

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Special Programs for Students Who are Deaf or Hard-of-Hearing	6A-6.03013
Special Programs for Students Who are Physically Impaired	6A-6.03015
Special Programs for Students Who are Emotionally Handicapped	6A-6.03016
Special Programs for Students Who are Autistic	6A-6.03023

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate the revisions required for programs for students with disabilities by the amendments to the federal law, the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Chapter 33, and its implementing regulations and to update rule language to reflect current knowledge in the field. The effect of the development of amendments will be consistency with the federal requirements and current knowledge in the respective fields.

SUBJECT AREA TO BE ADDRESSED: Federal and state requirements for programs for students with disabilities who are identified as emotionally handicapped, deaf or hard-of-hearing, autistic, and physically impaired. Definition, procedures for referral, procedures for student evaluation, criteria for eligibility, re-evaluation, and instructional program. **SPECIFIC AUTHORITY:** 1001.02(1), 1003.57(5) FS.

LAW IMPLEMENTED: 1001.03, 1003.57(5), 1003.01(3) FS., Individuals with Disabilities Education Act 20, U.S.C. Chapter 33

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

TIME AND DATE: 9:00 a.m. – 12:00 noon; Wednesday, December 7, 2005, Public Comment

PLACE: Embassy Suites, 1100 S.E. 17th Street, Ft. Lauderdale, FL 33316, phone: (954)315-1323

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE COPIES WILL BE AVAILABLE AT THE RULE DEVELOPMENT WORKSHOP.

Written comment following the workshops will be accepted through close of business on Friday, December 30, 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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE:	RULE NO.:
Project AIDS Care Waiver Services	59G-13.110

PURPOSE AND EFFECT: The purpose of rule amendment is to incorporate by reference update December 2005 to the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003. The handbook update revises the eligibility criteria to allow recipients who are enrolled in a Medicare or Medicaid HMO that is contracted as part of the 1915(b) HIV/AIDS Specialty Waiver to receive PAC waiver services. The handbook update also contains the new procedure code for PAC waiver pest control services that was effective January 2005. The effect will be to incorporate by reference in the rule update December 2005 to the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003.

SUBJECT AREA TO BE ADDRESSED: Project AIDS Care Waiver Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 1:00 p.m., Monday, December 5, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sheila Mani, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)413-9369

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.110 Project AIDS Care Waiver Services.

(1) No change.

(2) All Project AIDS Care waiver services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003, update December 2005, which is incorporated by

reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 2-3-05, Amended _____.

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

Division of Disease Control

RULE TITLE: Blood Testing of Pregnant Women
 RULE NO.: 64D-3.019

PURPOSE AND EFFECT: The purpose of this rule amendment is to comply with new statutory requirements in Section 384.31, F.S. The amendment will clarify Sexually Transmitted Disease (STD) testing requirements, i.e. chlamydia, gonorrhea, hepatitis B, HIV and syphilis, for health care providers attending a woman during the period of gestation and delivery.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are STD disease testing requirements and responsibilities of health care providers attending women during pregnancy.

SPECIFIC AUTHORITY: 381.011(4), (8), 381.002(1), (b), (c), (2), 381.031(6), 384.33 FS.

LAW IMPLEMENTED: 384.31 FS.

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

TIME AND DATE: 1:00 p.m., December 7, 2005

PLACE: Orange County Health Department Auditorium, 6101 Lake Ellenor Drive, Orlando, FL 32809-4616

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Karla Schmitt, Ph.D., M.P.H., A.R.N.P., Chief, Bureau of STD Prevention and Control, 2585 Merchant’s Rows Blvd., Bin #A-19, Tallahassee, FL 32399-1716

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE TITLE: Hurricane Katrina Emergency Assistance
 RULE NO.: 65A-4.2081

Program for Evacuees

PURPOSE AND EFFECT: The purpose of this proposed rule is to keep the subject matter of Emergency Rule 65AER05-1 in effect without interruption for the provision of Emergency Cash Assistance benefits to eligible evacuees of the Hurricane Katrina disaster. The Hurricane Katrina Emergency Assistance Program for Evacuees or Emergency Cash Assistance (ECA) program provides a one-time cash assistance payment equal to four months of temporary cash assistance (TCA) at the maximum payment level for the household size with a Tier-One Shelter Standard to evacuees from Louisiana, Mississippi, and Alabama.

SUBJECT AREA TO BE ADDRESSED: Specific provisions for the Hurricane Katrina Emergency Assistance Program for Evacuees or ECA program include definitions; requirements related to application, eligibility, income and assets, residency, and verification; and, the length of time the ECA program will be available. It provides for a one-time cash assistance payment equal to four months of TCA at the maximum payment level for the household size with a Tier-One Shelter Standard. It also provides verification requirements for Katrina evacuee applicants.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.16 FS.

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

TIME AND DATE: 10:30 a.m., December 7, 2005

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, telephone (850)921-0253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-4.2081 Hurricane Katrina Emergency Assistance Program for Evacuees.

(1) Definitions:

(a) Application for ECA means the application for public assistance described in Administrative Rule 65A-1.205, F.A.C. The Hurricane Katrina Emergency Assistance Program for Evacuees Supplement to the Application for Assistance, Form CF-ES 2346, Sep 2005, incorporated by reference, may be attached to the application.

(b) Assistance Group or Eligible Family means individuals whose needs, income, and resources are considered to determine eligibility for the ECA.

(c) Available Countable Income and Assets means only income and assets available to the family at the time of application based on the applicant's statement of circumstances.

(d) Minor Child means a child under 18 years of age (or under 19 years of age if a full-time student in high school or its equivalent) living with a parent(s) or caretaker relative.

(e) Evacuee means a minor child, parent(s), or caretaker relative who relocated from Louisiana, Mississippi, or Alabama (any county or parish) as a result of Hurricane Katrina and is currently living in Florida.

(f) Pregnant Individual means a pregnant woman in her third trimester of pregnancy with no other children regardless of her ability to work and with or without medical verification of inability to work due to the pregnancy.

(g) Student means a minor child who is attending school in Florida or was attending or enrolled in school in an affected state prior to the hurricane. An 18-year-old student who was attending high school or its equivalent prior to the hurricane or is enrolling in school in Florida is considered to meet the student criteria.

(h) Tier-One Shelter Standard means the shelter standard set forth in Section 414.095(11), F.S.

(2) Household Eligibility Requirements for ECA. The family:

(a) Must have resided in Louisiana, Mississippi, or Alabama (any county or parish) and evacuated from such state as a result of Hurricane Katrina and resides in Florida at the time of application.

(b) Must contain a minor child(ren) living with a parent(s) or caretaker relative.

(c) Must meet the standard filing unit and familial relationship policies prescribed for TCA in Administrative Rule 65A-4.208, F.A.C., except:

1. Student criteria is governed by this rule.

2. Pregnant women as defined in this rule with no other children in the household can qualify for ECA as a family of one.

(d) Will have eligibility determined counting only the needs of family members who evacuated to Florida.

(e) Must have available income equal to or less than 200 percent of the federal poverty level for their household size. Income and assets available to the family at the time of application will be considered when determining eligibility. If the income or assets exceed the applicable limit in the month of application, but are reduced below such limit by the following month, ECA for the month of application will be denied. ECA will be approved for the following month, but ECA will not be

disbursed until the month for which eligibility is established. For deferred payments, the applicant(s) or assistance group is not required to resubmit an application.

(f) Must have countable assets equal to or less than \$2,000.

(g) Must meet the technical requirements of citizenship/alien status set forth in Section 414.095(3), F.S., and the non-fleeing felon status set forth in Section 414.095(14)(g), F.S.

(h) Cannot be concurrently receiving Temporary Assistance for Needy Families (TANF) cash assistance in any state.

(i) Cannot receive ECA more than one time.

(j) Must apply for ECA no later than August 1, 2006.

(3) Children who were evacuated without their parent/caretaker relative and are now living with a non-evacuee caretaker relative can qualify as a child-only ECA case.

(4) Households that receive an ECA payment cannot receive TCA benefits for four consecutive months beginning with the month of ECA eligibility.

(5) Eligible evacuee households that were denied for TCA prior to implementation of the ECA program will be reviewed and their eligibility and payments will be authorized under the ECA program, without a separate application. Eligible evacuee households that were approved for food stamp or Medicaid benefits prior to implementation of the ECA program may request ECA benefits and be approved without a separate application.

(6) For ECA, the following verification procedures apply:

(a) Verification of applicant(s) or assistance group evacuee status should be obtained when available. Examples include:

1. Driver's license from Louisiana, Mississippi, or Alabama;

2. Documents or collateral contacts with the Red Cross, other relief agencies, or other individuals who can attest to the household's evacuee status; or

3. Household's statement when no other verification is readily available.

(b) The applicant(s) or assistance group statement regarding available income and resources is acceptable when no other verification is readily available.

(c) Verification of eligible TANF status is required:

1. If the applicant(s) or assistance group claims non-receipt of TANF in another state, an attempt will be made to verify the statement with the other state. If the attempted contact is unsuccessful, the statement will be accepted and recorded in the case file.

2. If the applicant(s) or assistance group is receiving TANF in another state, but claims not to have access to such funds or indicates they want to receive ECA in Florida and elects to close their TANF case in the other state, an attempted

telephone contact to the other state to request case closure will be made. If the attempted contact is unsuccessful, it will be recorded in the case file, and an e-mail sent to the other state requesting closure. ECA will be approved for the month of application if otherwise eligible and if the applicant(s) or assistance group did not have access to the TANF funds from the other state. Otherwise, ECA will be approved for the following month.

3. ECA will be denied if the applicant(s) or assistance group claims receipt of TANF, has access to the funds, and indicates they plan to continue receiving TANF.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History--New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Charlotte County Zones
 RULE NO.: 68C-22.015

PURPOSE AND EFFECT: The Commission is considering whether amendments to the existing manatee protection zones in Charlotte County should be made to provide additional higher speed access to Little Gasparilla Island. At the request of the Commission, and as required by Section 370.12(2)(f), F.S., in July 2005 Charlotte County established a Local Rule Review Committee (LRRC) to review and comment on a preliminary rule proposal. The LRRC met two times and submitted its final report in October 2005. The Commission is scheduled to consider the LRRC report and Commission staff recommendations for proposed rule amendments at the November 30 – December 1, 2005, Commission meeting to be held in Key Largo. The agenda for this meeting and background information on this issue can be viewed on-line at: <http://myfwc.com/commission/index.html>.

