

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

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

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

SUBJECT AREA TO BE ADDRESSED: The Aquaculture Best Management Practices Manual, January 2005 will be revised to include new sections on marine net pens and alligators.

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

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

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

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

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: State Highway System Connection Permits
 RULE CHAPTER NO.: 14-96

RULE TITLE: Connection Categories and Fees
 RULE NO.: 14-96.004

PURPOSE AND EFFECT: The method of payment for fees is being expanded to include the use of personal or business checks.

SUBJECT AREA TO BE ADDRESSED: Rule subsection 14-96.004(4) is amended to include the use of personal or business checks for payment of fees.

SPECIFIC AUTHORITY: 334.044(2), 335.182(2), 335,183, 335.184 FS.

LAW IMPLEMENTED: 334.044(14), 335.18-.187 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-96.004 Connection Categories and Fees.

All connections, public or private, shall be determined by the Department to be in one of the following categories:

(1) through (3) No change.

(4) Fee Payment Type. Full payment of fees shall be made by cashier's check, certified check, personal or business check, cash, or money order, and shall be made payable to the State of Florida Department of Transportation at the time of application. Checks drawn on governmental entity accounts will be accepted by the Department. The use of pre-paid accounts are also allowed in accordance with the Department's pre-paid account practices. If at any time during the application process a check for the fee is returned for insufficient funds, the applicant will be notified that the application is not complete and no further processing will occur until a cashier's check, certified check, personal or business check, cash, or money order is presented. The application fee is non-refundable, as required by Section 335.183, Florida Statutes.

Specific Authority 334.044(2), 335.182(2), 335,183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History--New 4-18-90, Amended 7-16-95, 1-23-03, 1-25-04, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE: Minimum Flows and Levels
 RULE CHAPTER NO.: 40B-8

RULE TITLES: Definitions
 RULE NOS.: 40B-8.021

Minimum Surface Water Levels and Flows for Madison Blue Spring
 40B-8.031

Minimum Surface Water Levels and Flows for Lower Suwannee River, Little Fanning Spring, Fanning Spring, and Manatee Spring
 40B-8.041

PURPOSE AND EFFECT: The purpose of the rule development is to codify minimum flows and levels for the Lower Suwannee River, Little Fanning Spring, Fanning

Spring, and Manatee Spring within Chapter 40B-8, F.A.C. The effect of the rule will be to provide protection for these areas from significant harm resulting from uses of ground and surface water.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will establish minimum flows and levels for Lower Suwannee River, Little Fanning Spring, Fanning Spring, and Manatee Spring, in accordance with Rule 62-40.473, F.A.C., and Sections 373.042 and 373.0421, F.S.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only).

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

RULE NO.: 40C-8.031

PURPOSE AND EFFECT: The purpose and effect of these proposed rule amendments is to establish a minimum flow regime for Blue Spring, Volusia County, pursuant to the mandates of Sections 373.042 and 373.0421, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Minimum mean flows will be established for Blue Spring. The minimum flows proposed increase incrementally during the time period from 2006 to 2024. As with the minimum flows and levels previously established by the District, if adopted, this rule amendment would require an applicant for a permit, pursuant to Chapter 40C-2, 40C-20, 40C-4, or 40C-40, F.A.C., to provide assurance that minimum flows would not be violated by a proposed water withdrawal or the construction or operation of a proposed surface water management system.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: 6:00 p.m. – 7:30 p.m., December 6, 2005
 PLACE: City of Deltona Council Chambers, 2345 Providence Blvd., Deltona, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

(a) through (f) No change.

(g) Blue Spring, Volusia County.

<u>Minimum Long Term Mean</u>	<u>Flow</u> <u>Cfs</u>
<u>(effective date) through March 31, 2009</u>	<u>132</u>
<u>April 1, 2009 through March 31, 2014</u>	<u>136</u>
<u>April 1, 2014 through March 31, 2019</u>	<u>140</u>
<u>April 1, 2019 through March 31, 2024</u>	<u>145</u>
<u>After March 31, 2024</u>	<u>157</u>

(2) through (4) No change.

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow

RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lake pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Marion in Levy County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

TIME AND DATE: 6:00 p.m., Monday, December 12, 2005
 PLACE: City of Williston Community Center, 50 Northwest Main Street, Williston, FL 32696
 Public workshop on proposed minimum lake levels and guidance levels for Lake Marion in Levy County, Florida.
 One or more governing board or basin board members may attend.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Time for Compliance with Final Order RULE NO.: 61G4-12.008

PURPOSE AND EFFECT: The Board proposes to delete a circumstance when probation may be tolled.

SUBJECT AREA TO BE ADDRESSED: Tolling of probation.

SPECIFIC AUTHORITY: 455.227(2), 489.108 FS.

LAW IMPLEMENTED: 455.227(2), 489.129(2), (6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Qualification for Certification RULE NO.: 61G4-15.001

PURPOSE AND EFFECT: The Board proposes to add an additional category of person who can verify experience.

SUBJECT AREA TO BE ADDRESSED: Qualifications for certification.

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLES: Application and Examination Fees RULE NOS.: 61G10-12.001 Fees 61G10-12.002

PURPOSE AND EFFECT: The Board proposes to adjust examination fees and add fees for consideration of null and void license applications.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 481.306, 481.307, 455.217, 455.219(6) FS.

LAW IMPLEMENTED: 481.307, 455.217, 455.219(6) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FAW.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Schedule of Fees Adopted by the Board RULE NO.: 61G16-3.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to raise the biennial renewal fee, for professional geologists in active status, from \$125 to \$150.

SUBJECT AREA TO BE ADDRESSED: Biennial licensure renewal fee for active status geologists.

SPECIFIC AUTHORITY: 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS.

LAW IMPLEMENTED: 455.213(2), 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John T. Knap, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0754

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G16-3.001 Schedule of Fees Adopted by the Board.

The following fees are prescribed by the Board:

- (1) through (3) No change.
- (4) License and Certificate Renewal, Reactivation:
 - (a) The biennial renewal for licensure as a professional geologist in an active status shall be one hundred fifty dollars (~~\$150~~) ~~twenty-five dollars (\$125)~~.
 - (b) through (e) No change.
 - (5) No change.

Specific Authority 455.213(2), 455.217, 455.219, 455.271, 492.104, 492.1101 FS. Law Implemented 455.213(2), 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111 FS. History—New 4-27-88, Amended 3-15-90, 2-21-91, 10-27-91, Formerly 21DD-3.001, Amended 5-22-96, 5-14-97, 9-18-97, 11-23-99, 11-16-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Renewal of Inactive Registrations, Licenses and Certifications
 RULE NO.: 61J1-4.007
 PURPOSE AND EFFECT: The Board is updating the requirements for renewal of inactive registrations, licenses, and certifications.
 SUBJECT AREA TO BE ADDRESSED: Renewal of Inactive Registrations, Licenses and Certifications.
 SPECIFIC AUTHORITY: 475.614, 475.619 FS.
 LAW IMPLEMENTED: 475.618, 475.619 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Supervision of Registered Trainee Appraisers
 RULE NO.: 61J1-4.010
 PURPOSE AND EFFECT: The Board is updating the rule regulating the supervision of registered trainee appraisers.
 SUBJECT AREA TO BE ADDRESSED: Supervision of Registered Trainee Appraisers.
 SPECIFIC AUTHORITY: 475.614 FS.
 LAW IMPLEMENTED: 475.611, 475.6221, 475.6222 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Retired Status Fee
 RULE NO.: 64B2-12.020
 PURPOSE AND EFFECT: The Board proposes to establish a retired status fee.
 SUBJECT AREA TO BE ADDRESSED: Retired Status Fee.
 SPECIFIC AUTHORITY: 456.036(4)(b), 460.405 FS.
 LAW IMPLEMENTED: 456.036(4)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.020 Retired Status Fee.

The fee for an active or inactive status licensee who chooses retired status is \$50.00.

Specific Authority 456.036(4)(b), 460.405 FS. Law Implemented 456.036(4)(b) FS. History–New _____.

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Retired Status License

RULE NO.: 64B2-13.008

PURPOSE AND EFFECT: The Board proposes to establish this rule to delineate requirements for active status licensee conversions to retired status license and licensee conversions from retired status license back to active status.

SUBJECT AREA TO BE ADDRESSED: Retired Status License.

SPECIFIC AUTHORITY: 456.036(10), 460.405 FS.

LAW IMPLEMENTED: 456.036(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.008 Retired Status License.

(1) Any licensee may elect at the time of licensure renewal to place the license on retired status by paying the retired status fee of \$50.00.

(2) A retired status licensee may change to active status provided:

(a) The licensee must meet the continuing education requirements of Rules 64B2-13.004 and 64B2-13.0045, F.A.C., for each biennium the licensee was in retired status and pay all past renewal fees;

(b) If the license has been in retired status for more than 5 years, the licensee must retake and pass the examination as set forth in Rule 64B2-11.001, F.A.C., and retake an approved laws and rules course as set forth in Rule 64B4-6.0045, F.A.C.

Specific Authority 456.036(10), 460.405 FS. Law Implemented 456.036(10) FS. History–New _____.

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Guidelines for the Disposition of Disciplinary Cases

RULE NO.: 64B2-16.003

PURPOSE AND EFFECT: The Board proposes to add a new guideline in this rule.

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

SPECIFIC AUTHORITY: 456.039(3), 456.072, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.039(3), 456.072, 456.079, 460.413(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) When the Board finds that an applicant or licensee whom it regulates pursuant to Chapter 460, F.S., has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in Section 456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, conditions of probation may be required following any period of suspension of license and probation will require compliance with conditions as set forth in subsection (3). For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board

shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) through (zz) No change.

(aaa) Section 456.072(1)(gg), F.S., for being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program – from a minimum of suspension until compliant with contract to \$1000 fine and/or revocation. For subsequent offenses, suspension until compliant with contract to \$10,000 and/or revocation.

(2) through (3) No change.

Specific Authority 456.039(3), 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.039(3), 456.072, 456.079, 460.413(4) FS. History–New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, 5-23-04, 4-13-05, 9-15-05,_____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Retired Status License

RULE NO.: 64B4-6.0014

PURPOSE AND EFFECT: The Board proposes to update requirements for a retired status license.

SUBJECT AREA TO BE ADDRESSED: Retired Status License.

SPECIFIC AUTHORITY: 456.036(10), 491.004(5) FS.

LAW IMPLEMENTED: 456.036(10) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B4-6.0014 Retired Status License.

(1) Any licensee may elect at the time of licensure renewal to place the license on retired status by paying the retired status fee of \$50.00.

(2) A retired status licensee may change to active status provided:

(a) If the license has been in retired status for less than 10 years, the licensee must meet the continuing education requirements of Rules 64B4-6.001 and 64B4-6.002, F.A.C., for each biennium the licensee was in retired status and pay all past renewal fees;

(b) If the license has been in retired status for more than 10 years, the licensee must retake and pass the applicable examination for the licensee’s profession set forth in Rule 64B4-3.003, F.A.C., and retake an approved laws and rules course as set forth in Rule 64B4-6.0045, F.A.C.

Specific Authority 456.036(10), 491.004(5) FS. Law Implemented 456.036(10) FS. History–New_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Colonic Irrigation

RULE NO.: 64B7-31.001

PURPOSE AND EFFECT: To require licensees resuming practice from retired status to pass an examination on colonic irrigation prior to practicing colonic irrigation.

SUBJECT AREA TO BE ADDRESSED: Colonic Irrigation.

SPECIFIC AUTHORITY: 480.035(7), 480.041(4), 456.036 FS.

LAW IMPLEMENTED: 480.032, 480.033, 480.041(4), 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Standards for Transfer of Credit

RULE NO.: 64B7-32.004

PURPOSE AND EFFECT: To designate which schools may transfer credit.

SUBJECT AREA TO BE ADDRESSED: Standards for Transfer of Credit.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Citations
PURPOSE AND EFFECT: The Board proposes to review this Rule to determine if changes or deletions are necessary.
SUBJECT AREA TO BE ADDRESSED: Citations.
SPECIFIC AUTHORITY: 456.073, 456.077 FS.
LAW IMPLEMENTED: 456.077 FS.

RULE NO.: 64B10-14.006

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

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

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: License by Endorsement
PURPOSE AND EFFECT: The Board proposes to amend the rule to add language with regard to applicants seeking reentry into the profession, after 5 years of non-practice.
SUBJECT AREA TO BE ADDRESSED: Applicants seeking reentry into the profession after 5 years of non-practice.
SPECIFIC AUTHORITY: 468.353(1), 468.358(3) FS.
LAW IMPLEMENTED: 468.358(2), (3), 468.365 FS.

RULE NO.: 64B32-2.001

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

TIME AND DATE: 10:00 a.m., January 13, 2006
PLACE: 4052 Bald Cypress Way, Third Floor, Room 301, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this meeting are asked to advise the Board at least five

business days prior to the meeting by contacting the Board's Call Center at (850)488-0595. 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Fees
PURPOSE AND EFFECT: The Board proposes to amend the rule to add language for retired status fees.
SUBJECT AREA TO BE ADDRESSED: Retired status fees.
SPECIFIC AUTHORITY: 456.025(1), 456.036(7), (8), 456.065, 468.353(1), 468.364 FS.
LAW IMPLEMENTED: 456.025(1), (6), 456.036, 456.065, 468.364 FS.

RULE NO.: 64B32-4.001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B32-4.001 Fees.
- (1) through (7) No change.
- (8) The retired status fee shall be \$50.00.

Specific Authority 456.025(1), 456.036(7), (8), 456.065, 468.353(1), 468.364 FS. Law Implemented 456.025(1), (6), 456.036, 456.065, 468.364 FS. History—New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, 64B8-73.004, Amended 4-27-00, 8-13-02, 5-15-05,_____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLES: Disciplinary Guidelines Citations
RULE NOS.: 64B32-5.001 64B32-5.007

PURPOSE AND EFFECT: The Board proposes to amend the rules to add language to the disciplinary guidelines regarding terminations of PRN contracts, and practicing with a delinquent, retired, or inactive status license, while deleting citation language regarding practicing with a delinquent, retired, or inactive status license under Section 468.365(1)(x), F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines and citations.

SPECIFIC AUTHORITY: 456.077, 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 456.072(3), 456.077, 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.001 Disciplinary Guidelines.

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

(dd) Termination of PRN Contract – Reprimand to revocation, plus an administrative fine from \$250 to \$2,000.

(ee) Practicing with a delinquent, retired, or inactive status license – Reprimand to revocation, plus an administrative fine from \$2,000 to \$10,000. If fraud is shown, \$10,000 fine per count.

(4) through (6) No change.

Specific Authority 456.079, 468.365(4) FS. Law Implemented 456.072, 468.365 FS. History–New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended 5-5-02, 12-5-04, 5-15-05,_____.

64B32-5.007 Citations.

(1) No change.

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

(a) through (b) No change.

~~(e) Practicing on a delinquent license under Section 468.365(1)(x), F.S.: \$200.~~

~~(c)(d)~~ Failure to notify the Board of current address as required by Rule 64B32-1.006, F.A.C.: \$50 fine.

~~(d)(e)~~ Failure to keep written respiratory care records justifying the reason for the action taken on only one patient under Section 468.365(1)(t), F.S.: \$100 fine.

~~(e)(f)~~ Circulating misleading advertising in violation of Section 468.365(1)(e), F.S.: \$500 fine.

~~(f)(g)~~ Exercising influence on a patient to exploit the patient for financial gain by promoting or selling services, goods, appliances or drugs under Section 468.365(1)(u), F.S.: \$1,000 fine.

~~(g)(h)~~ Failure to submit compliance documentation after receipt of the continuing education audit notification under Section 468.365(1)(x), F.S.: \$150 fine.

