note that additional public meetings have been scheduled elsewhere in the state (May 10 in Chiefland, May 10 in Brooksville, May 12 in Lake City, May 16 in Blountstown and May 19 in Ocala).

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 5 calendar days before the meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542. For further information contact: Willie Puz, (561)625-5122.

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The Florida **Fish and Wildlife Conservation Commission** (FWC) announces public meetings to which all interested persons are invited.

DATE AND TIME: May 10, 2005, 6:30 p.m. – 8:30 p.m. (EDT)

PLACE: Tommy Usher Center, 506 S. W. 4th Ave., Chiefland, FL

DATE AND TIME: May 12, 2005, 6:30 p.m. – 8:30 p.m. (EDT)

PLACE: Columbia County School Board Auditorium, 372 W. Duval St., Lake City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In July 2004, the Fish and Wildlife Conservation Commission adopted a pilot program requiring registration for deer-dog hunting on private lands in the Northwest Region. This program was determined to be effective at reducing conflicts and is being proposed for statewide adoption at the Commission meeting in Daytona Beach on June 15-17, 2005. The purpose of this meeting is to make sure the public and stakeholders are fully aware of and understand this proposed rule package and have an opportunity to discuss it with FWC staff. Please note that additional public meetings have been scheduled elsewhere in the state (May 9 in Sebring, May 16 in Blountstown, May 17 in Brooksville and May 19 in Ocala).

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 5 calendar days before the meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542. For further information contact: Karen Parker, (386)758-0525.

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The Florida **Fish and Wildlife Conservation Commission** (FWC) announces public meetings to which all interested persons are invited.

DATE AND TIME: May 16, 2005, 7:00 p.m. – 9:00 p.m. (CDT); 8:00 p.m. – 10:00 p.m. (EDT)

PLACE: Calhoun County Court House Annex, 20859 Central Ave., Blountstown, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In July 2004, the Fish and Wildlife Conservation Commission adopted a pilot program requiring registration for deer-dog hunting on private lands in the Northwest Region. This program was determined to be effective at reducing conflicts and is being proposed for statewide adoption at the Commission meeting in Daytona Beach on June 15-17, 2005. The purpose of this meeting is to make sure the public and stakeholders are fully aware of and understand this proposed rule package and have an opportunity to discuss it with FWC staff. Please note that additional public meetings have been scheduled elsewhere in the state (May 9 in Sebring, May 10 in Chiefland, May 12 in Lake City, May 17 in Brooksville and May 19 in Ocala).

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 5 calendar days before the meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542. For further information contact: Stan Kirkland, (850)265-3676.

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The Florida **Fish and Wildlife Conservation Commission** (FWC) announces public meetings to which all interested persons are invited.

DATE AND TIME: May 17, 2005, 7:00 p.m. – 9:00 p.m. (EDT)

PLACE: Southwest Florida Water Management District Headquarters Auditorium, 2379 Broad St., Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In July 2004, the Fish and Wildlife Conservation Commission adopted a pilot program requiring registration for deer-dog hunting on private lands in the Northwest Region. This program was determined to be effective at reducing conflicts and is being proposed for statewide adoption at the Commission meeting in Daytona Beach on June 15-17, 2005. The purpose of this meeting is to make sure the public and stakeholders are fully aware of and understand this proposed rule package and have an opportunity to discuss it with FWC staff. Please note that additional public meetings have been scheduled elsewhere in the state (May 9 in Sebring, May 10 in Chiefland, May 12 in Lake City, May 16 in Blountstown and May 19 in Ocala).

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 5 calendar days before the meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542. For further information contact: Gary Morse, (863)648-3203.

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces public meetings to which all interested persons are invited.

DATE AND TIME: May 19, 2005, 7:00 p.m. – 9:00 p.m. (EDT)

PLACE: Marion County Agriculture Extension Service Auditorium, 2232 N.E. Jacksonville Rd., Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: In July 2004, the Fish and Wildlife Conservation Commission adopted a pilot program requiring registration for deer-dog hunting on private lands in the Northwest Region. This program was determined to be effective at reducing conflicts and is being proposed for statewide adoption at the Commission meeting in Daytona Beach on June 15-17, 2005. The purpose of this meeting is to make sure the public and stakeholders are fully aware of and understand this proposed rule package and have an opportunity to discuss it with FWC staff. Please note that additional public meetings have been scheduled elsewhere in the state (May 9 in Sebring, May 10 in Chiefland, May 12 in Lake City, May 16 in Blountstown and May 17 in Brooksville).