SUBJECT AREA TO BE ADDRESSED: Manatee protection zones in the Placida Harbor area of Charlotte County.

SPECIFIC AUTHORITY: 370.12(2)(n) FS.

LAW IMPLEMENTED: 370.12(2)(d), (k), (n) 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, IF AVAILABLE, IS: Mr. Scott Calleson, Imperiled Species Management Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330

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

**Section II
 Proposed Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Maturity Tests – Processed Citrus
 RULE CHAPTER NO.: 20-61

RULE TITLE: Sampling Equipment
 RULE NO.: 20-61.003

PURPOSE AND EFFECT: A requested amendment extending for one year, to November 1, 2006, the requirement for all processing plants to install the flip-gate sampling system.

SUMMARY: Extending the deadline for installation of the flip-gate sampling system.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 601.10(7), 601.24 FS.

LAW IMPLEMENTED: 601.10(7), 601.24, 601.27 FS.

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

TIME AND DATE: 10:30 a.m., December 21, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF PROPOSED RULE IS:

20-61.003 Sampling Equipment.

(1) Each processing plant shall install mechanical sample selectors, as per drawings and specifications on file at the Department of Citrus office, at unloading ramps immediately after grading. Effective November 1, ~~2006~~ 2005, statewide standardized sampling equipment will be required. By that date each processing plant shall have installed a Flip-Gate style mechanical sample selector system, as per specifications on file at the Department of Citrus headquarters and incorporated herein by reference. Such specifications shall be adhered to

upon the installation of new Flip-Gate sampler systems and during the operation and maintenance of existing Flip-Gate sampler systems. No alterations or modifications shall be made on the sample system without the prior knowledge and consent of the Division of Fruit and Vegetables, and such system, under the supervision of the Technical Bureau of that Division, shall be maintained by the plant to deliver, directly into the state test lab, a representative sample from each load of fruit received at the approximate rate of one fruit for each ten boxes. All troughs, chutes, conveyors, and belts used for mechanically collecting and transporting samples shall be so enclosed as to make the sample inaccessible prior to point of delivery into the state test lab.

Specific Authority 601.10(7), 601.24 FS. Law Implemented 601.10(7), 601.24, 601.27 FS. History—Formerly 105-1.18(1), Revised 1-1-75, Formerly 20-61.03, Amended 10-15-95, 12-21-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Food Services – Standards of Operation
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to alter the time period for which therapeutic diets can be prescribed.

RULE NO.: 33-204.003

SUMMARY: The proposed rule provides for therapeutic diets to be prescribed for 90 days rather than 180 days.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-204.003 Food Services – Standards of Operation.
- (1) through (3) No change.

(4) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing. Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 90 ~~180~~ days. Diets extending for periods longer than 90 ~~180~~ days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Consultants shall be available for consultation by health and food service personnel regarding therapeutic diets.

(5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05, 10-16-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Franchatta Barber, Deputy Assistant Secretary
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Death Notification Process
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify notification responsibilities in the event of an inmate death by natural or other causes.

RULE NO.: 33-602.112

SUMMARY: Provides that notification of the Emergency Action Center is required only when a death occurs under suspicious circumstances or is the result of unnatural causes. Provides for notification of the medical examiner by the institution if the death is a result of natural causes. Provides for notification of the medical examiner by the Inspector General if the death occurs under suspicious circumstances or is the result of unnatural causes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 406.50-.54 FS., Article 37 of the Vienna Convention on Consulate Relations

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:

33-602.112 Inmate Death Notification Process.

(1) Notice of Death. Upon the death of an inmate while in the custody of the department:

(a) The institution shall immediately notify:

1. No change.

2. The Office of the Inspector General duty officer via emergency action center if the death occurred under suspicious circumstances or is the result of unnatural causes; ~~as well as~~

3. ~~The~~ local institution inspector;

~~4.3.~~ No change.

~~5.4.~~ No change.

~~6.5.~~ In the case of the death of a foreign national, the nearest consulate of that national's country; and

7. The district medical examiner of the district in which the death occurred if the death is the result of natural causes.

(b) The Office of the Inspector General shall immediately notify:

1. The district medical examiner of the district in which the death occurred if the death occurred under suspicious circumstances or is the result of unnatural causes;

2. through 3. No change.

(c) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 406.50-.54 FS., Article 37 of the Vienna Convention on Consulate Relations. History—New 10-8-76, Amended 9-24-81, Formerly 33-3.09, Amended 6-2-88, 2-18-90, 2-12-97, Formerly 33-3.009, 33-401.301, Amended 3-25-02, 9-9-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Drake, Deputy Assistant Secretary of Institutions – Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2005

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force
 RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which deadly force can be used to prevent escapes, and to update forms used in conjunction with use of force incidents.

SUMMARY: The proposed rule defines ‘active pursuit of an escapee’ and clarifies when force is authorized during an escape from: inside an institutional perimeter; outside an institutional perimeter; a work squad; or during the course of a transport. Form DC4-708, Diagram of Injury, and DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobility Devices, are amended for clarity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 776.07, 944.09, 944.35 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:

33-602.210 Use of Force.

(1) Employees are authorized to apply physical force, up to and including deadly force, only when and to the degree that it reasonably appears necessary in order:

(a) through (g) No change.

(h) To restrain the inmate when ordered to allow medical treatment in accordance with the provisions of subsection ~~(11)(10)~~ of this rule.

(2) Use of Deadly Force to Prevent Escape or to Recapture Escapee. Generally, correctional officers are authorized to use force, including deadly force, as necessary to prevent the escape of an inmate from a penal institution.

(a) Escape attempts from inside an institutional perimeter where armed perimeter staff are assigned:

1. In institutions that have a double fence, where time permits, a verbal warning to halt shall be given before the inmate touches the inner fence. Time permitting, a warning shot shall then be fired before the inmate begins to pass over, through or under the inner fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the inner fence.

2. In institutions that have a single fence, and time permitting, a verbal warning will be given to halt and a warning shot will be fired before the inmate reaches the perimeter fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the fence.

3. Warning shots are only authorized as provided in subparagraphs (2)(a)1. and 2. above. In all other instances where lethal force is authorized during inmate escape attempts, a verbal warning shall be issued if time and circumstances permit.

(b) Apprehension of escaped inmates once they are outside an institutional perimeter.

1. Correctional officers are considered to be in active pursuit of an inmate who has escaped from an institution or supervised work squad so long as the escape commander determines that the escape recovery efforts are active. When the inmate has refused a verbal order to stop, the correctional officer is authorized to use deadly force to stop the inmate, once the officer has clearly identified the individual as the escaped inmate and is sure of the target and what lies beyond.

2. Once the escape commander determines that immediate recapture efforts are over, recapture becomes a law enforcement agency function and department staff only provide assistance to local law enforcement. Correctional officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force only in self defense or to defend others against deadly use of force.

3. When an inmate fails to return from a furlough or non-supervised outside assignment or escapes from a department work release facility, recapture is a law enforcement agency function and department staff only provide assistance to local law enforcement. Correctional officers who are utilized to assist outside law enforcement agencies are authorized to use deadly force only in self defense or to defend others against deadly use of force.

(c) Escape attempts by inmates while being transported or escorted outside institutional perimeters, e.g., court appearances, hearings and medical visits, or while being supervised while in a hospital for treatment. Lethal force is only authorized in accordance with paragraph (1)(c), when the officers are in immediate active pursuit of the escapee. The escape commander will determine when the period of active pursuit has ended. At this point, involvement by correctional officers will be limited to assisting law enforcement officers and lethal force is only authorized for self defense or to defend others against deadly use of force.

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

(6)(5) The warden or, in his absence, the duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or, in his absence, the duty warden will be notified immediately following any use of force incident. Whenever force is

authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign the Authorization for Use of Force Report, Form DC6-232 either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection ~~(21)(20)~~ of this rule.

~~(7)(6)~~ Whenever force is used, a detailed written report of force used shall be prepared, dated and signed by the initial employee using force. Form DC6-230, Institutions Report of Force Used, shall be used for this purpose. If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 Section I shall prepare an Institutions Report of Force Used Staff Supplement, Form DC6-231. The report shall describe in detail the type and amount of force used by him or her. Each Employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 Section I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are incorporated by reference in subsection ~~(21)(20)~~ of this rule.

~~(8)(7)~~ No change.

~~(9)(8)~~ The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Use of Force File Checklist, Form DC1-813. All inmate statements (subject and witnesses) shall be made in writing using the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden

shall review the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it. If necessary, it will be referred for investigation before final approval or disapproval. If disapproved, the OIG shall advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall forward the materials to the service center employee relations supervisor. Form DC6-296, Disapproved Use of Force/ Disposition Report, shall be used for this purpose. Form DC6-296 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his or her designee shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to 4-15-98 shall also remain in the file. Form DC2-802, Use of Force Log, is incorporated by reference in subsection ~~(21)(20)~~ of this rule.

~~(10)(9)~~ Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign an Incident Report, Form DC6-210, pursuant to Section 944.35(5), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. Form DC6-210, Incident Report, is incorporated by reference in subsection ~~(21)(20)~~ of this rule.

~~(11)(10)~~ Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization for Use of Force Report, shall

be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used when actual force is used, or the Incident Report, Form DC6-210, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection ~~(21)(20)~~ of this rule. When the use of four-point or five-point psychiatric restraints is authorized and the inmate does not offer resistance to the application of the restraints, the completion of an Institutions Report of Force Used, Form DC6-230, or an Institutions Report of Force Used Staff Supplement, Form DC6-231, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and an Incident Report, Form DC6-210, will be completed. The videotape, the completed incident report, and the completed Authorization for Use of Force Report, Form DC6-232, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection ~~(9)(8)~~ above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection ~~(7)(6)~~ above will be followed.

(11) through (12) renumbered (12) through (13) No change.

~~(14)(13)~~ Use of electronic immobilization devices.

(a) through (d) No change.

(e) When in a close management or confinement setting, prior to utilizing electronic immobilization devices, the officer shall review Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, to determine whether the inmate has a medical

condition which may be exacerbated by use of electronic immobilization devices. If no form is available, and where time and circumstances permit, medical staff shall be consulted to determine if the inmate has any medical condition that would make the use of an electronic immobilization device dangerous to that inmate's health. Form DC4-650B is incorporated by reference in subsection ~~(21)(20)~~ of this rule.

(f) No change.

(g) As soon as possible following each use of an electronic immobilization device the inmate shall be afforded medical examination and treatment. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. Mental health staff shall evaluate the inmate not later than the next work day to determine whether a higher level of mental health care (isolation management, transitional, or crisis stabilization) is indicated. For the purposes of this rule, the following definitions shall apply:

1. through 2. No change.