~~(h)(i)~~ Failure to provide satisfaction including the costs incurred following receipt of the Department’s notification of a check dishonored for insufficient funds under Section 468.365(1)(l), F.S.: \$150 fine.

~~(i)(j)~~ Failure to pay required fees and/or fines in a timely manner under Section 468.365(1)(i), F.S.: \$150 fine.

(3) through (6) No change.

Specific Authority 456.077 FS. Law Implemented 456.072(3), 456.077 FS. History–New 5-19-96, Formerly 59R-74.006, 64B8-74.006, Amended 1-6-02, 5-31-04,_____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: _____ RULE NO.:

Continuing Education Requirements for Reactivation of License 64B32-6.007

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language for the reactivation of licenses, after 5 years of non-practice.

SUBJECT AREA TO BE ADDRESSED: Reactivation of inactive licenses.

SPECIFIC AUTHORITY: 456.036, 468.353 FS.

LAW IMPLEMENTED: 468.363 FS.

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

TIME AND DATE: 10:00 a.m., January 13, 2006

PLACE: 4052 Bald Cypress Way, Third Floor, Room 301, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this meeting are asked to advise the Board at least five business days prior to the meeting by contacting the Board’s Call Center at (850)488-0595. 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 PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Community Based	
Residential Facilities	64E-12
RULE TITLES:	RULE NOS.:
General	64E-12.001
Definitions	64E-12.002
Water Supply	64E-12.003
Food Service	64E-12.004
Housing	64E-12.005
Vermin Control	64E-12.006
Laundry	64E-12.008
Medications, Alcohol, Poisonous or Toxic Substances	64E-12-009
Recreational Areas	64E-12.011
Radon Testing	64E-12.012
Animal Health and Safety	64E-12.013

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate technical and scientific advancements that promote the protection of the public from a safety, health, and sanitation perspective. The majority of these changes involve updating the rule's present requirements to more accurately reflect today's safety and health standards based on the Food and Drug Administration, Center for Disease Control, and other safety related data resource guidelines. Additionally, the purpose of the proposed change is to clarify identified standards in the existing rule as requested by the regulated community and regulatory officials.

SUBJECT AREA TO BE ADDRESSED: The changes will define terms used in statute and rule that have been identified as confusing or ambiguous, as well as incorporate current safety, health and general sanitation requirements that better safeguard the public against illnesses, injury and disease.

SPECIFIC AUTHORITY: 381.006(6)(16) FS.

LAW IMPLEMENTED: 381.006(6)(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: 9:30 a.m., December 12, 2005

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robin Eychaner, Group Care Program Coordinator, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710, (850)245-4277

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-12.001 General.

This rule prescribes sanitary practices relating to construction, operation and maintenance of ~~c~~Community ~~b~~Based ~~r~~Residential facilities. ~~If a requirement there is any written or implied language in this rule that may conflict with a specific requirement in any other licensing state agency's rule, then those standards shall prevail and will be addressed by that state agency's officials written to regulate a specific type community based residential facility, the rule written for that specific type establishment will be followed.~~ Base camps of wilderness programs shall be exempt from subsections (6) and (7) of Rule 64E-12.005 of this chapter, and the mobile components of wilderness programs shall be exempt from all sections of this rule. Personal services may be provided to the residents through coordinated outsourcing by the community based residential facility or by a contract provider.

Specific Authority 381.006(16), FS. Law Implemented 381.006(6), (16), 386 FS. History--New 6-18-87, Formerly 10D-23.001, Amended _____.

64E-12.002 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning indicated:

(1) Approved – means acceptable by law.

(2)(+) Community Based Residential Facilities – means group care facilities as established under Section 381.006(16), F.S., used as a primary domicile by the resident and located in any building or buildings, section of a building, or distinct part of a building or other place, whether operated for profit or not, which undertakes, through its ownership or management, to provide for a period exceeding 24 hours, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage, who require such services. This term is inclusive of family foster homes as defined in Section 409.175(2)(e), F.S., but it does not include correctional facilities, such as detention centers, jails or prisons.

(3) Department – means the Florida Department of Health and county health departments.

(4) Food Preparation – means the manipulation of foods intended for human consumption by such means as washing, slicing, peeling, chipping, shucking, scooping, and or portioning. The term also includes those activities involving temperature changes, combining ingredients, opening ready-to-eat food packages, or any other activity causing physical or chemical alterations in the food.

(5) Hot Water – means water heated to a minimum temperature of 100 degrees Fahrenheit (°F).

(6) Law – means applicable statutes, rules, codes, or ordinances adopted by local, state, and federal agencies that have regulatory oversight or inspection authority.

(7) Minor – means any person under the age of 18 years old.

(8) Open Water Hazard – means any body of water such as canals, creeks, holding ponds, rivers, lakes, or swamps which are unrestricted by a barrier at least 4 feet in height, on or abutting to the property of a community based residential facility. This term does not include pools or spas and small ornamental fish ponds or above ground fountains which are less than 24 inches deep and have less than 200 square feet of surface area.

(9) Personal Services – means providing supervision, custodial care, or assisting a resident with the tasks or functions in their daily living activities, such as bathing, dressing, laundry, eating, ambulation, grooming, toileting, or monitoring medications.

(10) Potentially Hazardous Food – means any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form:

(a) Capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms; or

(b) Capable of supporting the slower growth of Clostridium botulinum.

(c) The term “potentially hazardous food” does not include foods which have a pH level of 4.6 or below, or a water activity (Aw) value of 0.85 or less, or air-cooled hard-boiled eggs with the shell intact.

(11) Renovation – means any structural or equipment changes in the food storage, service, preparation, or dining area. This does not include replacing existing equipment with like equipment. Substantial renovation includes structural changes to an existing establishment which costs in excess of 33 percent of the assessed value of the facility as determined by the county property appraiser.

(12)(2) Resident – means a person living residing in and receiving personal services ~~care~~ from a community based residential facility, or personal services through coordinated outsourcing, typically due to a specific emotional, social, or health related condition.

(13) Wading Pool – means a temporary and portable pool that holds water, is less than 24 inches in depth, without motors, and only allowed in private single-family residences. It may also be known as a kiddie pool.

Specific Authority 381.006(16) FS, Law Implemented 381.006(6), (16) FS, History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.002, Amended

64E-12.003 Water Supply.

(1) Water supplies shall be adequate to serve the demands of the facility and shall be constructed, operated and maintained in accordance with requirements of Chapters 62-550 and 62-555 or Chapter 64E-8, Florida Administrative Code (F.A.C.).

(a) Facilities served by a private well drinking water supply not regulated by Chapter 64E-8 or 62-550, F.A.C., must submit bacteriological water test results to the local county

health department (CHD). Laboratory test results must be submitted on forms provided by the testing laboratory. Laboratory test results must be negative for bacteriological contamination. Testing shall be conducted at least every 12 months, before opening, or when a facility relocates. Testing can be obtained through the local county health department or a certified independent laboratory.

(b) Positive test results require the facility to temporarily provide potable water from a source approved by law for the purpose of drinking, cooking, and oral contact until test results are negative.

(c) A private well drinking water supply not regulated by Chapter 64E-8 or 62-550, F.A.C., shall be disinfected, flushed, and tested for bacterial contamination before being placed in service after construction, repair, or modification and after an emergency situation, such as a flood, that may introduce contaminants to the system.

(2) Drinking water shall be accessible to all residents. When drinking fountains are available, they shall be designed in compliance with the Florida Building Code first edition including the 2002 Florida Code Inserts, Plumbing Volume May, 2001 and State Plumbing Code, Section 553.06, Florida Statutes (F.S.). When no approved drinking fountains are available, residents shall be provided with single service cups or clean drinking utensils which shall be stored and dispensed in a manner to prevent contamination. Common drinking cups are prohibited.

(3) No change.

Specific Authority 381.006(16), FS, Law Implemented 381.006(6), (16) FS, History–New 6-18-87, Amended 8-7-96, Formerly 10D-23.003, Amended

64E-12.004 Food Service.

There shall be three levels of food service with different minimal requirements in community based residential facilities based on facility type or the number of residents in care. When applying food standards, only one level of food service standards listed in subsections (1)-(3) below may be applied to a facility. Facilities receiving or providing catered food must meet applicable standards as described in subsection (4) below.

(1) Facilities meeting the definition of “adult family-care home” regardless of the number of residents as defined in Section 400.618, F.S., “family foster home” regardless of the number of residents as defined in Section 409.175(2)(e), F.S., and other community based residential facilities housing less than 4 residents, shall comply with the following requirements: If food service is provided in the facility for 10 or fewer residents in care, the facility shall comply with the following requirements:

(a) Food used in the facility shall be clean, wholesome, free from spoilage and safe for human consumption. Home canned food shall not be used. Canned food shall be from sources that are approved by law.

(b) The facility shall ~~store, prepare and serve foods in such a manner as to~~ protect food from dust, flies, rodents and other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage and all other sources of contamination at all times during storage, food preparation, transportation both on and off premises, and service.

(c) Food storage equipment shall be provided to keep all potentially hazardous foods at safe temperatures, 41^oF degrees Fahrenheit or below or 140^oF degrees Fahrenheit or above, except during necessary periods of preparation and service. Potentially hazardous food shall not have been out of temperature more than 4 cumulative hours during the course of thawing, preparation, service and cooling.

(d) At least a two compartment ~~one~~ sink or a single compartment sink and a residential use dishwasher with hot and cold potable water under pressure shall be provided in the food preparation area. Facilities regulated by the department or licensed by other State Agencies prior to July 1, 2006, that have been in continuous operation since initial regulation or licensing, are exempt from the two compartment sink requirement and may have only a single compartment sink in the food preparation area. If the facility changes ownership, moves, or relocates, this exemption is not transferable to the new location, new facility, or from one owner to another.

(e) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3^oF. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

(2) Except as described in subsection (1) above, if food service is provided in a the facility housing from for 4 to 10 residents ~~11 or fewer more, but fewer than 25, residents in care,~~ the facility shall comply with the following requirements:

(a) Sections 64E-11.002, Definitions; 64E-11.003, Food Supplies; 64E-11.004, Food Protection; 64E-11.005(1), (2)(b) c., e., f., (3), (4), (5), Personnel; 64E-11.013(3)(c)1., 2., 4. of Chapter 64E-11, F.A.C., shall apply.

(b) The following shall apply to facilities opening, initially licensed by the licensing agency, or renovating on or after July 1, 2006. Prior to construction or renovation of a food service operation or substantial facility renovation, notification and plans of the proposed construction or renovation shall be given to the department at least 90 days prior to the start of the project for review and approval. Plans shall be submitted by the owner, prospective operator, or their designated representative. All plans shall be in compliance with this section, shall be drawn to scale, describe the layout, construction, finish schedule, general operation of the facility,

equipment design and installation, and similar aspects of the facility's food service operation. A copy of the intended menu shall be provided to the Department as part of the plan review.

(c)(b) The floor surfaces in kitchens, all the rooms and areas in which food is stored or prepared and in which utensils are washed or stored, shall be of smooth, nonabsorbent material and constructed so they ~~it~~ can be easily cleaned and shall be kept clean and in good repair.

(d)(e) The walls and shelving ~~ceilings~~ of all food preparation areas, food storage areas, utensil washing and handwashing rooms or areas shall have smooth, easily cleanable surfaces. Walls shall be washable up to the highest level reached by splash or spray.

(e)(d) Hot and cold running water under pressure shall be easily accessible where food is prepared and where utensils are washed.

(f)(e) A ~~h~~Handwashing sink facilities, provided with hot and cold running water under pressure, shall be located within the food preparation area and labeled as such in new residential facilities and residential facilities which are extensively altered. A hand washing sink shall not be used for any other purpose. Existing facilities shall have until July 1, 2007, to comply with this requirement.

(g) In addition to the designated one compartment handwashing sink in paragraph (f) above, a two compartment sink or one compartment sink and a residential use dishwasher shall be provided for warewashing. Notwithstanding the provisions in paragraph (f) above, if a facility has a two compartment sink and a residential dishwasher, one compartment of the two compartment sink can be designated as a handwashing sink when labeled and used exclusively as such. Existing facilities shall have until July 1, 2007, to comply with this requirement.

(h)(f) Multi-use equipment and utensils shall be constructed and repaired with materials that are non-toxic, corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable and durable under conditions of normal use; and shall not impart odors, color or taste nor contribute to the contamination of food.

(i)(g) All multi-use eating and drinking utensils shall be thoroughly cleaned with hot water and an effective detergent, then shall be rinsed free of such solution, ~~then effectively~~ sanitized as defined in Chapter 64E-11, F.A.C.

(h) A three compartment sink or two compartment sink and dishwasher with an effective, automatic sanitizing cycle, shall be provided. Machine sanitization may be accomplished by the use of chemical solutions, hot water or hot air. After sanitizing, utensils shall be air dried and properly stored. Other types of warewashing devices may be approved by the county health unit.

(j)(i) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to

plus or minus 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

~~(j) No live animals shall be kept or allowed in the food storage, preparation and serving area.~~

(k) Potentially hazardous foods that are in a form that is edible without washing, cooking, or additional preparation, including previously cooked foods such as leftovers, must be stored in accordance with the date marking and disposition requirements of subsections 64E-11.004(14) and (15), F.A.C.

(l) The facility shall protect food and food equipment from all sources of contamination at all times during storage, food preparation, service, and transportation both on and off premises.

(m) Live animals and pets living in or visiting a community based residential facility shall be restricted from the kitchen and any food preparation areas when food is being prepared or served. Restriction must be effective and may consist of passive restraint through obedience training, use of physical barriers such as a gate, physical restraint such as limiting the animal to a room outside of the kitchen or food preparation area, or any other effective means approved by the department. Animals and pets shall not be fed, watered, bedded, kept, or caged in the kitchen, food preparation, food storage, or dining area. Animal care supplies shall not be kept in the kitchen or other food storage areas. If live animals have access to kitchen and dining areas during non-food preparation and service times, then the facility shall effectively sanitize the dining tables, kitchen counter top surfaces, food preparation surfaces, and other similar surfaces immediately before the next meal service or food preparation begins. Persons handling or having direct physical contact with an animal must wash their hands immediately prior to preparing or serving food.

(n) As part of an organized activity, residents may participate in food preparation under direct supervision of the designated staff person in charge of food service activities, who is knowledgeable in food hygiene safety.

(3) If food service is provided in the facility for 11 25 or more residents, it shall comply with Chapter 64E-11, F.A.C. Existing facilities shall have until September 30, 2007, to comply with the requirements of this Chapter except for item paragraph (b) below.

(a) Upon initial approval by the department and prior to any organized activity, residents may participate in food preparation as part of an organized activity, under the direct supervision of a trained food service employee per Rule 64E-11.012, F.A.C.

(b) Facilities with capacities of 11-24 residents that have been in continuous operation since initial regulation or licensing by the department prior to July 1, 2006, are exempt

from subsection 64E-11.008(8), F.A.C., until the facility remodels the kitchen or dining area, or substantially remodels the facility.

~~(4) If food is catered from outside sources, the caterer shall be licensed or regulated by a state or federal regulatory food program with Chapter 64E-11, F.A.C. Catered food once delivered to a community based residential facility must be adequately protected. If a community based residential facility caters to outside sources, it must meet Chapter 64E-11, F.A.C., standards and licensing regardless of its license capacity.~~

(a) When catering is provided as the primary means of food supply, a copy of a current catering agreement shall be provided to the local county health department at least annually or when a change in the agreement occurs. The agreement shall minimally include the designated delivery times, method of hot and cold holding once food is delivered, whether bulk or individually portioned food will be provided, and a designated responsible party for cleaning and sanitizing any multi-use equipment and utensils.

(b) Catered food once delivered to a community based residential facility must be adequately protected from contamination. The facility shall maintain a daily log indicating the date and time of delivery, name or type of potentially hazardous food(s), and the food temperatures upon arrival. Entries in the log shall be made at the time of delivery. These temperature logs shall be maintained and retained at the facility for a period not less than 6 months. The records required by this section must be made available for review by the department upon department request.