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 5 calendar days before the meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542. For further information contact: Joy Hill, (352)732-1225.

**DEPARTMENT OF FINANCIAL SERVICES**

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIMES: May 11, 2005, 3:00 p.m. – 5:00 p.m.; resuming 6:30 p.m. – 8:30 p.m.

PLACE: Spartan Manor, 6121 Massachusetts Ave., New Port Richey, FL 34653

GENERAL SUBJECT MATTER TO BE CONSIDERED: Service Insurance Company has requested a 31% average statewide rate increase for its Manufactured Home Program. This rate increase is based, at least in part, on a computer model. Florida law requires that a public hearing be held regarding any rate filing that is based in whole or part on data from a computer model and which exceeds 25%. Input from interested parties will be received at this public hearing.

CONTACT NAME AND NUMBER: Clifford Taylor, Esquire, (850)413-4142

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please telephone the Spartan Manor, (727)849-6464, at least 5 calendar days before the program.

**GOVERNOR'S COMMISSION ON VOLUNTEERISM AND COMMUNITY SERVICE**

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Nominating Committee, is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Friday, May 6, 2005, 10:00 a.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Slate of Officers for the annual meeting in July.

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.

**CLERKS OF COURT**

The **Clerks of Court Operations Corporation** announces a teleconference to which all persons are invited.

DATE AND TIME: May 19, 2005, 1:30 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget forms, instructions, and training and other issues.

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC, (850)386-2223, CCOC website: [www.flccoc.org](http://www.flccoc.org).

**SUNSHINE STATE ONE CALL OF FLORIDA**

The **Sunshine State One Call of Florida**, Inc. announces annual meeting, elections, board and committee meetings and annual golf tournament to which all interested persons are invited to participate. Formal business attire will be required during the annual meeting.

Executive Review Committee Meeting

DATE AND TIME: May 19, 2005, 7:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Director's review.

Board of Directors Meeting

DATE AND TIME: May 19, 2005, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Review Committee will make a presentation to the board.

Annual Meeting

DATE AND TIME: May 19, 2005, Registration – 8:30 a.m.; Meeting – 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of the 2004-2005 fiscal year and annual elections.

**Board of Directors Meeting**

DATE AND TIME: May 19, 2005, immediately following Annual Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Election of officers, By-Laws vote and other matters that affect the operation of the call center.

**Committee Meetings**

During the board meeting, committees will be selected. The following committees will meet for 30 minutes each in succession: Damage Prevention, Operations, Finance, Legislative, Storm Planning, IT Audit and Employee Retirement. Each committee will select a vice-chair and secretary and review action plans.

**ELECTION**

Each member company of SSOCOF is entitled to one vote in the Board of Directors elections. Voting will be conducted at the meeting. Mail ballots will not be allowed.

PLACE: Sunshine State One Call, 11 Plantation Road, DeBary, FL 32713, (386)575-2000 or 1(800)638-4097

**GOLF TOURNAMENT**

DATE AND TIME: May 20, 2005, 8:30 a.m. start

PLACE: DeBary Golf and Country Club, 300 Plantation Club Drive, DeBary, FL

Registration/sponsorship forms available at <http://www.callsunshine.com/corp/docs/golf.pdf>. (Registration fee for golf is \$55 and includes breakfast, lunch, cart and range balls. Sponsorship is \$150 or \$175 for a sponsorship and one golfer.) Direct questions to: Brad Martin, (850)514-9221.

Note: Any person requiring an accommodation at this meeting because of a physical impairment should call the one-call notification center, (386)575-2000, at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center, 1(800)955-8771.

**VISIT FLORIDA**

The Florida **Commission on Tourism** announces a public meeting of the **VISIT FLORIDA**, Board of Directors and the Florida Commission on Tourism as follows:

MEETING: Visitor Services Committee

DATE AND TIME: Wednesday, June 15, 2005, 9:00 a.m. – 10:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear updates on the Florida Welcome Centers and other business as necessary.

MEETING: New Product Development Council

DATE AND TIME: Wednesday, June 15, 2005, 9:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear regional updates and other business as necessary.

MEETING: Finance Committee

DATE AND TIME: Wednesday, June 15, 2005, 10:30 a.m. – 11:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will review financial statements and other business as necessary.