(h) through (l) No change.

~~(15)(14)~~ Use of Chemical Agents.

(a) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. The Chemical Agent Accountability Log, Form DC6-216, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing the Chemical Agent Accountability Log, Form DC6-216. Form DC6-216 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. Staff designated by the Secretary of the Department shall be issued one three or four ounce dispenser of OC pepper spray, with marking dye, after being properly trained in chemical agent utilization. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on

the dispenser she or he received. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and an Incident Report, Form DC6-210, will be written. Forms DC6-210 and DC6-213 are incorporated by reference in subsection ~~(21)(20)~~ of this rule. The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on the Form DC6-216 and attach a new seal.

(l) No change.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. No change.

2. If the confinement or close management lieutenant or shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. When in a close management or confinement setting, review Form DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, to determine if the inmate has a medical condition that would be exacerbated by the use of chemical agents; if no form is available, where time and circumstances permit, contact medical staff to determine whether the inmate has any medical condition that would make the use of chemical agents dangerous to that inmate's health; and

b. No change.

3. No change.

(n) Medical Requirements. Once the inmate is compliant, he shall be showered as soon as possible but not later than 20 minutes after final application of chemical agents. The inmate shall be examined by medical staff immediately after showering. In each instance a Form DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile.

The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. Form DC4-529 is incorporated by reference in subsection ~~(21)(20)~~ of this rule. Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

(o) No change.

(p) Inmates exposed to chemical agents shall be ordered by the shift supervisor to shower and change both inner and outer wear within 20 minutes after exposure for decontamination purposes.

1. through 4. No change.

5. If health services staff determine that a medical need requires the inmate to be showered, the provisions of subsection 33-602.210~~(11)(10)~~, F.A.C., shall be followed to shower the inmate and move him to a decontaminated cell.

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

~~(17)(16)~~ Use of Firearms. In order for all concerned to be aware of their responsibilities, the statewide procedures set forth in this rule shall be included in the appropriate Department of Corrections procedures, post orders and escape emergency plans at each institution.

(a) through (c) No change.

~~(d) Escapes from outside a secure perimeter: When the identified escaped inmate has refused a verbal order to stop, a warning shot shall be fired if circumstances permit. If a warning shot fails or circumstances do not permit one, the correctional employee is authorized to shoot to stop the inmate.~~

~~(e) Escape attempts from inside a secure perimeter:~~

~~1. In institutions that have a double fence, where time permits, a verbal warning to halt shall be given before the inmate touches the inner fence. Time permitting, a warning shot shall then be fired before the inmate begins to pass over, through or under the inner fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the inner fence.~~

~~2. In institutions that have a single fence, and time permitting, a verbal warning will be given to halt and a warning shot will be fired before the inmate reaches the perimeter fence. The firearm shall not be fired at the inmate until he has begun to pass over, through or under the fence.~~

(f) through (k) renumbered (d) through (i) No change.

~~(18)(17)~~ Pepperball Launching System (PLS). The PLS shall be used primarily by restricted labor squad supervisors and exercise officers for designated confinement, close management and death row populations. The PLS is intended for the dispersal of chemical agents in situations where the use of aerosol type agents would not be effective due to weather conditions or when their use could subject the officer or uninvolved inmates to injury. The PLS shall only be employed by officers trained in their use and effects.

(a) through (f) No change.

(g) All subsequent reports, medical requirements and reviews required for the use of chemical agents as outlined in subsection ~~(15)(14)~~ above shall be completed after the use of the PLS.

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

~~(21)(20)~~ The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (d) No change.

(e) DC4-708, Diagram of Injury, effective _____ ~~2-7-00~~.

(f) through (m) No change.

(n) DC4-650B, Risk Assessment for the Use of Chemical Restraint Agents and Electronic Immobilization Devices, effective _____ ~~8-25-03~~.

Specific Authority 944.09 FS. Law Implemented 20.315, ~~776.07~~, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Greg Drake, Deputy Assistant Secretary of Institutions – Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2005

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Disciplinary Confinement

RULE NO.: 33-602.222

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-295, Special Housing Unit Rotation Review, to provide more detail as to the types of force used by the officer during the review period.

SUMMARY: Form DC6-295, Special Housing Unit Rotation Review, is being amended to provide more detail as to the types of force used (physical or chemical, spontaneous or non-spontaneous) by the officer during the review period.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

33-602.222 Disciplinary Confinement.

(1) through (13) No change.

(14) Forms. Form DC6-295, Special Housing Unit Rotation Review, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC6-295 is 4-1-04.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 3-23-99, Formerly 33-3.0084, Amended 2-12-01, 2-15-02, 4-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Drake, Deputy Assistant Secretary of Institutions
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2005

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Percentage of Gross Pilotage Assessed
RULE NO.: 61G14-19.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to decrease the gross pilotage assessment.

SUMMARY: The proposed rule amendment decreases the gross pilotage assessment from 0.6% to .25%.

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: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~twenty-five hundredths~~ ~~six tenths~~ of one percent (~~0.6%~~ .25%) of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-2-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 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.”

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Definitions
RULE NO.: 64B3-2.003

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

SUMMARY: The proposed rule amendment updates the existing language in 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-2.003 Definitions.

(1) through (18) No change.

(19) Manual Pretesting procedures means collecting and labeling specimens; initially separating specimens by centrifugation prior to testing; receiving specimens and requisitions, processing, sorting, accessioning, prior to testing and delivering specimens to the appropriate testing sites; specimen processing for storage and shipping to a reference laboratory; routine hematology and microbiology slide preparation from a primary sample; loading automated stainers; loading specimens onto automated sampling or processing systems; cytopreparatory staining; measuring and aliquoting specimens; and direct primary inoculation of microbiology cultures. Placement of specimens onto an automated instrument or system is considered a manual pretesting duty, provided it does not include any activity that initiates the analytic process.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02, 10-30-02, 2-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 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 ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-2.003 RULE TITLE: Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, as noticed in Vol. 31, No. 30, July 29, 2005 issue, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.006 RULE TITLE: Examination/Reexamination Fee

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale,

Florida, and determined the following changes to the Rule should be made. When changed the Rule would read as follows:

(1) The fee for processing the application of an applicant by examination is \$250.00. This fee is in addition to the fee charged by the Nursing Home Administrators Examination (NAB).

(2) The fee for processing the application for an applicant by examination who has failed one part of the examination who must reschedule is \$25.00.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.012 RULE TITLE: Preceptor Certification
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined the following change to this Rule should be made.

~~64B10-12.012 Preceptor Certification and Recertification Fee.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

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

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 40, October 7, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined changes to the Rule should be made.

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

~~(3) A newly licensed Nursing Home Administrator shall not be required to complete a continuing education requirement prior to the first renewal of his license, but it shall be required prior to any subsequent renewal.~~

~~(4) During the license renewal period, the Department will send to each license holder at the last address of record, a notice for renewal. Failure to receive any notification does not relieve the continuing education requirements or waive the license expiration date. The application for renewal shall include a statement in which the licensee shall declare that during the biennium preceding renewal, he completed the required hours of approved continuing education.~~

~~(3)(5) Each licensee shall be responsible for maintaining the documentation as may be necessary to prove his/her compliance with the continuing education requirements for a period of four years during the current renewal period and the one immediately preceding and shall provide such documentation to the Department upon request.~~

~~(4)(6) The Department shall audit at random a number of licensees as necessary to ensure that these continuing education requirements are met.~~

~~(5)(7)(a) Licensees shall include either the hours obtained from attendance at the HIV/AIDS course required under Section 456.033(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 456.033(9), F.S., as part of the hours required for biennial renewal.~~

~~(b) As a condition of biennial licensure renewal, each licensee must participate in a Board approved continuing education course on medical errors as required by Section 456.013, F.S. The course shall not be less than two (2) contact hours and must contain the following components: root cause analysis; error reduction and prevention; and patient safety.~~

~~(6)(8) A licensee who attends a meeting of a national association involved in the establishment of standards of practice for nursing home administrators or the regulation of nursing home administrators may apply to the Board for approval of that activity as a continuing education activity. In order to receive said approval, the licensee must submit a written statement to the Board within 60 days of attendance or participation in said conference, stating the name of the organization conducting the meeting, dates of attendance, and a brief statement as to how the course that activity contributed to the enhancement of the licensee's skills, or otherwise enabled the licensee to keep abreast of changes affecting the practice of nursing home administration. The Board may approve up to 5 hours of continuing education per year in one year under this paragraph.~~

~~(7)(9) Three hours of continuing education may be obtained by the following:~~

~~(a) Attending one full day of a board meeting in compliance with the following:~~

- ~~1. The licensee must sign in with the Executive Director/Program Operations Administrator of the board before the meeting day begins.~~
- ~~2. The licensee must remain in continuous attendance.~~

3. ~~The licensee must sign out with the Executive Director/Program Operations Administrator at the end of the meeting. A licensee shall receive continuing education credit for attending a board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the board meeting for another purpose. A licensee who attends a meeting of the Board of Nursing Home Administrators may receive 3 hours of continuing education in one year for attending said Board meeting. Licensees who are attending the meeting because of pending disciplinary action, and members of the Board, are not eligible to receive credit under this paragraph. In order to receive credit for these continuing education hours, the licensee must deliver a statement, in writing, to the senior staff member present at said Board meeting, of his intention to claim continuing education hours under this paragraph. A maximum of three (3) hours of continuing education credits in risk management may be earned each biennium by licensees in the following manner:~~

~~(b)(4) Serve as a volunteer expert witness for the department in a disciplinary case.~~

~~(c)(5) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).~~

~~(10) In addition to the continuing education credits authorized above, a maximum of three~~

~~(3) hours of credit in the area of risk management may be earned each biennium in the following manner.~~

~~(a) Attend a board meeting where a licensee is disciplined.~~

~~(b) Serve as a volunteer expert witness for the department in a disciplinary case.~~

~~(c) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.005
 RULE TITLE: Domains of Practice, Objectives, Reports

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 42, October 21, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined the following changes should be made.

The Administrator-in-Training Program shall cover the following ~~six~~ domains of practice: ~~as established by the National Association of Boards of Long Term Care Administrators (NAB) of Examiners for Nursing Home Administrators, Inc. (NAB):~~

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

(d) To display the ability to instruct staff on conducting appraisals.

(e) To demonstrate the knowledge of and use of appropriate supervisory techniques.