(c) Catering requirements listed in paragraphs (a) and (b) above, do not apply in the occasional carry-out or delivery to the facility of items such as, pizza, wings, sub-sandwiches, fried chicken, or barbecued food.

Specific Authority 381.006(16), 381.0072(2)(a) FS. Law Implemented 381.006(6), (16), 381.0072(2)(a),(b),(c), 386 FS. History—New 6-18-87, Formerly 10D-23.006, Amended _____.

64E-12.005 Housing.

(1) The facility shall provide safe and sanitary housing free from objects, materials, and conditions that constitute a danger to the residents.

(2) Floors, walls, ceilings, windows, doors and all appurtenances of the structures shall be of sound construction, properly maintained, easily cleanable and shall be kept clean.

(a) Floor surfaces shall be of non-slip type and maintained free of loose or broken tiles and boards, holes, uneven projections, protruding nails, tears, splinters, water spillage and other tripping hazards. Bathtubs and showers shall contain slip-resistant strips, slip-resistant rubber bath mats, or slip-resistant surfaces.

(b) through (c) No change.

(d) All external windows designed to open shall be accessible and operable.

(3) No change.

(4) All areas of the facility shall be well lighted. Dormitories, bedrooms, toilets, bathing rooms, shower rooms, and dayrooms shall have light fixtures that provide capable of providing at least 20 foot candles of illumination in all areas of the room, measured at a distance 30 inches from the floor, to permit observation, cleaning and maintenance. Light fixtures shall be maintained to work as designed and kept clean.

(5) through (6) No change.

(7) Mechanical cooling devices shall be used and in working condition ~~made available for use~~ in those areas of buildings occupied by residents when inside temperatures exceed 85° Fahrenheit. Exceptions are made when the resident is capable and in control of the thermostat or cooling devices in their personal area and chooses for it to exceed 85° Fahrenheit.

(8) All heating and cooling systems shall be consistent with current building and fire code rules applicable to the area where the facility is located, as determined by building and fire officials.

(9) No change.

(10) Plumbing shall be maintained in compliance with the requirements of the Florida Building Code first edition, including the 2002 Florida Code Inserts, Plumbing Volume May, 2001 and State Plumbing Code, Chapter 553.06, F.S.

(11) through (12) No change.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.009, Amended _____.

64E-12.006 Vermin Insect and Rodent Control.

Effective control measures shall be utilized to minimize the presence of rodents, flies, cockroaches and other vermin insects on the premises. The primary means of pest control shall be the use of integrated pest management (IPM) systems and tools approved by the department. This does not restrict the use of licensed pest control companies or individuals. IPM tools, such as “Integrated Pest Management for Schools: How-to Manual” which are recognized by the United States Environmental Protection Agency, are department approved practices for the control of pests throughout a residential facility. The manual is available at <http://www.epa.gov/pesticides/ipm/schoolipm/index.html> or by writing for a free copy to EPA Pesticides Section, U.S. EPA Region 9, 75 Hawthorne Street (CMD-5), San Francisco, CA 94105. The creation, maintenance or causing of any condition capable of propagating insects, ~~or~~ rodents, or other vermin will not be permitted. All buildings shall be effectively rodent-proofed, free of rodents and maintained in a rodent-proof and rodent-free condition. All outside openings shall be effectively sealed or screened with 16 mesh screening or equivalent, to prevent entry of insects, ~~or~~ rodents, or other vermin, except in wilderness programs when mosquito netting is provided to each resident.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.010, Amended _____.

64E-12.008 Laundry.

(1) No change.

(2) Laundry rooms shall have fixtures that provide at least 30 foot-candles of illumination, kept clean and free of lint build-up, and be properly ventilated as specified in the Florida Building Code first edition, including the 2002 Florida Code Inserts. Lighting will be measured 30 inches above the floor. Laundry rooms shall be well lighted and properly ventilated. Clothes dryers shall be vented to the exterior. Carts used for transporting dirty clothes, linens and towels shall not be used for transporting clean articles unless the carts have been thoroughly cleaned and sanitized.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Formerly 10D-23.012, Amended _____.

64E-12.009 Medications, Alcohol, Poisonous or Toxic Substances.

(1) Poisonous, or toxic substances compounds are to be stored apart from food and other areas that would constitute a hazard to the residents. All containers are to be clearly labeled indicating their contents. All toxic, poisonous, and alcoholic substances shall be kept in locked areas, such as a locked office, locked cabinet, or locked cupboard at all times when not in use.

(2) Medications shall be kept in locked areas, such as a locked office, locked cabinet, or locked box at all times when not in use. This is in addition to a childproof medicine bottle cap, lid, or other packaging. Exceptions are extended to life saving medications such as epinephrine pens, insulin, nitro glycerin, or asthma inhalers that may be needed by the resident who is capable of self-medication in an emergency due to illness or disease. Medicine containers or packaging must be clearly labeled indicating the prescribed individual’s name and its contents. Medications requiring refrigeration or which are stored in a food service or food storage area, shall be stored in such a manner that they do not pose a contamination hazard to food.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Formerly 10D-23.013, Amended _____.

64E-12.011 Recreational Areas.

(1) through (2) No change.

(3) If swimming pools, wading pools, spas, or open water hazards are located on the property of a available in community based residential facilities, the facility shall provide direct pools should be supervised by an adult when in used or when the area is occupied by minors children and other residents that are not capable of self-preservation. The individual responsible for supervision during water activities

or near water hazards must have successfully completed the community water safety course specified in paragraph (b) below.

(a) Private single-family homes using a wading or kiddie pool must empty the pool immediately after use and sanitize the pool whenever the water becomes soiled, such as when a fecal accident occurs.

(b) All community based residential facilities with swimming pools, spas, or open water hazards must have a person on staff or parent who has completed a community water safety course administered by the American Red Cross, YMCA, or any aquatic training program granted approval under paragraph 64E-9.008(1)(d), F.A.C.

(c) All residential pools and spas, regardless of construction date, shall meet the requirements of Chapter 515, F.S.

(d) Water safety devices shall be provided for pools and any open water hazard located on the property used as a swimming or recreational water sport area. A shepherd's hook shall be provided securely attached to a one piece pole not less than 16 feet in length, and at least one 18 inch diameter lifesaving ring with sufficient rope attached to reach all parts of the pool from the pool deck and at least 25 feet into the water from the edge of the swimming area. Safety equipment shall be mounted in a conspicuous place and be readily available for use. Spas, hot tubs, and kiddie pools under 200 square feet of surface area, with 24 inches or less of water depth are exempt from this requirement.

(f) Facilities with staff or parents who are hearing impaired and responsible for resident supervision shall install a visual alarm, in addition to any required audio alarm, for all exterior doors and windows.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History--New 6-18-87, Amended 8-7-96, Formerly 10D-23.015, Amended _____.

64E-12.012 Radon Testing.

Radon Testing shall be conducted in accordance with requirements listed in Chapter 404 of the Florida Statutes. Radon testing information can be obtained at (800)543-8279.

Specific Authority 404.056(4), (6) FS. Law Implemented 404.056(4) FS. History--New _____.

64E-12.013 Animal Health and Safety.

(1) Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of rabies vaccination or veterinary certification of vaccination exemption shall be kept on the premises at all times.

(2) All animals must be kept in good health and free from disease or under treatment by a licensed veterinarian. Animals frequenting the outside must have an annual screening for internal parasites by a licensed veterinarian. Animals positive for internal parasites must be treated appropriately by the

licensed veterinarian. Animals being kept or having access to the indoors must be treated for flea control throughout the year to prevent infestations.

(3) Aggressive, venomous, or potentially dangerous animals must be restricted from access by the residents at all times and kept in such a manner so as not to be able to become free roaming and cause or inflict harm to the residents, visitors, or employees. These animals may not be housed in the residents' sleeping quarters.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History--New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE TITLE: Special Provisions
RULE NO.: 65A-1.702

PURPOSE AND EFFECT: The purpose of this proposed rule is to keep the subject matter of Emergency Rule 65AER05-2 in effect without interruption for the provision of Medicaid benefits to eligible evacuees of the Hurricane Katrina disaster. Medicaid for Hurricane Katrina Evacuees provides payment for medical care and treatment on a temporary basis to evacuees from Louisiana, Mississippi and Alabama.

SUBJECT AREA TO BE ADDRESSED: Specific provisions for Medicaid for Hurricane Katrina Evacuees include definitions, application processing, verification, disability, child support enforcement, eligibility and benefits, and the affected population.

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: 2:00 p.m., December 12, 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-1.702 Special Provisions.

(1) through (16) No change.

(17) Medicaid for Hurricane Katrina Evacuees.

(a) Definitions.

1. Emergency Area means a geographic area or region in which a National Disaster has been declared as a result of Hurricane Katrina. For the purposes of this program, the

relevant disaster is limited to affected counties or parishes in the States of Louisiana, Mississippi and Alabama declared by FEMA as requiring individual assistance.

2. Evacuee means an individual who is a resident of the emergency area, affected by a national disaster as declared by the President of the United States pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and has been displaced from his or her home by the emergency, and is not a non-qualified alien and meets the definition of eligible population.

3. Evacuee Status means a temporary eligibility status, not to exceed five months, during which evacuees will be able to access specified Medicaid benefits and services.

4. Home State means the state in which the national disaster has been declared and from which the evacuee has been displaced.

5. Host State means the state in which an evacuee is temporarily residing.

(b) Application Processing.

1. Applications will be accepted from August 24, 2005, through January 31, 2006, and may be retroactive to August 24, 2005. Any eligibility prior to September 1, 2005, will not count against an evacuee's eligibility period. The duration of the program is from August 24, 2005 through June 30, 2006.

2. The application process described in Administrative Rule 65A-1.205, F.A.C., will be used. The Hurricane Katrina Emergency Assistance Program for Evacuees Supplement to the Application for Assistance, Form CF-ES 2346, Sept. 2005, incorporated by reference, may be attached to the application.

(c) The Host State will, to the greatest extent possible, verify circumstances of eligibility, residency, and citizenship, to prevent fraud and abuse in the program. Evacuation status can be established by self-attestation of displacement, income, and immigration status. Evacuees must be required to cooperate in demonstrating evacuee status and other eligibility requirements.

(d) Proof of disability must be requested of individuals under age 65, who do not meet family-related Medicaid criteria, and who self-attest to a disability that prevents them from working for at least twelve months. Information for Social Security Administration available on a Medicare card or via data exchange is sufficient verification. If proof of disability is not available prior to application disposition, applicants must be given or mailed a Confirmation of Disability Letter, Form CF-ES 2347, Sept. 2005, incorporated by reference.

(e) Child support enforcement cooperation and the requirement to file for other benefits do not apply to applications processed under this emergency program.

(f) The population that may be certified under this rule is described in a Section 1115 waiver obtained from the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services. It consists of evacuees who

are parents, pregnant women, children under age 19, individuals with disabilities, low income Medicare recipients potentially eligible for the Qualified Medicare Beneficiary program (QMB), and low income individuals in need of long-term care with incomes up to and including the Host state's Medicaid levels. Pregnant women from Alabama must have income below 133% of poverty to qualify for Medicaid, in accordance with the requirements of the Section 1115 waiver. Two months of post partum benefits will also be provided to women whose pregnancies end during the five month eligibility period, even if the two months extend Medicaid eligibility beyond the five month period. Presumptive eligibility for newborns, transitional and extended Medicaid and continuous eligibility policies do not apply to this emergency program. Ex parte reviews will not be conducted, in accordance with the authority granted by the Section 1115 waiver.

(g) Evacuees who meet the requirements of this section will receive benefits under these provisions and funding mechanisms. Eligible individuals who receive Medicaid under these provisions cannot receive regular Medicaid for the same time period. Eligible evacuee households that were approved for food stamp or cash assistance benefits prior to implementation of this rule may request Medicaid benefits without a separate application.

(h) Fair hearings and/or appeals are not provided as part of this emergency Medicaid program.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Office of Human Resources

RULE TITLE:

RULE NO.:

Appointments and Status

65C-32.002

PURPOSE AND EFFECT: This notice advises of the agency's desire to obtain an exception to the uniform personnel rules of the Department of Management Services set forth in Rule 60L-33.002, F.A.C. If approved by the Administration Commission, and following adoption by the agency, the rule shall provide that the person to be appointed must not be a prior agency employee who was dismissed for cause by the agency, or a former agency employee who resign their employment in lieu of dismissal or while the subject of a pending agency investigation.

SUBJECT AREA TO BE ADDRESSED: Employability and discipline of former agency employees.

SPECIFIC AUTHORITY: 110.201, 110.217 FS.

LAW IMPLEMENTED: 110.131, 110.201, 110.211, 110.213, 110.227, 110.403, 110.604, 110.605 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: 2:00 p.m., December 21, 2005

PLACE: 1317 Winewood Boulevard, Building 1, Room 103, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: David R. DiSalvo, Human Resources Director-DCF, 1317 Winewood Blvd., Bldg. 1, Room 106C, Tallahassee, Florida 32399, (850)488-2840

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Definitions

RULE NO.: 68A-1.004

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission, during calendar year 2006.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: General Prohibitions

RULE NO.: 68A-4.001

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, associated with general prohibitions pertaining to wildlife and freshwater fish resources.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: Quota Hunt Permits and Special-Opportunity Permits: Application; Selection; Issuance

RULE NO.: 68A-5.005

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise procedures for application, selection, or issuance of quota hunt or special-opportunity hunt permits, during the 2006 calendar year.

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

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.57(4)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: RULE NOS.:

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

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, associated with recreational use permits and related fees on Wildlife Management Areas; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; and permits for the physically disabled.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: RULE NOS.:

- General Methods of Taking Game; Prohibitions 68A-12.002
- Taking Destructive Birds and Mammals 68A-12.009

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish or revise rule provisions to regulate general methods of taking game and destructive birds or mammals, during calendar year 2006.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include provisions to regulate methods of taking game and destructive birds and mammals.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: RULE NOS.:

- Open Season for Taking Game; Bag and Possession Limits 68A-13.001
- Migratory Birds; Adoption of Federal Statutes and Regulations 68A-13.002
- Hunting Regulations for Ducks, Geese, and Coots 68A-13.003

Open Season for Taking and Bag Limits
for Non-Migratory Game and Issuance
of Antlerless Deer Permits to Private
Landowners 68A-13.004
Hunting on National Wildlife Refuges 68A-13.006
Hunting Regulations on Public Small-Game
Hunting Areas 68A-13.007
Hunting Regulations for Migratory Birds
Other than Ducks and Coots 68A-13.008

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is, during calendar year 2006, to (1) establish open seasons, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, to make reference to Commission Establishment Orders that (1) establish land as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas, (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMA); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs; and (4) adjust hunting season dates on WMAs to conform with proposed 2005-2006 hunting season dates for the appropriate hunting zone.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Regulations Relating to Wildlife and Environmental Areas	68A-17.004
Specific Regulations on Wildlife and Environmental Areas	68A-17.005

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEA); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2005-2006 hunting season dates for the appropriate hunting zone.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

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

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, associated with general regulation of wild hog areas.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Feeding or Enticement of Alligators or Crocodiles Unlawful	68A-25.001
General Provisions for Taking, Possession and Sale of Reptiles	68A-25.002
Taking and Disposal of Nuisance Alligators Statewide	68A-25.003
Regulations Governing the Operation of Alligator Farms	68A-25.004
Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands	68A-25.031
Regulations Governing the Establishment of Alligator Management Programs on Private Lands	68A-25.032
Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale	68A-25.042
Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts	68A-25.052

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, to establish regulations for taking and possessing alligators that will ensure conservation of alligator populations while providing for realization of their potential aesthetic, recreational, and economic values.