MEETING: Partner Development Committee

DATE AND TIME: Wednesday, June 15, 2005, 1:00 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss old business and strategies for recruiting new Partners.

MEETING: Marketing Steering Committee

DATE AND TIME: Wednesday, June 15, 2005, 3:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss and review marketing strategies and other business as necessary.

MEETING: VISIT FLORIDA Board of Directors Meeting

DATE AND TIME: Thursday, June 16, 2005, 9:00 a.m. – adjournment

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss committee reports, on-going issues and other matters.

MEETING: Florida Commission on Tourism

DATE AND TIME: Thursday, June 16, 2005, upon adjournment of the Board of Directors meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will ratify actions of the Board of Directors and discuss other matters as necessary.

PLACE: World Golf Village Renaissance Resort, 500 S. Legacy Trail, St. Augustine, FL, 1(888)740-7020

For further information contact: Susan Gale, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**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, The Lakes of Oakland Forest Condominium, Inc.; Docket Number 2005011408.

Whether the association's declaration, which authorizes the acceleration of assessments in the event of default for a specific number of months irrespective of the budget year in which the claim of lien was filed, complies with Section 718.112(2)(g), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2005011408, may be obtained by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Dismissing Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Cypress Bend VII Condominium Association, Inc., Petitioner, Docket Number 2004060017.

Because the Division has not received requested governing documents from the Association, the Petition for Declaratory Statement is dismissed with leave to refile.

A copy of the Order Denying Petition for Declaratory Statement, Docket Number 2004060017, 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.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Dismissing Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Anthony Vendemia, Unit Owner, Village Green at Baymeadows Two Condominium Association, Inc., Docket Number 2005007361. The Division finds the condominium declaration as amended is ambiguous and therefore, the Petition for Declaratory Statement is denied.

A copy of the Order Denying Petition for Declaratory Statement, Docket Number 2005007361, 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.

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, Dennis & Karen Roske, Petitioners, Moonlight Bay Condominium Association, Inc.; Docket No. 2005021696.

Whether a unit owner may paint the interior wall of the unit's lanai a color different from the original color under Sections 718.108 and 718.113, Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2005021696, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Construction Industry Licensing Board hereby gives notice that it has received a Petition for Declaratory Statement filed on March 4, 2005, on behalf of The Gilly Development Corporation and Wesley H. Power. The Petition seeks the Board's interpretation of Section 489.111(2)(c)2., Florida Statutes, and subsections 61G4-15.001(1), (2), F.A.C., as it relates to eligibility requirements for licensure with regard to cell towers. The Board will consider the Petition at its meeting to be held on May 13, 2005, in Deerfield Beach, Florida.

Copies of the petition may be obtained by writing: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Osteopathic Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed by Victor Loria, D.O. The Petitioner inquires of the Board, whether under Section 893.03, Florida Statutes, he may use anabolic steroids, which are Schedule III controlled substances, for off-label use. The Board will consider this petition at its meeting scheduled for May 19-21, 2005, in Jacksonville, Florida.

Copies of the petition may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

**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:**

David McKalip, M.D. vs. Agency for Health Care Administration; Case No.: 05-1246RP; Rule Nos.: 59B-15.001 through 59B-15.007(1)

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Florida Association of Rehabilitation Facilities, Inc., Spectrum Community Services, Ltd. and the Arc of St. Lucie County, Inc. vs. Agency for Health Care Administration; Case No.: 05-0087RP; Rule No.: 59G-8.200; Invalid

Dawn Michelle Simpson vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 05-0022RX; Rule Nos.: 61A-2.019, 61A-5.0105(2), 61A-5.747; Voluntarily Dismissed

Shawn Thomas Gillaspy, Dawn Marie Shulman, Brian Joseph McNamara, Christopher Huges Fontaine, Alfred Dwight Watkins, III, et al vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 05-0056RX; Rule Nos.: 61A-2.019, 61A-5.0105(2), 61A-5.747(1); Voluntarily Dismissed

Funeral and Cemetery Alliance, Inc. d/b/a Funeral and Cemetery Alliance of Florida vs. Department of Business and Professional Regulation, Board of Funeral Directors and Embalmers; Case No.: 04-4649RP; Rule No.: 61G8-30.001; Dismissed

Florida Wildlife Federation, Inc., Environmental Confederation of Southwest Florida, Inc. and Save Our Creeks, Inc. vs. Department of Environmental Protection; Case No.: 03-3532RP; Rule No.: 62-304.700; Invalid