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

(e) To possess the ability to prepare a business plan, a feasibility study, and a return on investment (ROI) proposal.

(f) To understand how to develop, plan and manage an interdisciplinary budget.

~~(4)(a) through (c) No change.~~

(d) To use the concepts of disaster preparedness, and to demonstrate an understanding of the facility's roles and vulnerabilities (including how to conduct an evacuation).

~~(6)(a) through (f) No change.~~

(g) To possess the ability to access and interpret facility quality indicators and quality measures:

(h) To understand the concepts of benchmarking:

(i) To be able to assess facility performance using self-assessment tools.

~~(8)(a) through (c) No change.~~

~~(d) The preceptor and administrator in training trainee must file four quarterly reports with the Board every 90 days. Each report shall be co-signed by the preceptor and administrator in training trainee, and shall should be filed within two one weeks after the completion of each reporting period 25% segment of the program. The quarterly reports shall should contain a synopsis of the areas covered in the program and any relevant learning experiences. The reports shall should show how the administrator in training trainee used the following methods to further his or her training:~~

1. On-the-job experience;
2. Meetings attended;
3. Surveys completed;
4. Written reports;
5. Texts or periodicals;
6. Visits to other facilities;
7. Academic programs, college or continuing education seminars.

~~(9) Nothing in this rule is intended to preclude any preceptor from requiring any additional areas in the program, objectives, or reports.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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

Division of Law Enforcement

RULE TITLE: RULE NO.:

Emergency Idle Speed No Wake Boating
Restricted Areas – St. Johns River 68DER05-2

STATEMENT OF THE SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, AND WELFARE: Recent rains from Hurricane Wilma have caused severe flooding along various portions of the St. Johns River. The river has overflowed its banks in many places and expanded into the floodplain. This flooded condition has created an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land have become wholly or partially submerged, creating hazards to navigation. These objects include, without limitation, dwellings, electrical and telephone wires, utility poles, trees and stumps, docks and wharfs, boathouses, and sheds. The turbulent and muddy water has caused boats to allide dangerously upon submerged objects without warning.

The operation of any vessels, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake will continue to create an immediate danger to property engulfed by the floodwaters or adjacent to the swollen river. Vessel operation, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake will continue to increase the damage caused by the floodwaters and will damage property that is marginally above the floodwaters.

Vessel operation, other than by emergency or law enforcement vessels, at speeds greater than Idle Speed No Wake also presents an immediate danger to persons in or near the river. The flood now submerges the accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

STATEMENT OF THE AGENCY’S REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is general concurrence from Lake, Volusia and Seminole Counties, the Florida Fish & Wildlife Conservation Commission Field Office in Ocala, Florida, and the Boating and Waterways Section, that enactment of six Idle Speed No Wake zones along the St. Johns River is necessary to protect vessel traffic safety and the safety of other waterway users. There is further concurrence that the enactment of this emergency rule will also protect against continued flooding of homes, submersion of docks, seawalls, environmental damage including erosion, degradation of water quality, introduction of pollutants into the river system, and the undermining of trees and other vegetation and is warranted for the protection of public safety.

This emergency rulemaking is being coordinated with the United States Coast Guard and the Army Corps of Engineers. The emergency rule will be forwarded to the United States Coast Guard Seventh District for publication in their weekly Local Notice to Mariners. The boating public will be notified by publication in the local notice, by marine VHF radio broadcast of the Coast Guard’s local notice, by a public service announcement by the Florida Fish and Wildlife Conservation Commission, by personal contact from law enforcement officers, and by signs posted at boat ramps and other access points to the boating restricted areas.

Because the water levels on the St. Johns River are in constant flux, varying in response to wind direction, wind speed, and accumulated rainfall, the danger to life and property is such that normal rulemaking procedures would not adequately protect the public from the anticipated harm. The procedures used in this emergency rulemaking action are therefore fair under the circumstances.

SUMMARY OF THE RULE: This action establishes six Idle Speed No Wake boating restricted areas within the St. Johns River, shoreline to shoreline, from the State Road 44 Bridge to Lake Harney. These boating restricted areas will be in effect and enforceable when the river is flooding.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ms. Tara Alford, Boating and Waterways Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE EMERGENCY RULE IS:

68DER05-2 Emergency Idle Speed No Wake zone within the St. Johns River.

(1) For the purpose of regulating the operation of vessel traffic at Idle Speed No Wake from shoreline to shoreline in the St. Johns River and adjacent waters, the following Boating Restricted Areas are established:

(a) In the St. Johns River, from a line drawn perpendicular to the centerline of the St. Johns River 6,800 feet generally north (downstream) of the confluence of the Hontoon Dead River and the St. Johns River, to a line drawn perpendicular to the centerline of the St. Johns River 3,600 feet northeast of the confluence of the St. Johns River and the Hontoon Dead River, to be in effect and enforceable when the St. Johns River level is at 3.5 feet or higher as indicated by the United States Geological Survey gauge number 02236000 near the S. R. 44 Bridge west of DeLand or when the St. Johns River level is at 9.5 feet or higher as indicated by the physical gauge at the S.R. 44 Bridge west of DeLand.

(b) In the St. Johns River, from a line drawn perpendicular to the centerline of the St. Johns River 2,500 feet south of the confluence of the St. Johns River and the Wekiva River to a line drawn perpendicular to the centerline of the St. Johns River to 8,000 feet south of the confluence of the St. Johns River and the Wekiva River, to be in effect and enforceable when the St. Johns River level is at 3.5 feet or higher as indicated by the United States Geological Survey gauge number 02236000 near the S. R. 44 Bridge west of DeLand or when the St. Johns River level is at 9.5 feet or higher as indicated by the physical gauge at the S.R. 44 Bridge west of DeLand.

(c) In the St. Johns River, from a line drawn perpendicular to the centerline of the St. Johns River 8,300 feet generally west (downstream) of the centerline of the I-4 Bridge to a line drawn perpendicular to the centerline of the St. Johns River 3,000 feet west of the centerline of the eastern span of the I-4 Bridge, to be in effect and enforceable when the St. Johns River level is at 5.9 feet or higher as indicated by the United States Geological Survey gauge number 02234500 at the U.S. Highway 17/92 Bridge at the western outlet of Lake Monroe or when the St. Johns River level is at 46.5 feet or higher as indicated by the St. Johns River Water Management District gauge at the U.S. Highway 17/92 Bridge at the western outlet of Lake Monroe.

(d) In the St. Johns River at Cypress Bend, from a line drawn perpendicular to the centerline of the St. Johns River 500 feet south of the overhead powerline to a line drawn perpendicular to the centerline of the St. Johns River 5,700 feet generally south (upstream) of said overhead powerline, to be in effect and enforceable when the St. Johns River level is 7.3 feet or higher as indicated by the United States Geological Survey gauge number 02234000 at the S.R. 46 Bridge one mile

upstream of Lake Harney or when the St. Johns River level is at 1 foot or higher as indicated by the physical gauge at the Lemon Bluff Boat Ramp.

(e) In the St. Johns River near Cypress Slough, from a line drawn perpendicular to the centerline of the St. Johns River at 28°49.099'N/81°04.682'W to a line drawn perpendicular to the centerline of the St. Johns River at 28°29.163'N/81°05.583'W, a distance of approximately 4,000 feet, to be in effect and enforceable when the St. Johns River level is 7.3 feet or higher as indicated by the United States Geological Survey gauge number 02234000 at the S.R. 46 Bridge one mile upstream of Lake Harney or when the St. Johns River level is at 1 foot or higher as indicated by the physical gauge at the Lemon Bluff Boat Ramp.

(f) In the St. Johns River from a line drawn perpendicular to the centerline of the St. Johns River 6,200 feet generally west and south (downstream) of the confluence of Deep Creek and the St. Johns River to a line drawn perpendicular to the centerline of the St. Johns River 1,100 feet generally east and south (upstream) of the confluence of Deep Creek and the St. Johns River, to be in effect and enforceable when the St. Johns River level is 7.3 feet or higher as indicated by the United States Geological Survey gauge number 02234000 at the S.R. 46 Bridge one mile upstream of Lake Harney or when the St. Johns River level is at 1 foot or higher as indicated by the physical gauge at the Lemon Bluff Boat Ramp.

(2) As provided in Section 327.70, F.S., this emergency rule shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties through which these waters flow and their respective deputies, and any other duly constituted law enforcement officers.

(3) Any person failing to comply with the provision of this emergency rule shall be guilty of a noncriminal infraction, punishable as provided in Section 327.73, F.S.

(4) This emergency rule takes effect immediately upon being filed with the Department of State and will continue in effect:

(a) Until the segments of the St. Johns River have receded below the river levels specified in subsection (1); or

(b) Until the Executive Director of the Agency finds that the flooding conditions have sufficiently abated so that the restrictions are no longer justified; or

(c) Until 90 days have elapsed.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New 11-4-05.

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: November 4, 2005

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on November 3, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Osaka Sushi Bar and Restaurant located in Miramar Beach. The above referenced Florida Administrative Code states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to have seventy-three (73) seats with no public bathrooms in the facility. They are requesting to use centrally located bathroom facilities.

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 November 4, 2005, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code, from City Slickers 2 located in Deland. The above referenced Florida Administrative Code states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal.

A copy of the Petition can be obtained from:

Xenia Bailey
Division of Hotels and Restaurants
1940 North Monroe Street
Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on November 5, 2005, Florida Housing Finance Corporation received a Petition for Waiver from subsection 67-48.004(14), F.A.C., from Green Cay Village Apartments, Ltd., f/k/a Heritage at Green Cay, Ltd. ("Petition"). The Petition is seeking a variance from the rules which set forth the application and selections procedure for development.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on November 3, 2005, Florida Housing Finance Corporation received a Petition for Modification of its Ownership Structure and for Waiver of Combined Debt Service Coverage Requirements Under paragraph 67-48.012(2)(g) and subsection 67-48.002(31), F.A.C. ("Petition"). The Petition is seeking a variance from the rule which provides the amount of debt service coverage and the latter rule restricts change in ownership structure before the loan closing has occurred.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on November 4, 2005, Florida Housing Finance Corporation received a Petition for Variance/Waiver from Florida Administrative Code subsection 9I-28.006(7), F.A.C., from Carrfour Supportive Housing, Inc. ("Petition"). The Petition is seeking a variance from the rule which provides for SAIL interest to be paid.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on November 4, 2005, Florida Housing Finance Corporation received a Petition for Modification of its Ownership Structure, Change of Developer and Waiver of subsections 67-48.002(111), 67-48.002(31), paragraph 67-48.004(18)(b), and Rule 67-48.025, F.A.C., from Village Centre Apartments, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that there be no change in ownership structure; no change in developer; they also seek to extend the date the development should be in service and modification of the QAP.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on November 5, 2005, Florida Housing Finance Corporation received a Petition for Waiver from subsection 67-48.010(4), F.A.C., from Grande Oaks, LLC ("Petition"). The Petition is seeking a variance from the rule which provides the terms and conditions of SAIL loans.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day

after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on November 5, 2005, Florida Housing Finance Corporation received a Petition for Waiver from paragraph 67-48.004(1)(a), subsections 67-48.004(14) and (15), F.A.C., from Oaks at Shannon's Crossing Limited Partnership ("Petition"). The Petition is seeking a variance from the rules which set forth the application and selections procedure for development.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs**, announces the following public meeting, to which all persons are invited:

DATE AND TIME: Monday, November 28, 2005, 1:00 p.m.