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

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Nick Wiley, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Killing Endangered Species	68A-27.0011
Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern	68A-27.0012
Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property	68A-27.002
Designation of Candidate Species; Prohibitions, Permits	68A-27.0021
Designation of Endangered Species; Prohibitions; Permits	68A-27.003
Designation of Threatened Species; Prohibitions, Permits	68A-27.004
Designation of Species of Special Concern; Prohibitions; Permits	68A-27.005
Reward Program	68A-27.006

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2006, to add species to, reclassify species, and/or remove species from the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying species to the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

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

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.073 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Thomas Eason, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. FUTURE DRAFTS OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Firesafety In Educational Facilities	69A-58
RULE TITLES:	RULE NOS.:
Administration and General Requirements	69A-58.001
Scope: New Construction and Existing Facilities	69A-58.002
Definitions	69A-58.003
New Construction	69A-58.0031
Firesafety Inspections	69A-58.004
Serious Life Safety Hazards	69A-58.005
Inspections in General	69A-58.006
Counties, Municipalities, and Special Districts Having Firesafety Responsibilities, Without Firesafety Inspectors	69A-58.007
Standards and Requirements for Existing Buildings; Exceptions to Rule Chapter 69A-60, the Florida Fire Prevention Code	69A-58.008
Means of Egress	69A-58.0081
Relocatable Buildings	69A-58.0082
Protection from Hazards	69A-58.0083
Seclusion Time Out Rooms	69A-58.0084
Florida Firesafety School Evaluation System	69A-58.009
Other Applicable Codes and Standards	69A-58.010

PURPOSE AND EFFECT: The purpose of the rule development proceedings is to update the firesafety codes and standards for educational facilities after experience in administering the rules currently in existence and after extensive and continued consultation with the Department of Education and representatives from various school boards and local fire officials. In addition, these rulemaking proceedings are intended to include a substantial re-write of Rule 69A-58.008, F.A.C., in new sections to provide better organization and more clarity to the rule subjects. The effect of the rule development proceedings will be to adopt changes which will result in the administration of Sections 633.01(7), 633.022 and 1013.12, F.S., relating to educational facilities, in a more efficient and economic manner.

SUBJECT AREAS TO BE ADDRESSED: Firesafety in educational facilities.

SPECIFIC AUTHORITY: 633.01(7), 633.022, 1013.12 FS.

LAW IMPLEMENTED: 633.01(7), 633.022, 1013.12 FS.

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

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

PLACE: Peterson Building Conference Room, 200 North Kentucky Avenue, Lakeland, Florida

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines street, Tallahassee, FL 32399-0342, phone: (850)413-3171; Fax: (850)414-6119; E-mail: Jim.Goodloe@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, F.S., any person requiring special accommodations to participate in this program please advise the department at least 5 calendar days before the program by contacting Millicent King, phone (850)413-3619, fax (850)922-2553.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-58.001 Administration and General Requirements.

The Division of State Fire Marshal ~~division~~ in consultation with the Department of Education hereby adopts firesafety rules for the use by boards and the authorities having jurisdiction ~~local fire officials~~ when conducting plans reviews for new construction and firesafety inspections of new construction and existing buildings located in educational facilities, educational plants, ancillary plants, and auxiliary facilities to ensure the safety of occupants.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New 2-18-03, Formerly 4A-58.001, Amended.

69A-58.002 Scope: New Construction and Existing Facilities.

(1) This rule chapter establishes uniform requirements to provide a reasonable degree of safety from fire in new construction and existing buildings located in educational facilities, educational plants, ancillary plants, and auxiliary facilities under the jurisdiction of a school board or a community college board of ~~trustees~~ trustees' jurisdiction.

(2) Nothing in this rule chapter is intended to require that existing construction ~~to~~ be more restrictive than a similar requirement for new construction.

(3) This rule chapter includes procedures for withdrawal of sites and facilities from use until unsafe conditions are corrected.

(4) ~~These rules apply to charter schools unless a charter school has elected to comply with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to Section 1013.37, F.S., as permitted by Section 1002.33(18), F.S. built on school district property and to charter schools electing to be constructed to State Requirements for Educational Facilities, or Florida Building Code, Section 423 Standards. Charter schools that are not located on school district property and elect not to be constructed under State Requirements for Educational Facilities, or Florida Building Code, Section 423 Standards, shall meet the firesafety standards set forth in NFPA 1 and NFPA 101, the editions as adopted in Rule 69A-3.012, F.A.C.~~

(5) Existing educational and ancillary facilities shall comply with the applicable provisions in NFPA 101, the edition adopted in Rule 69A-60.004 69A-3.012, F.A.C., except as modified by Chapter 1013, F.S., and this rule chapter.

~~EXCEPTION: NFPA 101, horizontal exits, which are referred to in subdivision 15-2.2.5, "and exit passageways, which are referred to in subdivision 15-2.2.7," are not permitted.~~

(6) Any time NFPA 1 or NFPA 101 refers to any other NFPA standard that has been adopted by the division, the referenced standard shall be the edition adopted in Rule Chapter 69A-60, F.A.C., the Florida Fire Prevention Code 69A-3.012, F.A.C.

(7) Community colleges shall comply with the applicable chapters of NFPA 1 and NFPA 101, Florida Editions, in accordance with the following: These rules do not apply to any state-owned building.

(a) Instructional buildings, classrooms with a capacity of fewer than 50 persons, and instructional laboratories are classified as a business occupancy.

(b) Classrooms with a capacity of 50 persons or more are classified as an assembly occupancy.

(c) Non-instructional laboratories are classified as an industrial occupancy.

(8) Nothing contained in these rules prohibits a county, municipality, or special district having firesafety responsibility and a school board or community college from entering into an agreement or an understanding which governs inspections, reviews, and approvals of new construction in the subject jurisdiction.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New 2-18-03, Formerly 4A-58.002, Amended _____.

69A-58.003 Definitions.

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

(1) "Ancillary plant" is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program.

~~(2) "Authority having jurisdiction" means the county, municipality, or special district having firesafety responsibility or, where the context requires, the State Fire Marshal.~~

~~(2)(3) "Auxiliary facility" means the spaces located at educational plants which are not designed for student occupant stations.~~

~~(3)(4) "Building" or "board building" means any building or structure located on, upon, or in any educational facility, educational plant, ancillary plant, or auxiliary facility owned, rented, leased, or under lease-purchase agreement or lease-purchase option with a board. "Building" includes any permanent, fixed, relocatable, and manufactured building or structure.~~

(4) "District authority having jurisdiction" means the school district or community college employing or contracting with a firesafety inspector certified pursuant to Section 633.081(2), F.S., with authority to make inspections of buildings and to enforce the firesafety codes, as required by this rule, which establish standards for design, construction, erection, alteration, repair, modification, or demolition of school district buildings, structures, or facilities.

(5) "Division" including the lower case "division" means the Division of State Fire Marshal.

(6) "Educational facilities" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established to serve primarily the educational purposes and secondarily the social and recreational purposes of the community and which may lawfully be used as authorized by the Florida Statutes and approved by the boards. As used in these rules and unless otherwise clearly indicated by the context, "educational facilities" includes each educational facility, educational plant, ancillary plant, and auxiliary facility and all buildings and structures contained therein and thereon.

(7) "Educational plant" comprises the educational facilities, site and site improvements necessary to accommodate students, faculty, administrators, staff, and the activities of the education program of each plant.

(8) "Existing" facility means a facility or building that has been issued a certificate of occupancy prior to the effective date of this edition of this rule chapter occupied for one year or longer.

(9) "Florida Building Code" means the Florida Building Code as adopted in Rule 9B-3.047, F.A.C., adopted pursuant to Section 552.73, F.S.

(10) "Florida Fire Prevention Code" means the Florida Fire Prevention Code as adopted in Rule Chapter 69A-60 69A-3.012, F.A.C.

(11) “Local authority having jurisdiction” means the county, municipality or special district having firesafety responsibility employing or contracting with a firesafety inspector certified pursuant to Section 633.081(2), F.S., with jurisdiction to make inspections of buildings and to enforce the firesafety codes which establish standards for design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities or, where the context requires, the State Fire Marshal, as referred to in Section 1013.12(2)(b), F.S. “Local fire official” or “fire official” means a firesafety inspector certified under Section 633.081(2), F.S., and employed by or under contract with a county, municipality, or special district having firesafety responsibilities, and includes the chiefs of county, municipal, and special district fire departments. The term does not include a special state firesafety inspector employed by the board certified to conduct inspections of buildings as defined herein under Section 633.081(3), F.S.

(12) “New” facility means a facility that has not been occupied nor issued a certificate of occupancy prior to the effective date of this edition of this rule chapter for more than one year.

(13) NPFA 1 means National Fire Protection Association Code 1, the Uniform Fire Code, the Florida edition as adopted in Rule 69A-60.003, F.A.C.

~~(14)~~(13) “NFPA 101” means National Fire Protection Association Code 101, the Life Safety Code, the edition as adopted in Rule 69A-3.012, F.A.C.

~~(15)~~(14) “Special district that has firesafety enforcement responsibilities” means a special fire control district or a special district which was created for the purposes of fire prevention, fire suppression, or fire protection.

~~(16)~~(15) The definitions in Section 1013.01, F.S., of words and terms found in Section 1013.12, F.S., or of words or terms found in this rule chapter apply to this rule chapter; however, in the event of a conflict between the definitions in Section 1013.01 or 1013.12, F.S., and these rules, the definitions in Sections 1013.01 and 1013.12, F.S., control.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History—New 2-18-03, Formerly 4A-58.003, Amended _____.

69A-58.0031 New Construction.

(1) There are two authorities having jurisdiction in each school district:

- (a) A district authority having jurisdiction, and
- (b) A local authority having jurisdiction.

(2) New construction and new buildings are subject to and controlled by the Florida Edition of NFPA 1, 2003 edition, relating to “Educational occupancies” and the Florida Edition of NFPA 101, 2003 edition, Chapter 14, “New educational occupancies,” except where specifically otherwise provided in

this rule chapter. Notwithstanding any rule or adopted code or standard in conflict herewith, the following procedures apply with respect to new construction and new buildings:

(a) Prior to commencement of any new construction or remodeling:

1. Either.

a. The district authority having jurisdiction shall approve or cause to be approved the plans, drawings, designs, proposals, blueprints, and other construction or remodeling documents and evaluate the same for complete compliance with the Florida Fire Prevention Code in accordance with Section 1013.38(2), F.S. or

b. The board must show compliance with all applicable firesafety codes and standards by at least one of the other means provided in Sections 1013.38(2)(a) through (d), F.S.

2. The board shall provide in writing to the local authority having jurisdiction the method(s) employed to achieve compliance with the Florida Fire Prevention Code.

3. The board shall provide a full copy of all current construction documents to the local authority having jurisdiction.

(b) The local authority having jurisdiction shall immediately notify the district authority having jurisdiction of any condition discovered that is not compliant with all applicable statutes, these rules, and all applicable firesafety codes and standards.

1. At least one time after construction begins, and at least one additional time immediately prior to the issuance of a certificate of occupancy, the local authority having jurisdiction shall inspect or cause to be inspected the structure for complete compliance with all applicable statutes, these rules, and all applicable firesafety codes and standards.

2. The district and local authorities having jurisdiction are permitted to perform an inspection of new construction or remodeling as many times as deemed necessary to insure compliance with all applicable statutes, these rules, and all applicable firesafety codes and standards.

3. A certificate of occupancy shall not be issued until the district authority having jurisdiction and the local authority having jurisdiction have determined that the building or structure complies with all applicable statutes, these rules, and all applicable firesafety codes and standards.

(3) Horizontal exits as permitted in NFPA 101, section 2.2.5 and exit passageways as permitted in NFPA 101, section 14-2.2.7 shall not be permitted.

(4) In the event of a conflict between the local authority having jurisdiction and the district authority having jurisdiction on the interpretation of any provision of this rule chapter or Rule Chapter 69A-60, F.A.C., the Florida Fire Prevention Code, the conflict shall be resolved by agreement between the local authority having jurisdiction and the district authority having jurisdiction in favor of the requirement of the code

which offers the greatest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction.

(5) If the local authority having jurisdiction and the district authority having jurisdiction are unable to agree on which system provides the highest degree of lifesafety or alternatives which would provide an equivalent degree of lifesafety and an equivalent method of construction, either one may petition the division for a declaratory statement setting forth each one's positions and reasons therefor. If both choose to file a petition, a joint petition should be filed. The division will make every effort to expedite the process of issuing a declaratory statement commensurate, however, with the time and publication requirements of Chapter 120, F.S.

(6) The local authority having jurisdiction and the district authority having jurisdiction are permitted to seek an informal nonbinding interpretation pursuant to Rule 69A-60.011, F.A.C. If such an informal opinion is requested, the request shall be given the highest priority by the Regional Interpretation Committee and every effort shall be made to expedite a response.

(7)(a) Building plans, blueprints, schematic drawings, and diagrams, including draft, preliminary, and final formats, which depict the internal layout and structural elements of a building, arena, stadium, water treatment facility, or other structure owned or operated by a school district are exempt from Section 119.07(1), F.S., and Section 24(a), Art. I of the State Constitution, by operation of Sections 119.071(3)(b), F.S. (2005) and 119.011(2), F.S. (2005).

(b) Information made exempt by Section 119.071(3)(b), F.S. (2005) may be disclosed to another governmental entity if disclosure is necessary for the receiving entity to perform its duties and responsibilities; to a licensed architect, engineer, or contractor who is performing work on or related to the building, arena, stadium, water treatment facility, or other structure owned or operated by an school district; or upon a showing of good cause before a court of competent jurisdiction.

(c) Any entity or person receiving such information shall maintain the exempt status of the information, as required by Section 119.071(3)(b), F.S. (2005).

Specific Authority 633.01(7), 633.022, 1013.12 FS. Law Implemented 633.01(7), 633.022, 1013.12 FS. History--New _____.

69A-58.004 Firesafety Inspections.

(1) There shall be two annual inspections of existing educational facilities, ancillary plants, and auxiliary facilities, as follows:

(a) Pursuant to Section 1013.12(1)(b), F.S., a firesafety inspection inspections of each building of each educational plant and each ancillary plant shall be made annually by a district authority having jurisdiction person certified by the

division to conduct firesafety inspections of educational and ancillary plants pursuant to Section 633.081(3), F.S., which may be an employee of the board.

(b) Pursuant to Section 1013.12(2)(b), F.S., a firesafety inspection of each building of each educational plant and each ancillary plant shall be made annually by the local authority having jurisdiction each county, municipality, or special district having firesafety responsibilities shall, by and through a local firesafety inspector certified pursuant to Section 633.081(2), F.S., conduct at least one firesafety inspection of each building of each educational plant and each ancillary plant, whether owned or leased, each calendar year to determine compliance with this rule chapter.

(2) The inspections in subsection (1), paragraphs (a) and (b):

(a) Are applicable to all buildings owned, leased, or being lease-purchased by the board, including all permanent and relocatable buildings;

(b) Shall begin not sooner than one year after a new building has been occupied;

(c) Shall be performed in accordance with any applicable code or standard, such as NFPA 101, the edition as adopted in Rule 69A-60.004 69A-3.012, F.A.C., or any other applicable code or standard which has been adopted in this rule chapter; and

(d) Are permitted and encouraged to be conducted jointly and documented on one inspection form. If the inspection is performed jointly, the inspection form shall clearly identify the name of each inspector and his or her employer. Each inspector must sign the inspection report. Are not applicable to new construction or new buildings. New construction and new buildings are subject to and controlled by Section 1013.38, F.S.

(3) Reports of the inspections in subsection (1) shall be filed with the local school board and the local site administrator.

(4) A plan and schedule for correction of any deficiency in the inspection report shall be developed by any firesafety inspector finding a deficiency in conjunction with the board and shall be adopted and complied with by the board.