Carlton Palms Education Center vs. Department of Children and Family Services, n/k/a Agency for Persons with Disabilities; Case No.: 05-0392RP; Case No.: 65B-6.014; Voluntarily Dismissed

Robert Adolf vs. Florida Atlantic University; Case No.: 05-0713RU; Dismissed

Lawnwood Medical Center, Inc., d/b/a Lawnwood Regional Medical Center vs. Agency for Health Care Administration; Case No.: 05-1232RU; Voluntarily Dismissed

Alina Fernandez vs. Agency for Workforce Innovation; Case Nos.: 04-4566RU, 04-4567RU, 04-4568RU; Dismissed

**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**

**REQUEST FOR PROPOSAL**

The University of Florida, Purchasing and Disbursement Services will receive proposals for the following: RFP-05MW-267, Concrete Artificial Reef Modular Units, to be opened May 24, 2005, at 3:00 p.m. Local Time. Description: The selected Contractor will engage in the fabrication or procurement, loading, and deployment of up to forty (40) patch reefs. Each patch reef will be composed of four standardized cubes and will be placed in pre-selected locations off the coast of Florida in the Gulf of Mexico. There will be up to a total of 160 cube modules to deploy, four at a time. For pre-proposal meeting date and time, reference our website: [http://www.purchasing.ufl.edu/main\\_schedule.asp](http://www.purchasing.ufl.edu/main_schedule.asp). All questions and proposal document requests should be directed to Mary Ann Whitley, UF Purchasing (352)392-1331. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Proposal meeting or Proposal opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

**ADVERTISEMENT FOR BIDS**

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 1:00 p.m. local time, on May 13, 2005 for the purpose of selecting a supplier to provide Pretzels, Fresh Baked per the bid specifications for:

Pretzels, Fresh Baked  
 Bid 05-375-650

The purpose and intent of this invitation to bid are to select a supplier to provide and deliver fresh baked pretzels daily to school sites throughout Pinellas County as specified herein.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department  
 Walter Pownall Service Center  
 11111 S. Belcher Road  
 Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY,  
 FLORIDA

CLAYTON M. WILCOX	NANCY BOSTOCK
SUPERINTENDENT OF SCHOOLS	CHAIRMAN
AND EX-OFFICIO SECRETARY	
TO THE SCHOOL BOARD	MARK C. LINDEMANN
	DIRECTOR, PURCHASING

**ADVERTISEMENT FOR BIDS**

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 1:00 p.m. local time, on May 20, 2005 for the purpose of selecting a supplier to provide Bakery Products per the bid specifications for:

Bakery Products  
 Bid 05-375-654

The purpose and intent of this invitation to bid are to select a supplier to provide and make daily deliveries of bakery products to seventeen high school sites throughout Pinellas County as specified herein.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department  
 Walter Pownall Service Center  
 11111 S. Belcher Road  
 Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY,  
 FLORIDA

CLAYTON M. WILCOX	NANCY BOSTOCK
SUPERINTENDENT OF SCHOOLS	CHAIRMAN
AND EX-OFFICIO SECRETARY	
TO THE SCHOOL BOARD	MARK C. LINDEMANN
	DIRECTOR, PURCHASING

**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 ENVIRONMENTAL PROTECTION**

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



## FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability of an Invitation to Negotiate (ITN). Copies of the ITN can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, (850)488-4180, 1(800)580-7801 (Toll Free), 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future ITNs or RFPs, please visit our website ([www.fddc.org](http://www.fddc.org)) and click on the "RFPs" button near the top of the page, then click on the "sign up" button and follow the directions.

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this invitation to negotiate (ITN #2005-SC-2000) will fund the research and development of a user friendly guidebook that will address ways to successfully hire and manage support services and service providers. The intent of the ITN is to develop a comprehensive resource guide for people with developmental disabilities and their family members.

Individuals, not-for-profit and for-profit agencies may submit proposal in response to this ITN. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this ITN. Interested parties can see ITN #2005-SC-2000 for specific information related to funding amounts.