PLACE: Tampa Children's Medical Services, 13101 N. Bruce B. Downs Blvd., Room 2004, Tampa, FL 33612, (813)396-9798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites and media, establish project schedules and set the next meeting dates for Art in State Buildings Project No. DOH 9929/5000, Tampa Children's Medical Services.

COMMITTEE: Art Selection Committee

For more information or to obtain a copy of the agenda, please contact Lee Modica, Arts Administrator, Art in State Buildings Program, 400 South Monroe St., Room B6, Tallahassee, Florida 32399-0250, (850)245-6476. Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Morgan Barr at (850)245-6356. If you are hearing or speech impaired, please contact the Florida Relay at 711.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council (AITC)** will meet:
DATE AND TIME: December 12, 2005, 1:00 p.m. – 4:00 p.m.
PLACE: University of Florida, College of Veterinary Medicine, Lecture Room A, Gainesville, Florida. This is open to the public.

The Florida **Department of Agriculture and Consumer Services** announces a regular business meeting of the Florida Coordinating Council on Mosquito Control to which all persons are invited.

DATE AND TIME: November 29, 2005, 10:00 a.m. – 3:00 p.m.

PLACE: Alachua Regional Service Center, 14101 Northwest Highway 441, Alachua, FL 32615, (386)416-5500

Questions and Comments may be directed to James Clauson, Chairman, (850)922-7011 ext. 101 clausoj@doacs.state.fl.us or Jeff Blair (850)644-6320 jblair@mailier.fsu.edu.

The Florida **Department of Agriculture and Consumer Services** announces a regular business meeting of the Florida Coordinating Council on Mosquito Control to which all persons are invited.

DATE AND TIME: January 17, 2006, 10:00 a.m. – 4:00 p.m.

PLACE: DACS Doyle Conner Bldg., Division of Plant Industry's Conference Room, 1911 S.W. 34th Street, Gainesville, Florida 32614, (352)372-3505

Questions and Comments may be directed to James Clauson, Chairman, (850)922-7011, ext. 101 clausoj@doacs.state.fl.us or Jeff Blair (850)644-6320 jblair@mailier.fsu.edu.

DEPARTMENT OF EDUCATION

The State of Florida, **Department of Education, Education Practices Commission**, announces an Administrator Hearing Panel and Teacher Hearing Panel; all persons are invited.

DATES AND TIME: December 2, 2005, an Administrator Hearing Panel will begin at 9:00 a.m.; A Teacher Hearing Panel will begin immediately following the Administrator Hearing Panel on December 2, 2005

PLACE: Homewood Suites Hotel, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

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 at (850)245-0455 at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, December 10, 2005, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based. Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The **Commission for Independent Education** announces a Rules Workshop and a Commission meeting to which all persons are invited.

DATES AND TIMES: November 30, 2005, Rules Workshop beginning at noon and a Commission Meeting – beginning at 10:00 a.m. on December 1, 2005

PLACE: Keiser College, 1500 N.W. 49th Street, Ft. Lauderdale, Florida 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission Workshop is scheduled to take public comments on the proposed amendments to Title 6E required by the legislative changes in Chapter 2005-2002, Laws of Florida. A

Commission meeting will be held at 10:00 a.m. on December 1, 2005 to evaluate public comments on the proposed rule, finalize rules to promulgate and conduct other Commission business.

A copy of the agenda may be obtained by writing: Commission Office, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern at (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, which can be reached at (800)955-8770 (voice) and (800)955-8771(TDD).

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District Five announces the public hearings for the Department's Tentative Work Program for Fiscal Year 2006/2007 through 2010/2011. These public hearings will include information for Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter, and Volusia Counties.

DISTRICTWIDE PUBLIC HEARING FOR BREVARD, FLAGLER, LAKE, MARION, ORANGE, OSCEOLA, SEMINOLE, SUMTER AND VOLUSIA COUNTIES:

DATE AND TIME: December 12, 2005, 5:30 p.m. – Information Review, 6:00 p.m. – public hearing

PLACE: Florida Department of Transportation, Orlando Urban Office, Lake Apopka A and B, Conference Rooms, 133 South Semoran Boulevard, Orlando, Florida 32807

FOR BREVARD COUNTY:

DATE AND TIME: December 13, 2005, 5:30 p.m. – Information Review, 6:00 p.m. – public hearing

PLACE: Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida 32955

FOR LAKE, SUMTER & MARION COUNTIES:

DATE AND TIME: December 19, 2005, 5:30 p.m. – Information Review, 6:00 p.m. – public hearing

PLACE: Lake County, County Administration Building, Commission Chambers, 2nd Floor, Tavares, Florida 32778

GENERAL SUBJECT MATTER TO BE CONSIDERED: These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The purpose of these public hearing is to consider the Department's Tentative Work Program for Fiscal Years 2006/2007 through 2010/2011 and consider making any changes to the Program. These hearings also will include consideration of proposed projects for the Florida's Turnpike Enterprise.

Written comments from all interested parties will be accepted by the Department at the Public Hearing and within ten days after the Public Hearing. Comments should be addressed to:

George Gilhooley, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720.

In compliance with the Americans with Disability Act, the Department, if requested, will provide special assistance at the public hearings for those persons who are disabled. Those persons requiring special assistance must notify the Department at least ten days prior to the public hearing, by contacting: Mary Schoelzel, 719 South Woodland Boulevard, DeLand, Florida 32720, telephone number (386)943-5398.

The presentation of the Department's Tentative Work Program will also be given at some of the Metropolitan Planning Organization Board Meetings and will also be available through various local TV stations. Please check the website www.WPPH2005.com for the availability in your area. For more information on the dates and places of the District Five Florida Department of Transportation's Work Program Public Hearings, please contact Mary Schoelzel at (386)943-5398.

The Florida **Department of Transportation**, District 2 announces a public hearing to which all persons are invited.

DATE AND TIME: December 13, 2005, 7:00 p.m.

PLACE: Price Martin Center, 220 N. 11th Street, Palatka, Putnam County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID Number 210031-3 and Financial Project ID Number 210031-4, Federal-Aid Number 3751-004-I and Federal-Aid Number 4012-031-P, otherwise known as the Palatka Multi-Use Trail in Palatka, Putnam County, Florida. The Palatka Multi-Use Trail will complete the St. Augustine to Lake City Trail creating a Trail HUB in Palatka while providing public access to a wide range of local facilities and destinations. Alternatives have been developed from a Feasibility Study and a preferred alternative has been selected and is being presented at the public hearing for review and comment. Right of way for the Multi-Use Trail may be required in some locations.

This project is being developed in compliance with Titles VI and VIII of the Civil Rights Act. Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call telephone number (386)758-3700 or (800)749-2967.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing to: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025.

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

The **State Board of Administration (SBA)** announces a Public Meeting of the Investment Advisory Council (IAC) to which all persons are invited.

DATE AND TIME: Tuesday, December 6, 2005, 10:00 a.m.

PLACE: The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council. The IAC is a six-member advisory council, which reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444 of the Florida Statutes.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call James Linn, (850)413-1166, five days prior to the meeting so that appropriate arrangements can be made.

If you would like to have a copy of the agenda, please contact: Diane Bruce, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, or call (850)413-1253.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 7, 2005, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: November 29, 2005, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

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 meeting.

Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at (800)955-8771 (TDD) or (800)955-8770 (VOICE).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *December 5, 2005, 2:30 p.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, which can be reached at (800)955-8771 (TDD) or (800)955-8770 (VOICE).

* In the event of a scheduling conflict, this meeting may be rescheduled to December 6, 2005, in Room 140, immediately preceding or immediately following the Commission Conference.

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: December 6, 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, which can be reached at (800)955-8771 (TDD) or (800)955-8770 (VOICE).

REGIONAL PLANNING COUNCIL

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 30, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2601 East Oakland Park Boulevard, Suite 503, Fort Lauderdale, Florida 33306, or contacting Isabel Cosio Carballo at isabelc@sfrpc.com. The Regional Business Alliance is comprised of business leaders from Miami-Dade, Broward, and Palm Beach counties, including members of the South Florida Regional Transportation Authority.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD) if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council at (954)985-4416 at least five calendar days prior to the meeting.

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, December 2, 2005, beginning at 8:30 a.m.

PLACE: The Knott Building, 111 W. St. Augustine Street, Room 412, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. to 5:00 p.m., Monday through Friday at 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics, (850)488-7864. If you are hearing or

speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at (800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: November 30, 2005, 1:00 p.m., EST

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee – to consider land acquisition matters

DATE AND TIME: November 30, 2005, 2:00 p.m., EST

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business

DATE AND TIME: November 30, 2005, 2:15 p.m., EST

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing – to consider Regulatory matters

DATE AND TIME: November 30, 2005, 2:30 p.m., EST

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing – to consider Land Acquisition matters

DATE AND TIME: December 1, 2005, 10:00 a.m., EST

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90.

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.nfwmd.state.fl.us/). If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, 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 or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

REVISED – The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: November 14, 2005, 4:00 p.m. – 8:00 p.m.

PLACE: South Florida Water Management District Service Center, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Recreational Issues Workshop.

A copy of the agenda may be obtained by writing: South Florida Water Management District, District Clerk, MSC 1132, 3301 Gun Club Road, West Palm Beach, FL 33406.

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

Those who want more information, please contact Rick Smith, (561)682-6517 or visit the website at <http://www.sfwmd.gov/gover/wrac/agendas.html>.

REVISED – The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: November 21, 2005, 5:00 p.m. – 8:00 p.m.

PLACE: South Florida Water Management District Service Center, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) EAA Reservoir Basis of Design Report Acceler8 Project Issues Workshop.