(5) Each inspection report and plan of correction shall contain, at a minimum, the following information:

(a) The name of the school district or community college;

(b) The name of the district authority having jurisdiction and the local authority having jurisdiction (i.e., municipality, county, or special district);

(c) The name of the facility inspected;

(d) The type of facility inspected (i.e., K-5, 6-9, 10-12, CC, other);

(e) The facility address;

(f) The number of the facility as listed in the Florida Inventory of School Houses inventory of school houses (FISH number #);

(g) The name, address, and phone number of each inspector, and the designation of whether such inspector is a district authority having jurisdiction or a local authority having jurisdiction special firesafety inspector or a municipal firesafety inspector;

(h) The date of the inspection;

(i) A report of each ~~Each violation or~~ deficiency noted during the inspection. Each ~~violation or~~ deficiency report shall contain:

1. The building name or number and, if applicable, the FISH room number of the room building in which the violation was noted;

2. A description of the violation or deficiency;

3. The number of times this violation or deficiency has been cited, if applicable;

4. The estimated correction date;

5. The total number of violations or deficiencies cited not involving serious life safety hazards;

6. The total number of violations or deficiencies cited involving serious life safety hazards;

7. The date of the scheduled reinspection;

8. A statement that the district or board has or has not complied with Section 1013.12(1)(c), F.S., as applicable;

9. A statement that the county, municipality, or special district having firesafety responsibility local authority having jurisdiction has or has not complied with Section 1013.12(2)(c), F.S., as applicable;

10. Verification that the required fire drills have been completed; and

11. The signature of the firesafety district inspector or inspectors conducting the inspection if the inspection was made by the special inspector, or the signature of the local fire official if the inspection was made by the local fire official. If the inspection was made by both the special firesafety inspector and the local fire official, each one must sign.

~~(6) When the violation or deficiency has been corrected, the board sending the report required by paragraph (i) shall notify the division of such correction.~~

~~(6)(7) The inspection reports required by in subsection (1) together with the plan and schedule for correction of any deficiency shall be submitted to the division by electronic submission into the "School Inspection Reporting System" to the division by June 30, of each year.~~

(7) Any firesafety inspector authorized by a unit of government who is certified in accordance with Section 633.081(2) or 633.081(3), F.S., may access the "School Inspection Reporting System" via the internet at www.fldfs.com/sfm.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New 2-18-03, Formerly 4A-58.004, Amended.

69A-58.005 Serious Life Safety Hazards.

(1) Serious life safety hazards as set forth in Section 1013.12, F.S., and in paragraph (b), below, require prompt corrective action by the board or withdrawal of the educational or ancillary plants or affected portion thereof from use until corrected.

(2)(a) Serious life safety hazards include:

1. A non-functional ~~Non-functional~~ fire alarm system ~~systems~~;

2. A non-functional ~~Non-functional~~ fire sprinkler system;

3. A door ~~Doors~~ with a padlock ~~padlocks~~ or other lock ~~locks~~ or device ~~devices~~ which precludes ~~preclude~~ egress at any time;

4. An inadequate exit ~~Inadequate exits~~;

5. A hazardous ~~Hazardous~~ electrical system condition ~~conditions~~;

6. Potential structural failure;

7. Storage conditions that create a fire hazard.

(b) Other conditions may be identified to the division by the district or local authority having jurisdiction for designation as a serious life safety hazard, including but not limited to:

1. The placement ~~Placement~~ of a functional smoke and heat detector ~~detectors~~ in a manner not consistent with NFPA 72, the edition as adopted in Rule 69A-60.005 ~~69A-3-012~~, F.A.C.;

2. An inaccessible ~~Inaccessible~~ or expired fire extinguisher ~~extinguishers~~; and

3. A door required to be self-closing ~~Fire doors with a doorstop, wedge, or other device or object doorstops or wedges holding it them open.~~

(c) The criteria to be used by the division to determine whether such other condition shall be designated as a serious life safety hazard shall be either:

1. Those conditions located in subdivision ~~Section~~ 6.2, NFPA 101, the edition as adopted in Rule 69A-60.004 ~~69A-3-012~~, F.A.C., to wit:

a. The relative danger of ~~to~~ the start and spread of fire,

b. The danger of smoke or gases generated, and

c. The danger of explosion or other occurrence potentially endangering the life ~~lives~~ and safety of any occupant ~~the occupants~~ of the building or structure.

2. Hazard of contents shall be determined by the applicable authority having jurisdiction on the basis of the character of the contents and the processes or operations conducted in the building or structure. For the purposes of these rules, where different degrees or hazard of contents exist in different parts of a building or structure, the most hazardous shall govern the classification unless hazardous areas are separated or protected as specified in subdivision ~~Section~~ 8.4

and the applicable ~~subdivisions~~ ~~sections~~ of Chapters 11 through 42 of NFPA 101, the edition as adopted in Rule ~~69A-60.004~~ ~~69A-3.012~~, F.A.C.; or

~~3.2.~~ The criteria located in NFPA 1 ~~of~~ the Florida Fire Prevention Code, ~~subdivision~~ ~~Section~~ 2-28.1, the edition as adopted in Rule ~~69A-60.003~~ ~~69A-3.012~~, F.A.C., for hazardous occupancies, to wit, the total amount of Class A combustibles and Class B flammables present, in storage, production, use, finished product, or combination thereof, is over and above those expected in occupancies classed as ordinary (moderate) hazard. Those occupancies could consist of woodworking, vehicle repair, cooking areas, product displays, and storage and manufacturing processes such as painting and coating, including flammable liquid handling. Also included is warehousing of or in-process storage of other than Class I and Class II commodities as defined by NFPA 13, *Standard for the Installation of Sprinkler Systems*, ~~subdivision~~ ~~Section~~ 10:1-5.3, the edition as adopted in Rule ~~69A-60.003~~ ~~69A-3.012~~, F.A.C.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History—New 2-18-03, Formerly 4A-58.005, Amended.

69A-58.006 Inspections in General.

(1) Each building inspected shall be accounted for on the inspection report.

(2) The board shall forward one copy of the completed inspection report to the division electronically by entering it into the "School Inspection Reporting System" database of the completed inspection report to the division and retain the original one copy.

(3) The board shall maintain with each yearly inspection report a list of corrected deficiencies from the prior fiscal year report.

~~(4) Remodeling and Renovation shall be performed in accordance with the requirements of the Florida Building Code Section 423.~~

~~(4)(5)~~ Returning Buildings to Use. Any existing building which has been removed from instructional use for more than 180 days shall be inspected for deficiencies, and remodeled, renovated, or have its deficiencies corrected in accordance with the new construction requirements of the Florida Fire Prevention Building Code before returning it to instructional purposes.

~~(5)(6)~~ Abandoned Buildings. Board buildings no longer in use and abandoned shall be free of combustible waste and secured in such a manner as to prevent safety hazards and unauthorized unlawful entry and undue vandalism from occurring.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History—New 2-18-03, Formerly 4A-58.006, Amended.

69A-58.007 Counties, Municipalities, and Special Districts Having Firesafety Responsibilities, Without Firesafety Inspectors.

(1) Any county, municipality, or special district having firesafety responsibilities which does not employ or has not contracted with a firesafety inspector certified under Section 633.081(1), F.S., to enforce the Florida Fire Prevention Code as required by Section 633.025(2), F.S., at the time of the adoption of this rule chapter is permitted to may contact the division and request that the division perform the inspections required by the local authority having jurisdiction pursuant to Section 1013.12(2), F.S., and this rule chapter and performed under Section 633.081(1), F.S.

(2) Upon receiving such request, the division shall perform the inspections required by this rule chapter during the period of time the county, municipality, or special district is not in compliance with Section 633.081(1), F.S., and does not employ or is not under contract with a firesafety inspector certified under Section 633.081(1), F.S., not, however, to exceed one annual inspection per facility.

(3) Each such county, municipality, or special district having firesafety enforcement responsibilities shall, ~~if practicable,~~ employ or contract with a firesafety inspector certified under Section 633.081~~(2)(4)~~, F.S., pursuant to the requirement of Section 633.081(1), F.S., to fulfill the obligation imposed by Section 633.025(2), F.S. within one year after the county, municipality, or special district first contacted the division requesting the division to perform the inspection.

(4) No county, municipality, or special district having firesafety enforcement responsibilities which employs or contracts with a firesafety inspector as of the effective date of Section 1013.12, F.S., is authorized to request that the State Fire Marshal perform the inspections referred to in this section, and the State Fire Marshal shall not perform any inspection for such county, municipality, or special district having firesafety responsibilities.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History—New

(Substantial rewording of Rule 69A-58.008 follows. See Florida Administrative Code for present text.)

69A-58.008 Standards and Requirements for Existing Buildings; Exceptions to Rule Chapter 69A-60, the Florida Fire Prevention Code Building.

(1) General Safety Requirements for all Buildings in all Facilities or Plants.

(2) Except as set forth in this rule chapter, educational facilities are subject to Rule Chapter 69A-60, F.A.C., the Florida Fire Prevention Code.

(3) The standards and requirements in this rule chapter pertain to educational facilities and are exceptions to Rule Chapter 69A-60, F.A.C. In the event of a conflict between this

rule and Rule Chapter 69A-60, F.A.C., relating to educational facilities, the provisions of this rule chapter control the standards and requirements for educational facilities.

(4) Fire department access roads: Paved fire department access roads shall not encircle an educational plant or portions thereof.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History—New 2-18-03, Formerly 4A-58.008, Amended _____.

69A-58.0081 Means of Egress.

(1) Doors.

(a) All doors in fire rated or smoke proof corridors shall be self-closing doors.

(b) Opposite swinging smoke stop doors in smoke partitions within the corridor shall meet the smoke compartment separation requirements.

(c) Darkroom doors.

1. In darkrooms with a capacity of 10 or more persons, a revolving darkroom door, if used, shall:

a. Have a pop-out safety feature; and

b. Be equipped with a remotely located side-hinged door for secondary egress.

2. In darkrooms with a capacity of fewer than 10 people, a revolving darkroom door with a pop-out safety feature is permitted to be used as the primary means of egress.

3. A Revolving darkroom doors with a pop-out safety feature shall be conspicuously labeled.

4. In buildings designed on or after October 18, 1994, the requirements of this section apply to darkrooms with an occupancy of 6 or more.

(d) Exit doors shall swing in the direction of exit travel.

(e) All egress doors and gates, regardless of use or location serving spaces designed to be occupied by 6 or more persons, shall swing in the direction of exit travel.

(2) Existing smoke stop doors shall be 1 ¾ inch solid core wood, or equivalent.

(a) Smoke stop doors may be used to:

1. Create a secondary means of egress from interior instructional spaces; or

2. Divide corridors into segments not to exceed 300 feet in aggregate length.

(b) View panels of clear fire-rated glazing (including existing wire glass) mounted in steel frames shall be permitted in smoke stop doors.

(c) When a pair of smoke stop doors is located within a corridor, each leaf shall be designed to swing in a direction opposite from the other and each leaf in the pair of doors shall swing in a right-hand direction.

(d) Door stops shall be provided at the head and sides of smoke stop door frames.

(e) Smoke stop door frames shall be free of center mullions.

(f) Smoke stop doors shall be free of locking devices and may be held in the open position only in accordance with section 7.2.1.8 of NFPA 101.

(3) Special Function Doors.

(a) Special function doors such as revolving doors, power operated doors, or horizontal sliding doors shall not be used as a means of egress.

(b) Revolving doors shall have a side-hinged exit door within 10 feet and within the same wall.

(c) Turnstiles shall be placed to allow free access through a means of egress or have an emergency break-away feature or other similar type feature.

(4) Folding Doors and Folding Partitions. Where permanently mounted folding or movable partitions are used to divide a room into smaller spaces capable of being occupied by 6 or more persons a separate exit from each space or a permanent full height 5 foot wide opening between the spaces shall be provided. This requirement applies to spaces occupied by 10 or more persons in buildings occupied prior to October 18, 1994.

(5) Gates used to secure buildings or used for egress shall be side-hinged and shall allow egress at all times without assistance from the side from which egress is to be made.

(6) Screen and storm doors on exits shall be hinged on the same side as the exit door and swing in the direction of exit travel.

(7) Doors and gates shall be equipped with hardware which allows egress at all times.

(8) All fire-rated doors and solid core doors in partitions rated at 1/2 hour or more, or installed in smoketight partitions, shall be self-closing.

(9) Emergency Rescue (Escape) Openings (Secondary Means of Egress).

(a) In existing non-sprinklered buildings, every instructional space, and other spaces normally subject to student occupancy of 10 or more, shall have at least one (1) window, panel, or door leading to the exterior or to a separate atmosphere.

(b) For buildings designed after October 18, 1994, the emergency rescue (escape) opening shall be provided in rooms over 250 square feet used for classroom or other educational purposes or normally subject to student occupancy of 6 or more.

(c) Windows and panels shall be operable from the inside by a single operation and without the use of tools.

(d) A security screen or grill installed on a window or panel shall be operable from the inside by the same single operation as the window or panel and without the use of tools. The release device shall be readily identifiable and accessible.

(10) Interior instructional spaces shall be provided with side-hinged or double acting communicating doors providing secondary means of egress and emergency rescue (escape). The door shall provide direct access to:

- (a) A separated exit corridor;
- (b) A separate atmosphere;
- (c) At least one enclosed exit stair; or
- (d) Another classroom which has a minimum of two doors that open to separate atmospheres.

(11) Specialties & Signage.

(a) Emergency rescue openings shall be marked with a sign that reads: "EMERGENCY RESCUE – KEEP AREA CLEAR".

(b) Secondary means of egress and emergency escape openings shall be marked with a sign that reads: "EMERGENCY ESCAPE" or "EMERGENCY EGRESS – KEEP AREA CLEAR".

(c) Where manual pull stations are located inside student-occupied spaces, a permanently affixed sign reading "FIRE ALARM PULL STATION INSIDE" shall be placed outside that space and adjacent to the door. The door to the occupied space shall be unlocked at all times the facility is occupied.

(d) A graphic diagram of primary and secondary evacuation routes shall be posted adjacent to the primary exit door from each student-occupied space. The diagram shall clearly indicate, by contrasting color and number, the primary and secondary route of evacuation.

Exception: When an exit door from a self-contained classroom opens directly to the exterior.

(12) Open Plan Schools.

(a) Each space designed to be occupied by 50 persons or more shall have 2 or more means of egress.

(b) Open plan assembly areas shall have exits leading directly to the exterior and shall be separated from other required exits of the open plan.

(13) Maximum travel distances.

(a) Exits shall be maintained so that the maximum length of travel from any point in the building or space (including places of assembly) to an exit shall not exceed 150 feet.

(b) In a building equipped with a fully automatic fire sprinkler system, the travel distance to an exit may be increased to 200 feet.

(c) Open mezzanines shall be permitted to exit to the exterior from within the space below.

(14) Corridors and hallways.

(a) Corridors shall be arranged so that each end leads to an exit and shall be without pockets or dead ends more than 20 feet in length.

(b) Hallway widths in office and service areas shall be a minimum of 44 inches in width.

(c) Interior corridors, including contiguous dead-end cross corridors, shall be divided by smoke stop doors in sections not to exceed 300 feet in length.

(d) Child Care. Areas designated for children's sleeping mats, cots, or cribs shall include a clearly marked exit passageway.

(15) Interior Stairs, Exterior Stairs, and Smoke-Proof Towers.

(a) The minimum clear width of stairways serving as a required means of egress for student occupied areas shall be 44 inches.

(b) All interior stairways shall open directly to the exterior, into a protected vestibule or into a protected corridor that opens to the exterior.

(c) The areas above or below exit stairs and ramps, whether interior or exterior, shall not be used as a closet for storage of any kind, or for any other purpose.

(d) Interior corridors or stairwells shall be free of piping systems designed for flammable liquids or gases.