The deadline for submitting written questions and letters of intent for this ITN is May 31, 2005 by 4:00 p.m. (EDT). In order for your proposal to be considered, your letter of intent must be received by the above referenced deadline. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted. All answers to written questions will be posted on the FDDC website on or before June 13, 2005. The deadline for submitting proposals for this ITN to FDDC is July 15, 2005 by 2:00 p.m. (EDT)

### INVITATION TO NEGOTIATE (FDDC #2005-SC-2700)

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability of an Invitation to Negotiate (ITN). Copies of the ITN can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, (850)488-4180, 1(800)580-7801 (Toll Free), 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future ITNs or RFPs, please visit our website ([www.fddc.org](http://www.fddc.org)) and click on the "RFPs" button near the top of the page, then click on the "sign up" button and follow the directions.

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this invitation to Negotiate (ITN #2005-SC-2700) will fund a reliable administrative support agency or organization to assist in furthering the development of the Southern Movement for Independence, Inc. (SMI) and its local chapters. The selected vender will work full time with

SMI to meet its approved goals and objectives and be responsible for assisting the members of SMI in maintaining the daily operations of a non-profit organization.

Individuals, not-for-profit and for-profit agencies may submit a proposal in response to this ITN. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this ITN. Interested parties can see ITN #2005-SC-2700 for specific information related to funding amounts.

The deadline for submitting written questions and letters of intent for this Administrative Support for the Southern Movement for Independence ITN is May 31, 2005 by 4:00 p.m. (EDT). In order for your proposal to be considered, your letter of intent must be received by the above referenced deadline. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted. All answers to written questions will be posted on the FDDC website on or before June 15, 2005. The deadline for submitting proposals for this ITN is July 18, 2005 by 2:00 p.m. (EDT).

### REQUEST FOR PROPOSALS (FDDC # 2005-CD-2500)

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to recruit and train summer camp staff on how to serve children with developmental disabilities in an inclusive setting, including technical assistance, while staff work with children with developmental disabilities to solidify the application of skills and knowledge learned during the training.

Many school age children with developmental disabilities do not have the same summer recreation options available to them as do their typical peers. Most school age students with disabilities participate in summer school or recreational programs that serve only students with special needs. This effectively segregates them from interacting with other children that are the same age and have the same interests, and does not afford them typical learning and social opportunities with other children at their neighborhood parks, playgrounds, pools, recreational centers, and camps. A number of studies have focused on the value of social and peer relationships between children with and without disabilities, with most indicating a positive result for both groups of children (Turner and Traxler 1995). In addition, a study conducted by Banerji & Daily (1995) found a marked improvement in the self-esteem of children with disabilities in inclusive settings which is attributed to the lack of stigma that these students experience when included in activities with other students.

FDDC has developed this RFP to insure that all children have opportunities to attend neighborhood summer recreation programs that are inclusive of children with varying abilities.

A prime component of this RFP is the development of a training manual to be used in training summer camp personnel about the inclusion of students with disabilities in their existing programs. The manual will be used for training and include general information about children with developmental disabilities, information on specific developmental disabilities, information regarding accommodations and adaptive materials and equipment, peer facilitation, partial participation, teaming, etc. Additionally, Funding will be provided for 50 students (5-18 years old) with disabilities to attend the summer camp programs participating in the project to provide “hands on” inclusive training for the summer camp staff.

Individuals, not-for-profit and for-profit agencies may submit proposal in response to this RFP. The approximate amount of funds available for project awarded based on this RFP will be up to \$100,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP will be available from: Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, (850)488-4180, Toll Free 1(800)580-7801, TDD Toll Free 1(888)488-8633. The deadline for submitting letters of intent and written questions is May 31, 2005. The deadline for submitting proposals is 4:00 p.m. EDT on July 29, 2005. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted.

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**REQUEST FOR PROPOSALS**  
(FDDC # 2005-CD-2600)

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued will assist in supporting school districts that are in the process of creating or extending existing transition services to students with developmental disabilities by focusing on Career Preparation and Work-Based Learning. Career preparation and work-based learning experiences are essential to form and develop aspirations and to make informed choices about careers. These educational experiences can be provided during the school day, and through after-school programs that will require collaborations with other organizations.

All children have hopes and dreams for the future as well as talents, interests and skills. The Individuals with Disabilities Education Act (IDEA) and Florida special education law and regulations have created a base of civil rights and legal protections for children with disabilities. However, most children and youth with developmental disabilities remain seriously at risk of being left behind after they leave or drop out secondary education programs. Years of focused research show that youth with disabilities achieve better outcomes when their transitions from school to work, career and independence are grounded in standards-based education, work experience,

high expectations and strong connections to adults who care about them, and to mentors who understand the challenges they face.