A copy of the agenda may be obtained by writing: South Florida Water Management District, District Clerk, MSC 1132, 3301 Gun Club Road, West Palm Beach, FL 33406.

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

Those who want more information, please contact Rick Smith, (561)682-6517 or visit the website at <http://www.sfwmd.gov/gover/wrac/agendas.html>.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, November 28, 2005, 2:00 p.m.

PLACE: 210 Military Trail, Town of Jupiter Community Center, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: 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, in the Martin/St. Lucie Service Center, Phone Number (772)223-2600, Ext. 3617, 210 Atlanta Avenue, Stuart, FL 34994.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: November 28, 2005, 9:30 a.m.
PLACE: South Florida Water Management District Service Center, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Lower East Coast Regional Water Supply Plan Update Issues Workshop.

A copy of the agenda may be obtained by writing: South Florida Water Management District, District Clerk, MSC 1132, 3301 Gun Club Road, West Palm Beach, FL 33406.

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

Those who want more information, please contact Rick Smith at (561)682-6517 or visit the website at <http://www.sfwmd.gov/gover/wrac/agendas.html>.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: November 30, 2005, 9:00 a.m. – 5:30 p.m.
PLACE: Indian River Community College, Chastain Campus, Wolf High Technology Center Auditorium, 2400 S.E. Salerno Road, Stuart, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Lake Okeechobee Committee Meeting (9:00 a.m. – 12:00 p.m.) and the Semi-Annual Lake Okeechobee Operations Public Workshop (1:00 p.m. – 5:30 p.m.)

A copy of the agenda may be obtained by writing: South Florida Water Management District, District Clerk, MSC 1132, 3301 Gun Club Road, West Palm Beach, FL 33406.

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

Those who want more information, please contact Rick Smith at (561)682-6517 or visit the website at <http://www.sfwmd.gov/gover/wrac/agendas.html>.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, December 1, 2005, 10:00 a.m.
PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained: (1) District Website (<http://www.sfwmd.gov/org/ema/toc/draftagenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

Those who want more information, please contact: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, telephone (561)682-6611, .

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, December 7, 2005 from immediately after the Audit and Finance Committee Meeting on December 7, 2005 or 11:00 p.m., whichever comes first and until 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 Land Resource and Regulatory 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: (1) District Website (www.sfwmd.gov/gover/GovBoard/webpage/agenda.html) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: December 7, 2005, 8:30 a.m. – 5:30 p.m.

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Blvd., Duck Key, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Regular Meeting (8:30 a.m. – 12:00 p.m.) and the WRAC/South Florida Ecosystem Restoration Task Force Joint Meeting (1:00 p.m. – 5:30 p.m.).

A copy of the agenda may be obtained by writing: South Florida Water Management District, District Clerk, MSC 1132, 3301 Gun Club Road, West Palm Beach, FL 33406.

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

Those who want more information, please contact Rick Smith at (561)682-6517 or visit the website at <http://www.sfwmd.gov/gover/wrac/agendas.html>.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, December 7, 2005, 9:00 a.m. until complete.

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Finance and Audit 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 at the (1) District Website http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_schema=PORTAL or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, December 13, 2005, 9:00 a.m. until complete

PLACE: Broward County Governmental Center, Room 421, 115 S. Andrews Avenue, Fort Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular 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 at the (1) District Website: http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_schema=PORTAL or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, December 14, 2005, 9:00 a.m. until complete

PLACE: Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, FL 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular 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 at the (1) District Website: http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_schema=PORTAL or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, at (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 1132, West Palm Beach, FL 33406, (561)682-6371.

The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: December 8, 2005, 9:00 a.m.

PLACE: City of Naples (City Hall), City Council Chamber, 735 8th Street South, Naples, Florida 34102. The above address shall be the designated access point for public attendance of the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Board Business. The Board will also commend the City of Marco Island for adopting water conservation measures effectively.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or by calling Kathleen Tetrault, (239)597-1505. Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Kathleen Tetrault, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Kathleen Tetrault, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: December 12, 2005, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

TELEPHONE NUMBER TO CALL: (850)921-6513 or Suncom 291-6513

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact: Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-6096 at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System which can be reached at (800)955-8770 (voice) and (800)955-8771 (TDD).

The Florida **Real Estate Appraisal Board** (FREAB) announces a meeting to which all persons are invited.

DATES AND TIMES: Monday, December 5, 2005, 9:00 a.m. or the soonest thereafter; reconvening Tuesday, December 6, 2005, 8:30 a.m. or the soonest thereafter.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions and general subject matter.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, (800)955-8770 (Voice) and (800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Ashley Dashnaw, Regulatory Specialist III, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

The Probable Cause Panel of the Florida **Real Estate Appraisal Board** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, December 7, 2005, 9:30 a.m., or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida or Meet Me Number: (850)921-5320

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, (800)955-8770 (Voice) and (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, December 2, 2005, 8:30 a.m.

PLACE: The Renaissance Ft. Lauderdale, 1617 S.E. 17th Street, Ft. Lauderdale, Florida 33316, (954)626-1700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at (800)955-8770 (Voice) and (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 or accessing www.doh.state.fl.us/mqa/chiro/index.html.

The **Board of Podiatric Medicine** Probable Cause Panel will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, December 8, 2005, 4:00 p.m.

PLACE: The Renaissance Ft. Lauderdale, 1617 S.E. 17th Street, Ft. Lauderdale, Florida 33316, (954)626-1700

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at (800)955-8770 (Voice) and (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 Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Podiatric Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, December 9, 2005, 9:00 a.m.

PLACE: The Renaissance Ft. Lauderdale, 1617 S.E. 17th Street, Ft. Lauderdale, Florida 33316, (954)626-1700

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at (800)955-8770 (Voice) and (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 Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/podiatry/index.html.

The Florida **Department of Health** announces a meeting of the Florida KidCare Coordinating Council to which all persons are invited:

DATE AND TIME: Friday, December 2, 2005, 1:00 p.m. – 4:00 p.m.

PLACE: Children’s Medical Services, Department of Health, Tallahassee Area Office, Conference Room, 2390 Phillips Road, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida KidCare Coordinating Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet on Friday, December 2, 2005, 1:00 p.m. – 4:00 p.m. in Tallahassee to discuss Florida KidCare, the state children’s health insurance program. The Council is charged with making recommendations to the Department, the Governor and the Legislature, as well as other state government groups about possible changes and adjustments to the Florida KidCare Program which may result in recommendations for legislative action, state agency rule change, federal agency rule or policy change, or Congressional action.

A copy of the agenda may be obtained from: Gail Vail, Department of Health, (850)245-4444, ext. 2238, Gail_Vail@doh.state.fl.us

The **Department of Health** announces variance meetings of the Public Swimming and Bathing Facilities Advisory Review Board members. These meetings are open to the public.

TIME: 9:30 a.m. – 3:00 p.m.

DATES AND PLACES:

Wednesday, January 11, 2006 – Conference Room A, S. Tower
 Wednesday, March 8, 2006 – Conference Room A, S. Tower
 Wednesday, May 10, 2006 – Conference Room A, S. Tower

Wednesday, July 12, 2006 – Conference Room A, S. Tower
 Wednesday, September 13, 2006 – Conference Room A, S. Tower

Wednesday, November 8, 2006 – Conference Room A, S. Tower, Hurston Building, 1st Floor, 400 West Robinson Street, Orlando, FL 32801, telephone (407)317-7172

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these meetings will be for the board to make recommendations to the department for agency action on variance requests, rule and policy development, and other technical review problems.

The person to be contacted regarding these meetings or agendas is: Mr. Robert S. Pryor, Environmental Engineering, Dept. of Health, Bureau of Water Programs, 4052 Bald Cypress Way, BIN C22, Tallahassee, FL 32399-1742, telephone (850)245-4444 Ext. 2369.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission (FWC)**, Division of Law Enforcement, announces a public workshop concerning the FWC’s Proposed Airboat Muffling Enforcement Protocol and Courteous Operation Educational Effort, to which all interested persons are invited:

DATE AND TIME: November 28, 2005, 6:00 p.m. – 8:00 p.m.

PLACE: IGFA Fishing Hall of Fame & Museum, Events Hall, 300 Gulf Stream Way, Dania Beach, FL 33004. (IGFA is located next to Bass Pro Shops Outdoor World.)

DIRECTIONS: Take I-95 to Griffin Road Exit 23; west on Griffin to first light (Anglers Ave.); south to Gulf Stream Way; left at Sportsman’s Park.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FWC is holding this workshop to receive public comments regarding their proposed enforcement protocol pertaining to muffling airboat engines. Additionally, the Commission is asking for public input in its preparation to initiate an educational effort which will focus on safe and courteous airboat operation with emphasis on the reduction of airboat sound levels.

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 five calendar days before the workshop by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

CONTACTS REGARDING THE WORKSHOP: Major Jim Brown or Captain Richard Moore, Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32999-1600, telephone (850)488-5600.

FINANCIAL SERVICES COMMISSION

The Board of Directors of the **Florida Health Insurance Plan** announces the following meeting to be held by telephone conference and to which all interested persons are invited to attend.

DATES AND TIMES: Tuesday, November 29, 2005, 1:00 p.m.

PLACE: Room 101B, Larson Building, 200 East Gaines Street, Tallahassee, Florida, or Call in Number: 1(866)200-9760 and entering participant pin number 3091200

CONTACT NAME AND NUMBER: Chris Bailey, (850)413-2552.

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting of the Board of Directors, the Board will discuss and authorize the annual report that will be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the substantive legislative committees of the Legislature.

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 above.

AREA AGENCY ON AGING OF PASCO-PINELLAS

The **Area Agency on Aging of Pasco-Pinellas, Inc.(AAAPP)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 21, 2005, 9:30 a.m., (Please call to confirm date, time and location)

PLACE: Area Agency on Aging of Pasco-Pinellas, Inc., 9887 4th Street North, Suite 100, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Area Agency on Aging of Pasco-Pinellas, Inc., Board Meetings.

Please note that if a person decides to appeal any decision made by AAAPP Board with respect to any matter considered at the above cited meeting or hearing, 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 based.

SCRIPPS FLORIDA FUNDING CORPORATION

The Reports Committee of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: November 21, 2005, 4:00 p.m.

PLACE: Conference call (850)488-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Reports Committee will review the SFFC Annual report draft. The date, time, and/or place are subject to change. Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/otted/index.html> for meeting date, time, place, and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact sara.misselhorn@myflorida.com at least 48 hours in advance of the meeting.