(16) Kilns.

(a) Kiln rooms and areas shall be provided with adequate exhaust to dispel emitted heat to the exterior.

(b) Kilns shall be located away from paths of egress or exits.

(c) Kilns shall be located in separate rooms when serving students through grade three.

(d) Kiln rooms shall be provided with automatic heat or smoke detection devices appropriate for the environment.

(17) Boiler Rooms.

(a) Boilers shall comply with Chapter 554, F.S., and Rule Chapter 69A-51, F.A.C. A valid boiler inspection certificate of compliance issued by the State Fire Marshal shall be displayed and clearly visible.

(b) All Boiler rooms housing equipment with an input capacity of 60,000 BTU's per hour and that is intended to supply hot water or steam shall be equipped with heat detectors connected to any required fire alarm system.

1. Each boiler room door shall open directly to the outside and, if opening toward a building or path of egress, shall have opening protection in accordance with Section 8.3.4 of NFPA 101.

2. If an additional door serving a boiler room opens into the interior of the building, the door shall swing into the boiler room and have opening protection in accordance with Section 8.3.4 of NFPA 101.

(18) Shade Houses or Green Houses.

(a) A minimum of two remotely located side hinged doors that swing in the direction of egress shall be provided from each shade or green house.

(b) Fire alarm pull stations shall be located within 200 feet of any shade or greenhouse.

(c) Fire alarm horns shall be audible inside the shade or greenhouse.

(19) Stages and Platforms.

(a) Stages, and platforms, including props and equipment, shall conform to the specific requirements of this section.

(b) All curtains and flies on stages shall have attached labels verifying their flame resistance or equivalent documentation as approved by the AHJ.

(c) All scenery and stage props shall be free of any foam plastics.

(d) All steps leading to a stage shall have a minimum of 1 handrail.

(20) Electrical.

(a) Emergency lighting shall be provided in all student-occupied areas and group toilets.

(b) The exception of NFPA 101, Section 15.3.4.2.1 shall apply except in spaces with a capacity of 100 or more or in other spaces as required by the applicable authority having jurisdiction, provided the requirements of subparagraph 69A-58.008(6)(a)3., F.A.C., are met and:

(c) The fire alarm system shall be free of any drill switches. Exception: Computerized fire alarm systems.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New

69A-58.0082 Relocatable Buildings.

(1) Relocatable buildings: Relocatable buildings sited after March 1, 2002 shall be separated as required by the Florida Building Code.

(a) Relocatable buildings shall be located to allow access by emergency vehicles to at least one elevation of each building as approved by the local fire fighting authority that services the site in accordance with Chapter 18 of NFPA 1.

(b) Relocatable buildings sited within a cluster in accordance with this section are permitted to achieve emergency vehicle access by providing vehicular access to within 200 feet of the entrance of the most remote relocatable unit and an independent fire alarm system shall be provided with a manual pull station within 100 feet of each egress door and the following shall be met:

1. Maximum conditioned gross area of the units in a cluster is 12,000 square feet.

2. Minimum separation between individual units is 20 feet.

3. Nearest permanent building or cluster is 60 feet.

4. Maximum of 20% unprotected opening between adjacent wall spaces.

5. Minimum overhead open space within the perimeter of the cluster is 50 percent, and

6. Minimum setback for Type I, II or IV (non-combustible) relocatable buildings shall be 25 feet or less if permitted by local zoning requirements.

(2) Egress doors in relocatable buildings shall be provided as follows:

(a) Classroom units of Type III or Type V (combustible) construction shall have 2 remotely located doors opening directly to the outside.

(b) Multi-classroom units of Type I, II or IV (non-combustible) construction shall have a primary exit door opening directly to the exterior or if served by interior corridors, shall have a primary exit door and an emergency rescue opening in each space designed to be occupied by 6 or more students.

1. This requirement applies to spaces occupied by 10 or more persons for buildings designed prior to October 18, 1994.

2. An emergency rescue opening is not required when a door opens directly to the outside.

(3) Fire Alarm Systems.

(a) In Type III and Type V (combustible) construction, heat or smoke detectors connected to the building's fire alarms system shall be installed in every classroom, unsupervised space, storage space, and custodial closet.

(b) In Type I, II or IV (non-combustible) construction, heat or smoke detectors connected to the buildings fire alarm system is located in storage and custodial closets.

(c) Relocatable buildings sited a minimum of 60 feet from another relocatable building and a minimum of 60 feet from any permanent building may be served by an independent fire alarm system.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New

69A-58.0083 Protection from Hazards.

(1) Interior vertical openings such as stairways, elevator shafts, light and ventilation shafts and all service chutes between floors shall be enclosed or protected to prevent the spread of fire and smoke, and shall be maintained in their original fire and smoke-tight condition.

(2) Draftstopping. Any concealed space, such as a utility chase, attic, crawl space, or other vertical or horizontal opening between floors in which combustible material is exposed shall either be:

(a) Provided with draftstopping and automatic heat detection, or

(b) Provided with automatic fire sprinklers.

(3) Fire extinguishers: Fire extinguishers may be located inside student-occupied spaces only when:

(a) The fire extinguisher is located adjacent to the primary exit door;

(b) The door remains unlocked when the facility is occupied; and

(c) There is posted a permanently affixed sign reading "FIRE EXTINGUISHER INSIDE."

(4) Existing on-site incinerators and waste burners shall be equipped with a wire screen stack guard and shall be used for burning Class A materials only.

(5) High Rise Buildings. All existing high-rise structures and buildings more than 4 stories or 45 feet in height shall be equipped with automatic fire sprinkler systems.

(6) Home Economics Instructional Spaces. Residential style ranges installed in home economics instructional spaces, classrooms, faculty lounges, and similar areas shall not be required to comply with the provisions for commercial cooking appliances under NFPA 96 provided all of the following requirements are met:

(a) The space contains only residential-type ranges with hoods vented to the outside.

(b) Fire extinguishers are installed in accordance with NFPA 10.

(c) The space containing the residential style range is not classified as an assembly.

(7) These requirements place no limitations on the use of other residential type appliances within the space.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New

69A-58.0084 Seclusion Time Out Rooms.

(1) Egress. Secured seclusion time-out rooms, when provided, shall be equipped with doors which allow egress at all times in the event of an emergency.

(2) Locking devices.

(a) Locking devices on secured seclusion time-out rooms are prohibited, provided that the division is permitted to approve the use of locking devices on secured seclusion time-out rooms if such locking devices meet the criteria in this section.

(b) The use of a secured seclusion time-out room must be explicitly stated in the student's exceptional student educational (ESE) records and shall include parental consent for the use of a secured seclusion time-out room. The use of secured seclusion time-out rooms by the district must be expressly permitted by the action of the school board. Compliance with this section shall be certified by the school administrator or their designee.

(c) An electro-magnetic locking device is the only approved device to secure a secured seclusion time-out room. The lock shall remain engaged only when the human hand is in contact with it placing pressure on it.

1. Upon release of pressure, the door shall unlock. The locking device shall be designed, and shall be operated, so that it cannot be engaged by leverage of an inanimate object or in any manner except by constant human contact.

2. The push button shall be recessed from the face of the unit housing, or in some other way designed to prevent taping or wedging the button in the engaged mode.

3. The device shall have an interface with the fire alarm system and shall automatically release and disengage upon activation of the fire alarm. The locking device shall automatically release and disengage in the event of power failure.

4. A timer shall not be used on the locking device.

(3) Door Requirements. The door shall have only a push panel exposed on the interior of the room. A vision panel shall be provided in the door, and it shall be no larger than 12"x12" (144) square inches. The view panel shall consist of clear one-quarter (1/4) inch thick unbreakable plastic panel, flush with the face of the door on the inside. The view panel shall be positioned in the door so that a staff member continuously keeps the student under observation. The view panel shall not be covered with any material.

(4) Finishes and materials. The ceiling, floor, and walls must be free of any loose, torn or potentially hazardous materials. All surfaces must be kept smooth and free of any hooks, outlets, switches or similar items. Construction materials shall meet all applicable provisions of the Florida Fire Prevention Code and the Florida Building Code. Each secured seclusion time-out room must be identified with a permanently mounted room number.

(5) All secured seclusion time-out rooms must have natural or mechanical ventilation.

(6) Students in a secured seclusion time-out room must be observed continuously by a teacher or trained staff member.

(7) The division and the local authority having jurisdiction are permitted to conduct unannounced inspections of all secured seclusion time-out rooms to ensure compliance with this rule chapter. A written record of each inspection must be made and a copy must be provided to the school administrator or designee.

(8) During each unannounced inspection, the local authority having jurisdiction is permitted to inspect secured seclusion time-out rooms for compliance, interview teachers, review staff development activities, and conduct other activities as deemed appropriate to ensure compliance with this rule chapter.

(9) Permit Required.

(a) Any secured seclusion time-out room which is constructed following the effective date of this rule shall be allowed to become operational only after the issuance of a permit.

(b) Any secured seclusion time-out room which is in operation upon the effective date of this rule shall be allowed to continue in use provided a secured seclusion time-out room operational permit has been issued by the division or the local authority having jurisdiction.

(c) Each district or school wishing to use a secured seclusion time-out room shall apply to the local authority having jurisdiction for a permit to operate a secured seclusion time-out room.

(d) Each secured seclusion time-out room must be constructed and operated in accordance with this rule chapter.

(e) A permit shall be issued only after an inspection by the local authority having jurisdiction has determined that such secured seclusion time-out room has been designed and constructed in accordance with this rule chapter.

(f) Application for a permit need not be on any specific form and is permitted to be in the form of a letter, a memorandum, or a similar document; however, the application must be signed by the school administrator or his or her designee and must include the district's name, the school's name, the school's address, and contact information which must designate the name and phone number of the contact person at the school who is permitted to be the school administrator or anyone designated by the school administrator. For the school's convenience, a form for an application for the operation of a secured seclusion time-out room which is permitted, but is not required, to be used can be obtained electronically from the web site www.fldfs.com/SFM/ or by contacting the local authority having jurisdiction.

(g) Each permit shall be valid for a period of one year from the date of issue.

(h) There shall be no fee for the issuance of the permit.

(10) If during any fire safety inspection, a secured seclusion time-out room is found in violation of this rule chapter, the local authority having jurisdiction shall immediately report the deficiency to the division in accordance with subsection 1013.12(5), F.S., and such violation shall be considered an immediate life threatening deficiency, and the secured seclusion time-out room shall be immediately withdrawn from use.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New

69A-58.009 Florida Firesafety School Evaluation System.

(1) Any Florida school building which was initially occupied prior to January 1, 1985, is permitted to use the Florida Firesafety School Evaluation System originally dated September 19, 2000, and Amended June 28, 2001, which is located in Form DI4-1546, (Rev. 10-02) and which is hereby adopted and incorporated by reference, in lieu of or as an alternative to the requirements of Rule 69A-58.008, F.A.C.

(2) The Florida Firesafety School Evaluation System, Form DI4-1546, may be obtained by writing to the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(3) The Florida Firesafety School Evaluation System must be authorized by the local authority having jurisdiction ~~fire official~~ prior to the implementation of any of its alternative code provisions; however, a local authority having jurisdiction ~~fire official~~ is not permitted to prohibit the use of the Florida Firesafety School Evaluation System for any building which was initially occupied prior to January 1, 1985.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New 2-18-03, Formerly 4A-58.009, Amended

69A-58.010 Other Applicable Codes and Standards.

Except as otherwise provided in this rule chapter, the codes and standards adopted in Rules 69A-60.003, 69A-60.004 and 69A-60.005, F.A.C., which are not in conflict with any provision of this rule chapter are applicable to all buildings and structures to which this rule chapter is applicable.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History--New 2-18-03, Formerly 4A-58.010, Repromulgated

DEPARTMENT OF FINANCIAL SERVICES

Division of Agent and Agency Services

RULE TITLES:	RULE NOS.:
Purpose	69B-231.010
Scope	69B-231.020
Definitions	69B-231.030
Calculating Penalty	69B-231.040
Prosecutorial Discretion	69B-231.070
Penalties for Violation of Section 626.611	69B-231.080
Penalties for Violation of Section 626.621	69B-231.090
Penalties for Violation of Subsection 626.9541(1)	69B-231.100
Penalties for Violation of Other Specific Provisions of the Florida Insurance Code	69B-231.110
Penalties for Violation of Other Insurance Code Provisions	69B-231.120
Penalties for Violation of Department Rules	69B-231.130
Penalties for Violation of Department Orders	69B-231.140
Criminal Proceedings	69B-231.150
Aggravating/Mitigating Factors	69B-231.160

PURPOSE AND EFFECT: The purpose of the proposed rule development is to update the rules that govern suspension and revocation of licenses of insurance agents, customer representatives, service representatives and adjusters. The rules are updated by adding new laws adopted by the Florida Legislature and deleting laws that have been repealed. The rules are also updated by increasing penalties for violating certain laws in order to reflect the Department's experience in dealing with the frequency and severity of these violations. The purpose of other changes is to clarify the rules.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 69B-231, F.A.C., contains rules that the Department uses as guidelines for imposing suspension and revocation of licenses of insurance agents, customer representatives, service representatives and adjusters. The guidelines contain set forth the length of license suspension for violating various provisions of the Florida Insurance Code; which violations will result in license revocations; and which violations will result in imposition of an administrative fine.

SPECIFIC AUTHORITY: 624.308(1), 626.201(2) FS.

LAW IMPLEMENTED: 624.307(1), 626.201(2), 626.308, 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, 626.9521, 626.9541, 626.9561, 626.9571, 626.9581 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m. – 3:30 p.m., December 11, 2005
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Barry Lanier, Chief of the Bureau of Investigations, Division of Agent & Agency Services, Department of Financial Services, 200 E. Gaines Street, Room 412, Larson Building, Tallahassee, FL 32399-0319, (850)413-5601

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Serica Johnson, (850)413-4241.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-231.010 Purpose.

The purpose of this rule chapter is to implement the Department’s duty under Sections 624.307(1) and 626.201(2), F.S., to enforce Sections 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, F.S., by establishing standards for penalties described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon licensees specified in Rule 69B-231.020, F.A.C.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, FS. History–New 7-13-93, Amended 9-23-02, Formerly 4-231.010, Amended _____.

69B-231.020 Scope.

(1) This rule chapter shall apply to all resident and nonresident insurance agents, customer representatives, ~~solicitors~~, adjusters and service representatives ~~claims investigators~~ licensed under Chapter 626, F.S., who are subject to discipline under Sections 626.611 and 626.621, F.S.

(2) This rule chapter does not apply to insurance agencies, title insurance agencies, title insurance agents, insurance administrators, surplus lines agents, bail bond agents or managing general agents.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Amended 8-15-00, 9-23-02, Formerly 4-231.020, Amended _____.

69B-231.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

(1) through (3) No change.

(4) “Crimes involving moral turpitude” means each felony crime identified in subsection 69B-211.042(21)(23), F.A.C., and each felony crime not identified in Rule 69B-211.044, F.A.C. that is substantially similar to a crime identified in subsection 69B-211.044(3), F.A.C.

(5) through (9) No change.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Amended 9-23-02, Formerly 4-231.030, Amended _____.

69B-231.040 Calculating Penalty.

(1) through (2) No change.

(3) Final Penalty.

(a) The final penalty which will be imposed against a licensee under these rules shall be the total penalty, as adjusted to take into consideration any aggravating or mitigating factors; ~~provided however~~

(b) ~~The Department may shall~~ convert the total penalty to an administrative fine and probation if the licensee has not previously been subjected to an administrative penalty and the current action does not involve in the absence of a violation of Section 626.611, F.S., if warranted upon

(c) ~~The Department’s will~~ consideration of the factors set forth in rule subsection 69B-231.160(1), F.A.C., in determining whether to convert the penalty to an administrative fine and probation.