FDDC has developed this RFP to insure that students with developmental disabilities have access and opportunities to career preparation and work-based learning that will assist them in transitioning from school to work.

A prime component of this RFP is an extensive literature review of research, demonstration projects and effective practices covering a wide range of programs and services; including lessons from youth development, quality education, and workforce development programs, indicates that no one institution or organization can provide the full range of services; thus, highlighting the interdependence of agencies, that requires supports from communities, states, and multiple organizations at all levels, to collaborate with one another to help assure quality transitions for all youth.

Individuals, not-for-profit and for-profit agencies may submit proposal in response to this RFP. The approximate amount of funds available for project awarded based on this RFP will be up to \$100,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP will be available from: Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, (850)488-4180, Toll Free 1(800)580-7801, TDD Toll Free 1(888)488-8633. The deadline for submitting letters of intent and written questions is May 31, 2005. The deadline for submitting proposals is 4:00 p.m. EDT on July 29, 2005. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted.

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**Section XII**  
**Miscellaneous**

**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 Auto Easy Finance, Inc., d/b/a Daelim Motor USA, intends to allow the establishment of Honda Crystal River, as a dealership for the sale of Daelim scooters and motorcycles, at 1917 North Highway 19, Crystal River (Citrus County) Florida, on or after March 2, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Auto Easy Finance, Inc., are dealer operator: Ralph E. Contopoulos, 1917 North Highway 19, Crystal River, Florida 34428; principal investor(s): Ralph E. Contopoulos, 1917 North Highway 19, Crystal River, Florida 33428.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Raul Romero, Jr., Sales Manager, Auto Easy Finance, Inc., 12901 S. W. 122 Avenue, Suite 105, Miami, Florida 33186.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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, STR Motorsports, Inc., intends to allow the establishment of Cycle Accessories West, Inc., as a dealership for the sale of Kymco motorcycles, at 6336 Blanding Boulevard (Duval County), Florida 32244, on or after September 11, 2003.

The name and address of the dealer operator(s) and principal investor(s) of Cycle Accessories West, Inc., are dealer operator: Doyle Carter, 6336 Blanding Boulevard, Jacksonville, Florida 32244; principal investor(s): Doyle Carter, 6336 Blanding Boulevard, Jacksonville, Florida 32244.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bruce Ramsey, VP of Sales/Marketing, STR Motorsports, Inc., 1770 Campton Road, Inman, South Carolina 29349.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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, Lexus, a Division of Toyota Motor Sales, U.S.A., Inc., intends to allow the establishment of G.F.B. Enterprises, LLC, d/b/a Lexus of Kendall, as a dealership for the sale of Lexus automobiles, at 13750 S. W. 136th Street, Miami, Florida 33186, on or after June 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of G.F.B. Enterprises, LLC, d/b/a Lexus of Kendall are dealer operator: Gerald F. Bean, 10943 South Dixie Highway, Miami, Florida 33156; principal investor(s): Gerald F. Bean, 10943 South Dixie Highway, Miami, Florida 33156.

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: George Brenner, Assistant General Manager, Lexus, a Division of Toyota Motor Sales, U.S.A., Inc., 11540 Great Oaks Way, Alpharetta, Georgia 30022.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Honda Motor Co., Inc. intends to allow the relocation of Largo Motor Company, Ltd. d/b/a Largo Honda, as a dealership for the sale of Honda automobiles and light trucks from its present location at 99500 Overseas Highway, Key Largo, Florida 33037, to a proposed location at 554 N. E. 1st Avenue, Florida City, Miami-Dade County, Florida 33034, on or after June 1, 2005.

The name and address of the dealer operator is Rick LeMaire, 17121 S. W. 78th Avenue, Miami, Florida. The principal investors of Largo Motor Co., Ltd. d/b/a Largo Honda are Largo Motors, Inc., 10455 N. W. 12th Street, Miami Florida 33172, and Charlene Esserman, 3303 Devon Road, Coconut Grove, Florida 33131. Largo Motors, Inc., is wholly owned by Ronald Esserman, 10455 N. W. 12th Street, Miami, Florida 33172.