The Board of Directors of the **Scripps Florida Funding Corporation** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: November 28, 2005, 10:00 a.m.

PLACE: Conference call (850)487-9552

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the BOD will review and approve the SFFC Annual Report for transmission to the Governor and Legislature. The date, time, and/or place are subject to change. Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/otted/index.html> for meeting date, time, place, and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact sara.misselhorn@myflorida.com at least 48 hours in advance of the meeting.

COMMISSION ON MARRIAGE AND FAMILY SUPPORT INITIATIVES

The **Commission on Marriage and Family Support Initiatives** announces the following meetings of the commission to which all persons are invited to attend. All the meetings will be held via conference call at:

Meeting Type: Executive Committee

DATE AND TIME: Wednesday, December 7, 2005, 8:30 a.m. – 9:30 a.m.

Meeting Type: Program Committee

DATE AND TIME: Wednesday, December 7, 2005, 9:45 a.m. – 11:00 a.m.

Meeting Type: Policy Committee

DATE AND TIME: Thursday, December 8, 2005, 9:00 a.m. – 11:00 a.m.

Meeting Type: Public Awareness Committee

DATE AND TIME: Friday, December 9, 2005, from 10:00 a.m. – 12:00 noon

Meeting Type: Resource Development Committee

DATE AND TIME: Thursday, December 14, 2005, 9:00 a.m. – 10:00 a.m.

PLACE: 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agendas and more information about how to attend the meetings contact Heidi Rodriguez at hrodriguez@ounce.org or (850)488-4952, ext. 135. Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION

The **Florida Self-Insurers Guaranty Association, Inc.** announces the annual meeting of its Board of Directors. All interested persons are invited to attend.

DATE AND TIME: Wednesday, November 30, 2005, 12:00 noon

PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida 32308, (850)222-1882.

JOHNNIE B. BYRD, SR. ALZHEIMER’S CENTER & RESEARCH INSTITUTE

The **Johnnie B. Byrd, Sr. Alzheimer’s Center & Research Institute** announces a public meeting of slide review for its Art Selection Committee to which all persons are invited:

DATE AND TIME: Monday, December 5, 2005, 1:00 p.m.

PLACE: USF Contemporary Art Museum.

Additional information may be obtained by contracting the Byrd Alzheimer’s Institute, (813)866-1600.

ENTERPRISE FLORIDA

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

Meeting: Enterprise Florida, Inc. Urban Working Group

DATE AND TIME: Tuesday, November 29, 2005, 1:00 p.m. – 3:00 p.m.

PLACE: Radisson Resort at the Port, 8701 Astronaut Blvd., Cape Canaveral, FL 32920, (321)784-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

Meeting: Enterprise Florida, Inc. Rural Issues Working Group

DATE AND TIME: Tuesday, November 29, 2005, 1:00 p.m. – 3:00 p.m.

PLACE: Radisson Resort at the Port, 8701 Astronaut Blvd., Cape Canaveral, FL 32920, (321)784-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

Meeting: Enterprise Florida, Inc. Marketing Working Group

DATE AND TIME: Tuesday, November 29, 2005, 3:00 p.m. – 5:00 p.m.

PLACE: Radisson Resort at the Port, 8701 Astronaut Blvd., Cape Canaveral, FL 32920, (321)784-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

Meeting: Enterprise Florida, Inc. Stakeholders Council

DATE AND TIME: Wednesday, November 30, 2005, 8:00 a.m. – 12:00 p.m.

PLACE: Radisson Resort at the Port, 8701 Astronaut Blvd., Cape Canaveral, FL 32920, (321)784-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

Meeting: Enterprise Florida, Inc. Technology, Entrepreneurship & Capital (TEC) Council

DATE AND TIME: Wednesday, November 30, 2005, 1:30 p.m. – 3:30 p.m.

PLACE: Radisson Resort at the Port, 8701 Astronaut Blvd., Cape Canaveral, FL 32920, (321)784-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

Meeting: Enterprise Florida, Inc. Small Business Committee

DATE AND TIME: Wednesday, November 30, 2005, 2:00 p.m. – 3:30 p.m.

PLACE: Radisson Resort at the Port, 8701 Astronaut Blvd., Cape Canaveral, FL 32920, (321)784-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

Meeting: Enterprise Florida, Inc. Global Commerce Committee

DATE AND TIME: Wednesday, November 30, 2005, 2:00 p.m. – 4:00 p.m.

PLACE: Radisson Resort at the Port, 8701 Astronaut Blvd., Cape Canaveral, FL 32920, (321)784-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

Meeting: Enterprise Florida, Inc. Defense & Space Committee

DATE AND TIME: Wednesday, November 30, 2005, 2:00 p.m.– 4:00 p.m.

PLACE: Radisson Resort at the Port, 8701 Astronaut Blvd., Cape Canaveral, FL 32920, (321)784-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

Meeting: Enterprise Florida, Inc. Legislative Committee

DATE AND TIME: Wednesday, November 30, 2005, 4:00 p.m. – 5:00 p.m.

PLACE: Radisson Resort at the Port, 8701 Astronaut Blvd., Cape Canaveral, FL 32920, (321)784-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz, (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Enterprise Florida, Inc. announces a public meeting to which all persons are invited:

Meeting: Enterprise Florida, Inc. Board of Directors Meeting

DATE AND TIME: Thursday, December 1, 2005, 8:30 a.m. – 12:30 p.m.

PLACE: Radisson Resort at the Port, 8701 Astronaut Blvd., Cape Canaveral, FL 32920, (321)784-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Pat Swartz at (850)922-8884 at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (Voice) and (800)955-8771 (TDD).

CITIZENS PROPERTY INSURANCE CORPORATION

Citizens Property Insurance Corporation announces a Claims Committee Meeting to be held:

DATE AND TIME: Wednesday, November 30, 2005, 2:00 – 5:00 p.m. (EDT)

PLACE: Tampa International Airport Marriott

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Items of discussion include, but are not limited to, Claims Orientation/Overview.

For additional information, please call (800)807-7647, extension 3744.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION

The **FWCJUA** announces a MAP Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: November 28, 2005, 11:00 a.m.

PLACE: To participate in the teleconference meeting, please dial (888)632-5950, November 28, 2005, 11:00 a.m., and ask to be connected to the Laura Torrence conference call.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Agenda topics will include approval of minutes and the MAP Partnership Program.

A copy of the agenda may be obtained from the FWCJUA's website, www.fwcjua.com or by contacting Michael Cleary, Program Manager at (941)378-7404.

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 FINANCIAL SERVICE

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Federal Fire Alarm and Security Systems, Inc., Bart Hill, on August 5, 2005. The following is a summary of the agency's disposition of the petition:

Question: Petitioner requests to know: is a duly licensed or otherwise authorized entity allowed to install and/or specify an additional fire alarm control panel to expand the functions of an existing or proposed fire alarm system which is already comprised of at least one fire alarm control panel to expand the functions of an existing or proposed fire alarm system which is already comprised of at least one fire alarm control panel, if such additional fire alarm control panel meets the requirements of the relevant codes in the specified edition of NFPA 72, subdivision 3-8.1 through 3-8.1.3?

Response: The relevant portions of both the 1999 and the 2002 editions of NFPA 72 obviously provide an affirmative response to your question, and no analysis, explanation, interpretation, or construction is needed; therefore, a declaratory statement is not necessary to analyze, explain, interpret, or construe a code or standard adopted by the Division of State Fire Marshal. Based on the above, the petition for declaratory statement must be, and the same herein is, dismissed.

A copy of the order may be obtained from Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, or you may fax your request to fax number (850)922-1235. An unsigned but exact copy of the order is also available on the Division of State Fire Marshal website which may be accessed at: <http://www.fldfs.com/SFM/sfmdeclaratorysummaries.htm>.

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."

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

Florida Atlantic University, on behalf of its Board of Trustees, announces that Construction Management services will be required for the project listed below:

Project No.: BT- 622 located at Florida Atlantic University's Boca Raton Campus.

The project consists of the construction of an 8-lane 400 meter running track, capable of facilitating all track and field event competitions as well as accommodating a football field and soccer field within the internal area of the track. Both the track and the field will have state-of-the-art surfaces. The estimated construction cost is \$1,850,000.00.

The contract for Construction Management services will consist of two phases. Phase one is pre-construction services, for which the Construction Manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at either 50% or 100% Construction Document phase. If the GMP is accepted, Phase two, the construction phase, will be implemented. In phase two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, and staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard

Florida Atlantic University Construction Management Agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The Construction Manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management services for the project shall submit a letter of application and a completed "Florida Atlantic University Construction Manager Qualification Supplement" (FAUCMPQS Revised January

2004). Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The FAUCMQS form and the Project Fact Sheet may be obtained on our website at: <http://uavp.fau.edu>, or by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Campus Operations Bldg. #69, Room 101. Boca Raton, Florida 33431, telephone (561)297-2663, (561)297-0224 fax.

Five (5) bound sets of the required proposal data shall be submitted and addressed to: Mr. Tom Donaudy, Associate Vice President to the University Architect, at the above address by 5:00 p.m. on December 19, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

PROJECT FACT SHEET

Track & Field Facility – Boca Campus

BT- 622

Florida Atlantic University

PROJECT DESCRIPTION

The project consists of the construction of an 8-lane 400 meter running track, capable of facilitating all track and field event competitions as well as accommodating a football field and soccer field within the internal area of the track. Both the track and the field will have state-of-the-art surfaces.

This facility will be constructed using the construction management delivery process.

The Construction budget is approximately \$1,850,000.00.

SELECTION CRITERIA

Firms will be evaluated in the following areas: Experience and ability, past experience; bonding capacity; record-keeping; administrative ability; critical path scheduling expertise; cost estimating; cost control ability; quality contract capability; qualification of the firm’s personnel, staff and consultants; and the ability to phase a project.

Experience and ability scores will be based on the following criteria:

1. Experience in projects of similar size and scope.
2. Experience in working with Universities.

SELECTION COMMITTEE

Thomas Donaudy, Associate VP to the University Architect
 Raymond Nelson, Director/Facilities Planning
 Craig Angelos or Designee, Director/Athletics
 Leslie Bates or Designee, Dean/Student Affairs

SELECTION SCHEDULE:

The anticipated schedule for selection, award, and negotiation is as follows:

Submission Due:	December 19, 2005
Shortlist Meeting:	December 20, 2005
Final Interviews:	January 3, 2006
Contract Negotiation:	TBD

GENERAL INFORMATION

1. All applicants will be notified of the results of the short list in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.
2. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President’s action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.