(d) In the event that the final penalty would exceed a suspension of twenty-four (24) months, the final penalty shall be revocation.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.641, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.040, Amended _____.

69B-231.070 Prosecutorial Discretion.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691, 626.9521, 626.9561, 626.9571, 626.9581 FS. History–New 7-13-93, Formerly 4-231.070.

69B-231.080 Penalties for Violation of Section 626.611.

If it is found that the licensee has violated any of the following subsections of Section 626.611, F.S., for which compulsory suspension or revocation of license(s) and appointment(s) is required, the following stated penalty shall apply:

(1) Section 626.611(1), F.S. – revocation ~~surrender of license~~

(2) Section 626.611(2), F.S.

(a) Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and Department licensing rules applicable to the

application at the time the Department issued the license, and the documentation in the applicant's file at the time the Department issued the license.

(b) Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license.

(3) Section 626.611(3), F.S. – revocation ~~surrender of license~~

(4) Section 626.611(4), F.S. – suspension 6 ~~3~~ months

(5) Section 626.611(5), F.S. – suspension 9 ~~6~~ months

(6) Section 626.611(6), F.S. – suspension 9 ~~6~~ months

(7) through (9) No change.

(10) Section 626.611(10), F.S. – suspension 12 ~~9~~ months

(11) Section 626.611(11), F.S. – suspension 6 months.

This provision does not apply if the facts constitute a violation of Section 626.753, F.S.

(12) through (14) No change.

(15) Section 626.611(15), F.S. – suspension 12 ~~3~~ months

(16) No change.

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Amended 9-23-02, Formerly 4-231.080, Amended.

69B-231.090 Penalties for Violation of Section 626.621.

If it is found that the licensee has violated any of the following subsections of Section 626.621, F.S., for which suspension or revocation of license(s) and appointment(s) is discretionary, the following stated penalty shall apply:

(1) Section 626.621(1), F.S. – revocation ~~suspension 3 months~~

(2) through (5) No change.

(6) Section 626.621(6), F.S. – see suspension 6 months of Rule 69B-231.100, F.A.C.

(7) through (11) No change.

(12) Section 626.621(12), F.S. – suspension 6 ~~3~~ months

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.090, Amended.

69B-231.100 Penalties for Violation of Subsection 626.621(6) ~~626.9541(1)~~.

If a licensee is found to have violated subsection 626.621(6), F.S., by engaging in unfair methods of competition or in unfair or deceptive acts or practices as defined in any of the following paragraphs of subsection 626.9541(1), F.S., the following stated penalty shall apply:

(1) through (4) No change.

(5) Section 626.9541(1)(e), F.S. – suspension 6 months; except that the penalty for a violation of Section 626.9541(1)(e)1., F.S., shall be a suspension of 12 months.

(6) through (10) No change.

(11) Section 626.9541(1)(k), F.S. – suspension 9 ~~6~~ months

(12) Section 626.9541(1)(l), F.S. – suspension 9 ~~6~~ months

(13) Section 626.9541(1)(m), F.S. – suspension 3 ~~2~~ months

(14) through (26) No change.

(27) Section 626.9541(1)(aa), F.S. – suspension 9 months

(28) Section 626.9541(1)(bb), F.S. – suspension 3 months

Specific Authority 624.308, 626.201(2) FS. Law Implemented 624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691, 626.9541(1) FS. History–New 7-13-93, Formerly 4-231.100, Amended.

69B-231.110 Penalties for Violation of Other Specific Provisions of the Florida Insurance Code.

If the licensee is found to have violated any of the following provisions of the Insurance Code, the following stated penalty shall apply:

(1) Section 624.318(2) ~~626.041(2)~~, F.S. – suspension 3 months

~~(2) Section 626.051(2), F.S. – suspension 3 months~~

~~(3) Section 626.062(2), F.S. – suspension 3 months~~

~~(2)(4) Section 626.112(2), F.S. – suspension 3 months~~

~~(3)(5) Section 626.342(1), F.S. – suspension 3 months~~

~~(4)(6) Section 626.441, F.S. – suspension 6 months~~

(5) Section 626.536, F.S. – administrative fine of \$500

~~(6)(7) Section 626.541, F.S. – suspension 2 months~~

(7)(8) Section 626.551, F.S. – administrative fine of not more than \$250 for the first violation; administrative fine of not less than \$500 for each subsequent violation; suspension 2 months for the third and subsequent violations.

~~(8)(9) Section 626.561(1), F.S. – suspension 9 months~~

~~(9)(10) Section 626.561(2), F.S. – suspension 3~~ 2 months

~~(10)(11) Section 626.572, F.S. – suspension 3 months~~

~~(11)(12) Section 626.591 ~~626.592(1)~~, F.S. – suspension 6 ~~3~~ months~~

~~(13) Section 626.592(4), F.S. – suspension 6 months~~

~~(14) Section 626.592(5), F.S. – suspension 9 months~~

~~(15) Section 626.592(6), F.S. – suspension 6 months~~

~~(16) Section 626.592(7), F.S. – suspension 3 months~~

(12) Section 626.593, F.S. – suspension 3 months

~~(13)(17) Section 626.601(2), F.S. – suspension 3 ~~2~~ months~~

~~(14)(18) Section 626.631(1), F.S. – revocation~~

~~(15)(19) Section 626.641(4), F.S. – revocation~~

(16) Section 626.7315, F.S. – suspension 3 months

~~(17)(20) Section 626.741(3), F.S. – suspension 3 months~~

~~(18)(21) Section 626.741(4), F.S. – suspension 6 months~~

~~(19)(22) Section 626.747, F.S. – suspension 3 months~~

~~(20)(23) Section 626.748, F.S. – suspension 2 months~~

~~(21)(24) Section 626.752, F.S. – suspension 3 months~~

~~(22)(25) Section 626.753, F.S. – revocation~~

(23) Section 626.7845, F.S. – suspension 3 months

~~(24)(26) Section 626.792(3), F.S. – suspension 3 months~~

~~(25)(27) Section 626.792(6), F.S. – revocation~~

- ~~(26)(28)~~ Section 626.793, F.S. – suspension 2 months
- ~~(27)(29)~~ Section 626.794, F.S. – suspension 6 months
- ~~(28)(30)~~ Section 626.798, F.S. – suspension 2 6 months
- ~~(29)~~ Section 626.8305, F.S. – suspension 3 months
- ~~(30)(31)~~ Section 626.835(3), F.S. – suspension 3 months
- ~~(31)(32)~~ Section 626.835(6), F.S. – revocation
- ~~(32)(33)~~ Section 626.837, F.S. – suspension 6 months
- ~~(33)(34)~~ Section 626.8373, F.S. – suspension 6 months
- ~~(34)(35)~~ Section 626.838, F.S. – suspension 6 months
- ~~(35)(36)~~ Section 626.901(1), F.S. – suspension 6 months
- ~~(36)(37)~~ Section 626.901(2), F.S. – suspension 12 months
- ~~(37)~~ Section 626.4554, F.S. – suspension 12 months
- ~~(38)~~ Section 627.901, F.S. – suspension 3 months

Specific Authority ~~624.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691~~ FS. History–New 7-13-93, Formerly ~~4-231.110, Amended~~.

69B-231.120 Penalties for Violation of Other Insurance Code Provisions.

If the licensee is found to have violated a provision of the Insurance Code, the stated penalty, unless otherwise prescribed in these rules or in the code provision violated, shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful.

Specific Authority ~~624.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691~~ FS. History–New 7-13-93, Formerly ~~4-231.120, Repromulgated~~.

69B-231.130 Penalties for Violation of Department Rules.

If the licensee is found to have violated a Department rule, the stated penalty, unless otherwise prescribed in these rules or in the specific rule violated, shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful.

Specific Authority ~~624.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691~~ FS. History–New 7-13-93, Formerly ~~4-231.130, Repromulgated~~.

69B-231.140 Penalties for Violation of Department Orders.

If a licensee is found to have violated a Department order, the stated penalty shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful, unless the penalty is prescribed in the order itself; except that if a licensee or an affiliated party knowingly transacts insurance in violation of an order of suspension, the penalty shall be revocation of license(s) and appointment(s) if the violation was willful, or shall be an additional suspension of three (3) months if the violation was nonwillful.

Specific Authority ~~624.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.681, 626.691~~ FS. History–New 7-13-93, Formerly ~~4-231.140, Amended~~.

69B-231.150 Criminal Proceedings.

~~(1) If it is found that a licensee has violated either Section 626.611(14) or 626.621(8), F.S., the following stated penalty shall apply:~~

~~(1)(a) If a the licensee is convicted by a court of a violation of the Insurance Code or a felony (regardless of whether or not such felony is related to an insurance license), the penalty shall be immediate revocation.~~

~~(b) If the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, which involves moral turpitude and is a crime involving breach of trust or dishonesty, the penalty shall be revocation.~~

~~(2)(e) If a the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, which involves moral turpitude or is a crime involving breach of trust or dishonesty, the penalties are as follows:~~

~~(a)1- If the conduct directly relates to activities involving an insurance license, the penalty shall be revocation a 24 month suspension.~~

~~(b)2- If the conduct indirectly relates to activities involving an insurance license involves dishonesty or breach of trust such as mishandling or misappropriation of money, the penalty shall be a 12 month suspension.~~

~~(c)3- If the conduct is not related to an insurance license, the penalty shall be a 6 month suspension.~~

~~(3)(d) If a the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the laws of the United States of America or of any state thereof or under the law of any other country, which does not involve moral turpitude and is not a crime involving breach of trust or dishonesty, the penalties are as follows:~~

~~(a)1- If the conduct directly relates to activities involving an insurance license, the penalty shall be a 24-month suspension.~~

~~(b)2- If the conduct indirectly relates to activities involving an insurance license involves dishonesty or breach of trust such as mishandling or misappropriation of money, the penalty shall be a 12-month suspension.~~

~~(c)3- If the conduct is not related to an insurance license, the penalty shall be a 3-month suspension.~~

~~(2) Foreign Law Enforcement Records. In the event that a law enforcement record includes convictions, charges, or arrests outside the United States, the Department shall consider the following factors to reduce, eliminate, or apply a waiting period:-~~

~~(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;~~

~~(b) The degree of penalty associated with the same or similar crimes in the United States; and~~

~~(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.~~

Specific Authority ~~624.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.601, 626.611, 626.621, 626.631, 626.631(1), 626.681, 626.691~~ FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.150, Amended _____.

69B-231.160 Aggravating/Mitigating Factors.

The Department shall consider the following aggravating and mitigating factors and apply them to the total penalty in reaching the final penalty assessed against a licensee under this rule chapter. After consideration and application of these factors, the Department shall, if warranted by the Department’s consideration of the factors, either decrease or increase the penalty to any penalty authorized by law.

(1) For penalties other than those assessed under Rule 69B-231.150, F.A.C.:

- (a) through (e) No change.
- (f) Motivation of licensee agent;
- (g) Financial gain or loss to licensee agent;
- (h) through (m) No change.
- (2) No change.

Specific Authority ~~626.308, 626.201(2)~~ FS. Law Implemented ~~624.307(1), 624.308, 626.201(2), 626.611, 626.621, 626.631, 626.681, 626.9541~~ FS. History—New 7-13-93, Formerly 4-231.160, Amended _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Third Party Administrator Annual Report and Licensure Application

RULE NO.: 69O-136.019

PURPOSE AND EFFECT: To adopt forms, Third Party Administrators must submit to the Office of Insurance Regulation to apply to do business in Florida and to submit financial information. The forms reflect new 2005 legislation, which in part requires Third Party Administrators to submit audited financial statements.

SUBJECT AREA TO BE ADDRESSED: Form implementation for Third Party Administrators.

SPECIFIC AUTHORITY: 626.8991 FS.

LAW IMPLEMENTED: 626.8805, 626.89 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: 11:00 a.m., December 15, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: sandra.dupont@fldfs.com.

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.

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE TITLE: Prohibited Business Practices for Dealers and Their Associated Persons

RULE NO.: 69W-600.013

PURPOSE AND EFFECT: On August 29, 2003, the Securities and Exchange Commission (SEC) approved the adoption of the National Association of Securities Dealers (“NASD”) Rule 2370, which prohibited registered persons from borrowing money from or lending money to a customer unless certain criteria were met. The NASD subsequently adopted amendments to NASD Rule 2370, which were approved by the SEC on February 18, 2004. Rule 69W-600.013, F.A.C., is being amended to allow registered persons to borrow from or lend to customers under certain conditions. Rule 69W-600.13, F.A.C., is also being amended to reflect Regulation SHO as adopted by the SEC under the Securities and Exchange Act of 1934.

SUBJECT AREA TO BE ADDRESSED: Prohibited business practices of broker dealers and their associated persons.

SPECIFIC AUTHORITY: 517.1217, 517.03(1) FS.

LAW IMPLEMENTED: 517.1217, 517.081, 517.161(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bridget D. Dervish, Area Financial Manager, Bureau of Securities Regulation, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0374, telephone: (850)410-9805

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE TITLES: RULE NOS.:

Investment Advisers and Their Associated Persons	69W-600.0131
Custody of Client Funds or Securities by Investment Advisers	69W-600.0132
Books and Records Requirements	69W-600.014

PURPOSE AND EFFECT: Section 517.1215(1), F.S., requires the Commission to specify by rule requirements for investment advisers deemed to have custody of client funds. The statute requires that the following areas be addressed: (a) notification of custody of, maintenance of, and safeguards for client funds; (b) communications with clients and independent representatives; (c) requirements for investment advisers who have custody of pooled investments; and (d) exceptions to the custody requirements. Section 517.1215(2), F.S., requires the Commission to prescribe rules of conduct and prohibited business practices for investment advisers and their associated persons. To implement the foregoing statutory requirements, the Commission is proposing to create a new rule titled "Custody of Client Funds or Securities by Investment Advisers" and amend existing Rules 69W-600.0131 and 69W-600.014, F.A.C. Rule 69W-600.014, F.A.C., is also being amended to update book and records requirements for dealers, branch offices, and associated persons.

SUBJECT AREA TO BE ADDRESSED: Custody requirements, conduct, prohibited business practices, and books and records of Investment Advisers and their associated persons; and books and records requirements for dealers, branch offices, and associated persons.

SPECIFIC AUTHORITY: 517.1215, 517.03(1), 517.121(1) FS.

LAW IMPLEMENTED: 517.1215, 517.12, 517.161(1), 517.121(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bridget D. Dervish, Area Financial Manager, Bureau of Securities Regulation, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0374, telephone: (850)410-9805

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLES: RULE NOS.:

Constitutional Amendment Ballot Position	1S-2.0011
Constitutional Amendment by Initiative Petition	1S-2.009
Constitutional Amendment Initiative Petition Submission Deadline; Verifying Elector's Signatures	1S-2.0091

PURPOSE AND EFFECT: The purpose of the proposed amendments to these rules is to conform the statutory deadline with the constitutional deadline for the Secretary of State to receive certified initiative petition signatures from the supervisors of elections from 91 days before the general election to February 1 of each general election year, in order for the initiative to be placed on the ballot at the November general election. The change in the initiative petition deadline was approved by the electorate in 2004. Additionally, the proposed amendments reflect changes in practice and procedure and implement changes made during the 2005 Legislative Session in Chapter 2005-278, Laws of Florida, that pertain to the procedures governing the submission and approval of initiative petitions and ballot position assignments for constitutional amendments.

SUMMARY: The proposed amendments update the rule to reflect current practices, procedures and legislative changes relating to the procedures governing the submission and approval of initiative petitions and ballot position assignments for constitutional amendments.

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

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

SPECIFIC AUTHORITY: 20.10, 100.371, 101.161 FS.

LAW IMPLEMENTED: Art. XI, Fla. Const.; 100.371, 101.161 FS.