The notice indicates intent to relocate the dealership to a 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: Bill Green, Market Planning Manager, American Honda Motor Co., Inc., 1919 Torrance Boulevard, Torrance, CA 90501.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that TMC Acquisition LLC, d/b/a Titan Motorcycle Company of America, intends to allow the establishment of Champions Honda, as a dealership for the sale of Titan motorcycles, at 2408 West Main Street, Leesburg (Lake County), Florida, on or after April 7, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Champions Honda are dealer operator: Ken Barner, 101 North Aberdeen Circle, Sanford, Florida 32773; principal investor(s): Kevin C. Mealey, 9403 Gotha Road, Windermere, Florida 34786, and Donald C. Mealey, 3772 West Colonial Drive, Orlando, Florida 32808.

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: Donn Proudfoot, President, Titan Motorcycle Company, 2222 West Peoria Avenue, Phoenix, Arizona 85029.

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, Malaguti USA, Inc., intends to allow the establishment of DK Cycles, Inc., as a dealership for the sale of Malaguti scooters 150cc, at 1333 Washington Avenue, Miami Beach (Dade County), Florida 33169, on or after February 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of DK Cycles, Inc., are dealer operator: David Buzaglo, 1341-1333 Washington Avenue, Miami Beach, Florida 33139; principal investor(s): David Buzaglo, 1341-1333 Washington Avenue, Miami Beach, Florida 33139.

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: Joel Martin, President, Malaguti USA, Inc., 1740 Northwest 93rd Avenue, Miami, Florida 33172.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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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#### **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**

On April 13, 2005 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 Jack Preston Beardsley, D.C., license number CH 4860. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 14, 2005, 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 Ross Victor Basil, R.N. license number RN 3178342. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 14, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Melissa Renee Johnson, J.C., certificate number JC 0035849. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 14, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Tomika Whitty, C.N.A. certificate number 0298\*\*\*\*\*9505. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 14, 2005, 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 Larry Penn Moulder, R.N. license number RN 9180074. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 14, 2005, 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 Patricia Mae Kenney, R.N. license number RN 9201387. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 15, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Krystal A. King, C.N.A. certificate number 0693\*\*\*\*\*4748. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 15, 2005, John O. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Victoria Strakaluse, R.N., license number RN 9192877. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 18, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the certificate of Arndretta Branham, C.N.A. certificate number 1189\*\*\*\*\*8538. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 13, 2005 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 Clinton Eugene Browne, R.Ph., license number PS 34258. 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 FINANCIAL SERVICES**

### **NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 69U-105, F.A.C. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 20, 2005):

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**  
Applicant and Proposed Location: Flagship Community Bank,  
4095 Tampa Road, Oldsmar, Pinellas County, Florida  
Correspondent: Edward W. Dougherty, Jr., 2457 Care Drive,  
Tallahassee, Florida 32308  
Received: April 15, 2005

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN April 11, 2005  
 and April 15, 2005**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF TRANSPORTATION**

14-10.0052	4/15/05	5/5/05	31/1	
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**DEPARTMENT OF CORRECTIONS**

33-601.722	4/15/05	5/5/05	31/10	
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**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-3.505	4/14/05	5/4/05	31/9	
40D-4.351	4/14/05	5/4/05	31/9	
40D-40.381	4/14/05	5/4/05	31/9	
40D-400.500	4/14/05	5/4/05	31/9	

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

64B15-19.008	4/13/05	5/3/05	30/50	31/11
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Board of Pharmacy**

64B16-26.300	4/15/05	5/5/05	31/1	31/7
64B16-26.301	4/15/05	5/5/05	31/1	
64B16-26.302	4/15/05	5/5/05	31/1	31/12
64B16-28.101	4/14/05	5/4/05	31/2	
64B16-28.102	4/14/05	5/4/05	31/2	
64B16-28.103	4/14/05	5/4/05	31/2	
64B16-28.1035	4/14/05	5/4/05	31/2	
64B16-28.104	4/14/05	5/4/05	31/2	
64B16-28.105	4/14/05	5/4/05	31/2	
64B16-28.106	4/14/05	5/4/05	31/2	
64B16-28.107	4/14/05	5/4/05	31/2	
64B16-28.150	4/13/05	5/3/05	31/5	

**FISH AND WILDLIFE CONSERVATION  
 COMMISSION**

**Freshwater Fish and Wildlife**

68A-15.004	4/15/05	7/1/05	30/53	31/8
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Risk Management**

69H-2.004	4/14/05	5/4/05	30/50	31/6
69H-2.008	4/14/05	5/4/05	30/50	
69H-2.010	4/14/05	5/4/05	30/50	31/6