3. A copy of the building program is available on our website at <http://uavp.fau.edu> and may also be purchased at Boca Blueprint, 2029 N.W. 2nd Avenue, Boca Raton, FL 33431, (561)395-4944

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

NOTICE OF DECISION

The Area Agency on Aging of Central Florida, Inc., d/b/a Senior Resource Alliance, located at 988 Woodcock Rd., Ste. 200, Orlando, FL 32803, has decided, based on receipt of only one source of services from Brevard, Orange, Osceola and Seminole counties, to sole source the Lead Agency grants for Community Care for the Elderly program to the following:

Brevard County to:
Community Services Council of Brevard County
3600 W. King Street
Cocoa, FL 32926

Orange and Seminole County to:
Visiting Nurse Association/CCE
2100 Aloma Ave., Ste 100

Osceola County to:
Osceola County Council on Aging
1099 Shady Lane
Kissimmee, FL 34744

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

AMENDED BID INVITATION

The Florida Department of Children and Family Services hereby amends prior notice of the below-referenced Invitation To Bid, as follows:

PROJECT NUMBER: DCF-05225310

PROJECT NAME: Install Fire Sprinklers, Bldgs. 1015, 1241, 1265, Florida State Hospital (Chattahoochee).

AMENDMENT: Mandatory pre-bid walk-through is rescheduled for December 7, 2005 at 10:00 a.m. EST at the location first announced in prior publication.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

TRDA seeks to sign contracts with potential non-profit Economic Development Organizations (EDOs) that would provide assistance in marketing the Space Alliance Technology Outreach Program (SATOP) throughout the state of Florida.

Prospective organizations will have the opportunity to receive monetary compensation for each Request for Technical Assistance (RTA) they generate that falls within the SATOP scope. In exchange, SATOP relies on EDOs to assist them in identifying the technology needs of Florida businesses.

Organizations interested in pursuing an EDO partnership can visit www.SpaceTechSolutions.com for more information.

Questions regarding this Announcement of Partnership Opportunity should be directed to: Paul Secor, SATOP Director, (321)269-6330, (fax) (321)383-5260, psecor@trda.org

TRDA seeks to sign Memorandums of Understanding with potential Space Alliance Partners (APs) who may assist in solving technical challenges received from small businesses via the Space Alliance Technology Outreach Program (SATOP) in Titusville, Florida.

Prospective Partner organizations will have the opportunity to receive monetary compensation for professional development and various promotional benefits. In exchange, SATOP relies on APs to contribute engineering expertise to help solve technical challenges of up to 40 hours per request from small businesses throughout the United States.

Alliance Partner organizations typically are: NASA Centers, NASA Contractors, colleges and universities, and other companies or organizations involved with the development of space technology.

Organizations interested in pursuing an Alliance Partnership can visit www.SpaceTechSolutions.com for more information.

Questions regarding this Announcement of Partnership Opportunity should be directed to: Paul Secor, SATOP Director, (321)269-6330, (fax) (321)383-5260, psecor@trda.org

HILLSBOROUGH COUNTY AVIATION AUTHORITY

NOTICE TO DESIGN-BUILD FIRMS

HILLSBOROUGH COUNTY AVIATION AUTHORITY

The Hillsborough County Aviation Authority hereby requests, pursuant to the Consultants Competitive Negotiation Act, Section 287.055, Florida Statutes, letters of interest from design-build firms desiring to render design-build services for the following project at Tampa International Airport, Tampa, Florida:

**AIRSIDE D ABATEMENT AND DEMOLITION
HCAA PROJECT NO. 7000**

Services to be furnished shall include, but not be limited to, the demolition and disposal of the Airside "D" Terminal Building and Passenger Transportation System (Shuttle) structures, loading bridges, foundations, concrete building slab, concrete aircraft apron pavement, asphalt pavement, and the removal and securing of underground utilities including water, sanitary, storm sewer, fuel tanks and electrical services. Also included, but not limited to, is the design, regulatory permitting, removal, transportation and disposal of the following potential hazardous materials: Asbestos Containing Materials, PCBs, Mercury/Cadmium containing light bulbs, Freon, lead based paint, mold, fungus, etc. related to the HVAC systems, and Petroleum Soil/Groundwater contamination.

Qualified design-build firms desiring consideration to provide these services should give written notification in the form of a letter of interest to: Dan Noettl, Manager, Planning and Development, Hillsborough County Aviation Authority, Post Office Box 22287, Tampa, Florida 33622. The letters of interest must be received at or before 5:00 p.m. local time, Tuesday, December 13, 2005. Subsequent to receiving letters of interest, a request for qualifications will be posted on this website on or after Friday, December 16, 2005.

A mandatory pre-qualification conference will be held in the Authority board room, located on the third floor, blue side, on Tuesday, January 17, 2006 at 10:00 a.m. Please print out and bring your own copy of the RFQ to this meeting.

HILLSBOROUGH COUNTY AVIATION AUTHORITY

By: /s/ Louis E. Miller

Louis E. Miller, Executive Director

**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 that Hyosung Motors America, Inc., intends to allow the establishment of Eagle Power Sports, LLC, as a dealership for the sale of Hyosung motorcycles at 10 Northeast First Avenue, Chiefland (Levy County), Florida 32626, on or after October 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Eagle Power Sports, LLC, are dealer operator(s): Robert D. Minor, 1611 Northeast 743 Street, Old Town, Florida 32680; principal investor(s): Robert D. Minor, 1611 Northeast 743 Street, Old Town, Florida 32680.

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: Edward Park, President, Hyosung Motors America, Inc., 502 Shartom Drive, Augusta, Georgia 30907.

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, American Suzuki Motor Corporation, intends to allow the establishment of North Jax Motorsports, Inc., d/b/a North Jax Suzuki, as a dealership for the sale of Suzuki motorcycles, at the corner of I-295 and Lem Turner Road, Jacksonville (Duval County), Florida 32218, on or after December 9, 2005.

The name and address of the dealer operator(s) and principal investor(s) of North Jax Motorsports, Inc., d/b/a North Jax Suzuki, are dealer operator(s): Kurt E. Dye and Karen R. Dye, 951 Dove Hunter Road, DeLand, Florida 32724; principal investor(s): Kurt E. Dye and Karen R. Dye, 951 Dove Hunter Road, DeLand, Florida 32724.

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: Steve Bortolamedi, Dealer Network Manager, American Suzuki Motor Corporation, 3251 East Imperial Highway, P. O. Box 1100, Brea, California 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**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."

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration has received an emergency service exemption application from Martin Memorial Medical Center, located at 300 Hospital Ave, Stuart, Florida 34994, pursuant to Section 395.1041(3), Florida Statutes, and Rule 59A-3.255, Florida Administrative Code. The emergency service for which the exemption is requested is: neurosurgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Teresa Wooten, Agency for Health Care Administration, Hospital and Outpatient Services Unit, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, telephone: (850)414-0084. E-mail: wootent@ahca.myflorida.com.

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

On November 2, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Adel Hassan Regaila, MD, license number ME 93429. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the

public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On November 2, 2005, M. Rony François, M.D., M.S.P.H., Ph.D, Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Ellie Lauren Barfield, RN, license number RN 9187652. 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.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN October 31, 2005
 and November 4, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
14-108.003	11/4/05	11/24/05	31/39	
14-108.004	11/4/05	11/24/05	31/39	
14-108.005	11/4/05	11/24/05	31/39	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE
Division of Elections

1S-2.026	11/1/05	11/21/05	31/35	
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

5J-12.002	11/2/05	11/22/05	31/37	
5J-12.005	11/2/05	11/22/05	31/37	
5J-14.001	11/2/05	11/22/05	31/38	

Division of Aquaculture

5L-3.004	11/2/05	11/22/05	31/25	31/39
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DEPARTMENT OF EDUCATION
State Board of Education

6A-1.09412	11/1/05	11/21/05	31/36	
6A-1.09441	11/1/05	11/21/05	31/36	
6A-10.02412	11/1/05	11/21/05	31/36	31/42
6A-10.0242	11/1/05	11/21/05	31/36	
6A-10.02422	11/1/05	11/21/05	31/36	
6A-10.033	11/1/05	11/21/05	31/36	
6A-10.0381	11/1/05	11/21/05	31/36	
6A-10.039	11/1/05	11/21/05	31/36	

Florida State University

6C2-5.0021	11/2/05	11/22/05	Newspaper	
6C2-6.002	11/2/05	11/22/05	Newspaper	
6C2-6.003	11/2/05	11/22/05	Newspaper	

DEPARTMENT OF TRANSPORTATION

14-15.002	11/4/05	11/24/05	31/26	31/41
14-108.001	11/4/05	11/24/05	31/39	
14-108.002	11/4/05	11/24/05	31/39	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

61J1-8.001	10/31/05	11/20/05	31/38	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Beaches and Shores

62B-34.010	11/1/05	11/21/05	31/28	31/38
62B-34.010	11/1/05	11/21/05	31/28	31/39
62B-34.020	11/1/05	11/21/05	31/28	31/38
62B-34.020	11/1/05	11/21/05	31/28	31/39
62B-34.030	11/1/05	11/21/05	31/28	31/38
62B-34.030	11/1/05	11/21/05	31/28	31/39
62B-34.040	11/1/05	11/21/05	31/28	31/38
62B-34.040	11/1/05	11/21/05	31/28	31/39
62B-34.050	11/1/05	11/21/05	31/28	31/38
62B-34.050	11/1/05	11/21/05	31/28	31/39
62B-34.060	11/1/05	11/21/05	31/28	31/38
62B-34.060	11/1/05	11/21/05	31/28	31/39
62B-34.070	11/1/05	11/21/05	31/28	31/38
62B-34.070	11/1/05	11/21/05	31/28	31/39
62B-34.100	11/1/05	11/21/05	31/28	31/38
62B-34.100	11/1/05	11/21/05	31/28	31/39
62B-34.110	11/1/05	11/21/05	31/28	31/38
62B-34.110	11/1/05	11/21/05	31/28	31/39
62B-34.120	11/1/05	11/21/05	31/28	31/38
62B-34.120	11/1/05	11/21/05	31/28	31/39
62B-34.130	11/1/05	11/21/05	31/28	31/38
62B-34.130	11/1/05	11/21/05	31/28	31/39
62B-34.140	11/1/05	11/21/05	31/28	31/38
62B-34.140	11/1/05	11/21/05	31/28	31/39

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

64B-9.001	11/4/05	11/24/05	31/38	
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