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

TIME AND DATE: 1:00 p.m., Wednesday, December 14, 2005

PLACE: Rm. 307, Plaza Level, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule workshop should contact the Department of State at (850)245-6536 no later than December 9, 2005. Any person who is hearing or speech impaired may

contact the Department by using the Florida Relay Service with the following toll free numbers: (800)955-8770 (voice) or (800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250. Copies of the proposed rules and the draft Form DS DE #19, incorporated by reference into Rule 1S-2.009, F.A.C., may be obtained on the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at (850)245-6536.

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-2.0011 Constitutional Amendment Ballot Position.

(1) The Director of the Division of Elections shall assign in the following manner ~~provided herein~~ a designating number to any proposed revision or amendment to the State Constitution for placement, however proposed, which is to be on the general election ballot;

~~(a)(2)~~ The ballot position of each proposed revision or amendment shall correspond to the designating number assigned by the director. A designating number may not be assigned to a constitutional amendment by initiative until the Secretary of State has issued a certificate of ballot position in accordance with Section 100.371, F.S.

~~(b)~~ All revisions submitted by a revision commission or constitutional convention shall be considered to be one set, but each individual revision received shall be assigned a designating number in the manner and order determined by the convention or commission. Revisions shall be titled and designated as such together with the assigned designating number. For example, the set of revisions would begin with No. 1, Constitutional Revision.

~~(c)~~ Amendments submitted by the Florida Legislature or proposed by initiative shall be titled and designated as an amendment with the assigned designating number. For example, the amendment designation would be No. 2, Constitutional Amendment.

~~(d)1.~~ Revision proposals and proposed amendments shall be assigned designating numbers in consecutive ascending numerical sequence in the order of:

a. Receipt by the Secretary of State, or his or her designee, of the constitutional convention or commission revision proposal.

b. The filing of the legislative resolution containing the proposed amendment with the Division of State Library, Archives & Records Services, or

c. The Secretary of State's certification of ballot position of a constitutional amendment proposed by initiative.

2. Initiative amendments deemed filed on the same date as other revision proposals or proposed amendments shall be assigned the number received in a random drawing of lots containing the remaining available designating numbers.

~~(2)(3)~~ Designating numbers shall be assigned and publicly announced no later than 5:00 p.m. of the 90th day preceding the general election date. ~~Amendments proposed by the initiative method shall also be certified as to ballot position at this time.~~

~~(4)~~ Any revisions submitted by a revision commission or constitutional convention shall be considered by the director to be one set, but designating numbers shall be assigned to individual proposals in the manner and order determined by the convention or commission as received by the director. Revisions shall be titled and designated as such together with the assigned designating number; for example, Revision No. 1.

~~(5)~~ Amendments submitted to the director by legislative approval or initiative shall be titled and designated as an amendment with the assigned designating number; for example, Amendment No. 2.

~~(6)~~ Designating numbers shall be assigned to revision proposals and proposed amendments in consecutive ascending numerical sequence in the order of receipt by the Secretary of State, or his designee, of the constitutional convention or commission revision proposal, filing in the Bureau of Laws of the legislative resolution containing the proposed amendment, or the division's certification of attaining ballot position by a constitutional amendment proposed by initiative. Initiative amendments certified on the same date shall be assigned the number received in a random drawing of lots containing the number of the available designating numbers.

~~(7)~~ No ballot designating numbers shall be final until collectively announced by the director. The assignment of designating numbers and subsequent announcements thereof shall not be completed until the director is satisfied that all proposed revisions and amendments proposed by whatever means have been received by the division, and all initiative signature verification reports have been received from the supervisors of elections.

~~(3)(8)~~ In the event a proposed revision or amendment is removed or stricken from the ballot subsequent to its attaining ballot position and being assigned a designating number, all other proposals shall retain the number assigned. The designating number of the stricken proposal shall not be reused, unless that proposal is reinstated.

Specific Authority 20.10(3), 97.012(1), 101.161(2) FS. Law Implemented Art. XI, Fla. Const., 100.371, 101.161 FS. History--New 8-9-78, Amended 4-17-79, Formerly 1C-7.011, 1C-7.0011, Amended _____.

1S-2.009 ~~Initiative~~ Constitutional Amendment by Initiative Petition.

(1) Submission of Initiative Petition. Any proposed initiative amendment to the State Constitution to be placed on the ballot ~~by initiative~~ shall be submitted by the sponsoring

political committee to the Division of Elections for approval as to format prior to circulation of the proposed initiative amendment. Such submission shall be in writing and shall include a copy or a facsimile of the proposed form ~~proposed~~ to be circulated. No initiative petition form for signatures may be circulated unless approved by the Division of Elections.

(2) Requirements and Approval of Initiative Petition Form. The Division shall review the initiative petition form ~~solely~~ for sufficiency of the format ~~only~~ and shall render a decision within seven (7) days following receipt. The Division shall not review the petition form for legal sufficiency. The format of the petition form is deemed sufficient only if the petition form:

~~(2) Proposed initiative amendments shall be circulated for signatures only if the format of the petitions is deemed sufficient by the Division. To be sufficient the petition form must be-~~

~~a. Is p~~Printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches.

~~b. Is clearly and conspicuously entitled at the top of the form "Constitutional Amendment Petition Form."~~

~~c. Includes adequate space for the signee's name, legal residential street address, city, county, date of birth, signature of registered voter, and date of signature.~~

~~d. Contains the ballot title that shall not exceed 15 words and the ballot summary of the proposed amendment or other public measure that shall not exceed 75 words in length as prescribed in subsection (4).~~

~~e. Conspicuously contains the full text of the amendment being proposed including the article and section being created or amended, preceded by a ballot title and ballot summary. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.~~

~~f. Contains Additional material which does not conform to the size requirements above may be attached. Each form shall contain space for only one elector's signature. The Division will not approve petition forms providing for multiple signatures per page.~~

~~(3) The petition form shall conspicuously contain the full text of the amendment being proposed including the article and section being created or amended, preceded by a title and substance. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side. Adequate space must be included for the signee's name, street address, city, county, voter registration number, date of birth, change of address for voter registration purposes, date and signature of registered voter, and any other information deemed necessary by the Division.~~

~~(4) The top of the petition form shall be clearly and conspicuously entitled "Constitutional Amendment Petition Form."~~

~~g. Is marked, in accordance with Section 106.143, F.S., governing political disclaimers, with "paid political advertisement" or contains the abbreviation "pd. pol. adv." and identifies the name of the sponsoring political committee, and the name of the entity paying for the advertisement if different from the name of the sponsoring political committee.~~

~~h. Contains space, in accordance with Section 106.19(3), F.S., for the name and address of a paid petition circulator, in the event the petition form is gathered by a paid petition circulator.~~

(3) Sample Petition Form. The format of an initiative petition submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 19 (eff. _____), entitled "Constitutional Amendment Petition Form." Form DS-DE 19 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us>.

(4) Word Count. The following provisions apply to determine the word count for a ballot title and summary:

(a) Hyphenated compound words count as two or more words.

(b) An ampersand or a plus or minus sign shall count as one word.

(c) Punctuation such as commas, periods, hyphens, question marks, parentheses, quotation marks or exclamation points does not affect the word count.

(d) Each word joined by a forward or back slash to another word counts separately as a word.

(e) Each part of a date counts as one word. Example: January 1, 2025 shall count as three words.

(f) Each word in a name is individually counted. Example: George Washington shall count as two words.

(g) Each whole number shall count as a word.

(h) Spaces do not affect the word count.

(5) Additional Information or Materials. Other than providing information or a method by which the petition form may be returned by mail to the sponsoring committee, ~~no a~~Additional information or materials that support supporting the proposed amendment shall or providing a method by which the petition form may be returned by mail may be printed directly on the form. The Division not review the accuracy or content of such material, but will review the petition to determine that other information does not interfere with required material.

(6) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition form. The serial number shall begin with the last two digits of the calendar year in which the petition form is approved followed by a number in numerical sequence. For example, the first petition form approved in 2006 is assigned the serial number

06-1. The serial number assigned must be printed in the lower right hand corner of the petition form. Each form shall be deemed a political advertisement as defined in Section 106.011(17), F.S., and shall contain the identity of the payor as required by Section 106.143, F.S.

(7) Changes. Any change to a previously approved petition form shall be submitted to the Division of Elections for review. No person or entity other than the sponsoring political committee of the previously approved petition form can submit a change or changes to the previously approved petition form. The Division of Elections must approve any material change to a previously approved petition form. A material change constitutes a change in the wording of the text of the proposed amendment, the ballot title, or ballot summary, or a change in punctuation or layout, or a change to the political disclaimer. Any material change submitted for approval to a previously approved initiative petition constitutes a request for approval of a new petition form and shall be assigned a different serial number upon approval by the Division of Elections.

(8) Bundling. No initiative petition form circulated for signature may be bundled with or attached to any other petition form.

(7) Form DS-DE 19 (5/02), as adopted by the Division of Elections, may be used utilized as a sample format for petition forms. Form DS-DE 19, "Constitutional Amendment Petition Form" is hereby incorporated by reference and is available from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

(8) Forms submitted and approved by the Division in writing prior to the effective date of this rule may be utilized and circulated pursuant to that grant of approval.

(9) Reproduction. Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media, provided such forms are reproduced in the same format as approved by the Division. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

(10) Submission of Signed Petition Forms. All signed petition forms shall be returned to the sponsoring political committee. Only the sponsoring political committee shall submit the signed petition forms to the Supervisors of Elections for verification of signatures in accordance with Rule 1S-2.0091, F.A.C.

(11) Effect on Previously Approved Petition Form. Any petition form approved by the Division of Elections prior to the effective date of this rule may continue to be used and circulated for signature gathering unless a material change to the previously approved petition form has been approved by the Division of Elections or until the sponsoring political committee notifies the Division of Elections that the committee

is no longer seeking to obtain ballot position, or the registration of the sponsoring political committee has been revoked in accordance with Rule 1S-2.021, F.A.C.

(10) Any change in a previously approved petition form, or additional types of petition forms to be circulated by a previously approved circulator, shall be submitted in accordance with the provisions of this rule. A change to a petition form or an additional type of petition form means a change in the wording of the text of the proposed amendment, the ballot title, or ballot summary, including changes in punctuation. A petition form submitted which bears casual handwritten markings such as words circled, underlined, or otherwise highlighted, or reduced or enlarged type, shall not invalidate such petition.

(11) In the case of a political committee that has reproduced its petitions pursuant to subsection (9), the petitions shall be returned to the committee.

(12) The Division shall assign a serial number to each approved petition form. The serial number shall begin with the last two digits of the calendar year in which the petition form is approved followed by a number in numerical sequence. For example, the first petition form approved in 1997 will be 97-1. The serial number assigned will be printed in the lower right hand corner of the petition.

(13) Any initiative petition approved by the Division of Elections prior to the effective date of this rule or Rule 1S 2.0091, F.A.C., may continue to be circulated and is not required to contain the voter registration number, date of birth, or change of address information.

Specific Authority 20.10(3), 97.012(1), 100.371(3), (6), 101.161(2) FS. Law Implemented 100.371, 101.161 FS. History--New 7-2-79, Formerly 1C-7.09, Amended 7-7-86, Formerly 1C-7.009, Amended 3-5-96, 7-31-02, _____.

1S-2.0091 Constitutional Amendment Initiative Petition Submission Deadline; Verifying Electors' Signatures.

(1) Signed initiative petitions forms containing signatures proposing constitutional amendments to the Florida Constitution shall be submitted solely by the sponsoring political committee sponsor to the Supervisor of Elections in the county in which the petition forms they were circulated to be verified. If an initiative petition is filed with a Supervisor of Elections of a county other than the county in which the signee is a registered elector, it is shall be the responsibility of the sponsoring political committee circulator or sponsor to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to the Supervisor of Elections of the county in which the signee is a registered elector forward such petition to the proper county. In the case of a such misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(2) Upon receipt of initiative petitions forms, the Supervisor of Elections shall verify the signatures on each petition form to ensure insure that each person signing said petition form is a registered elector in that county and that the

date the elector signed the petition ~~form is was~~ not more than four years prior to the date the Supervisor verified the petition. The Supervisor shall not verify a signature on an initiative petition form unless all of the following information is contained on the petition form ~~Initiative petitions must contain all of the following or they will be deemed invalid and the Supervisor shall not verify the signature:~~

- (a) The signee's name,
- (b) The signee's residential street address (including city and county),
- (c) The signee's ~~voter registration number~~ or date of birth,
- (d) The signee's signature, and
- (e) The date the elector signed the petition.

(3) Upon completion of the verification as set forth in subsection ~~1S-2.0094(2), F.A.C.~~, the Supervisors of Elections shall adhere to the following procedures for submission of verified signature information to the Division of Elections:

(a) Procedures Applicable Before January 1, 2007.

1. The Supervisor of Elections shall submit to the Division of Elections a certificate indicating ~~a certificate shall be submitted to the Division of Elections of the Department of State by the Supervisor of Elections certifying~~ the total number of signatures verified, the number verified as registered electors and the distribution by congressional district. The Division will provide appropriate forms to the Supervisor of Elections to be used for transmission of the required information. In conjunction with each ~~the~~ certificate submitted, each Supervisor shall submit a copy of one petition showing the text of the constitutional amendment to which the certified signatures relate. Certificates may be submitted by the Supervisor ~~Supervisor~~ via facsimile in order to meet the deadline, followed by an original copy by mail.

2. ~~(4) Upon receipt of a certificate from the Supervisor of Elections, the Division shall compile the total number of signatures verified as being registered electors to determine from the transmitted certificates whether the requisite number of verified signatures has been obtained with respect to each constitutional amendment for each congressional district and the State as a whole. In order to have the initiative petition timely filed for purposes of appearance appear on the ballot for the next general election ballot, certificates indicating the requisite number of verified signatures have been obtained must be received by the Division of Elections no later than 5:00 p.m. on February 1 of the year in which the general election is held of the 91st day preceding the general election. Upon a determination that the constitutionally requisite number of signatures and distribution of signatures by congressional districts has been obtained, completion of the compilation, a certification of ballot position shall be issued by the Secretary of State shall issue a certificate of ballot position to the an appropriate sponsoring political committee which has obtained the constitutionally required number of signatures.~~

(b) Procedures Applicable On or After January 1, 2007.

1. No later than 24 hours after verification of signatures on submitted initiative petition forms, the Supervisor of Elections shall directly record into the statewide voter registration system each valid and verified signature. The appropriate supervisor of elections for each respective elector whose signature is verified shall record the date of the signature and the assigned serial number for the applicable initiative petition.

2. The Division shall determine from the recorded verified petition signatures on the statewide voter registration system whether the requisite number of verified signatures has been obtained with respect to each constitutional amendment for each congressional district and the State as a whole. In order for the initiative petition to be timely filed for appearance on the ballot for the next general election, the requisite number of verified signatures must be recorded in the statewide voter registration system no later than 5:00 p.m. on February 1 of the year in which the general election is held. Upon a determination that the constitutionally requisite number of signatures and distribution of signatures by congressional districts has been obtained, the Secretary of State shall issue a certificate of ballot position to the appropriate sponsoring political committee and assign a designating ballot number.

(4)(5) Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall ~~If an initiative petition submitted by a political committee appears on the general election ballot and fails to become enacted by the electors at the general election, the signatures accompanying such petition may not be used again utilized~~ in support of any future initiative petition.

Specific Authority 20.10(3), 97.012(1), 100.371(7) FS. Law Implemented 100.371 FS. History—New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, 1-5-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria Matthews, Assistant General Counsel
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director of the Division of Elections
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 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."

STATE BOARD OF ADMINISTRATION

RULE TITLE: General Policies and Review
 RULE NO.: 19-4.0031

Procedures for Investments

PURPOSE AND EFFECT: This rule is amended to state the time period which was in a rule now repealed.

SUMMARY: Proposed amended Rule 19-4.0031, F.A.C., revises the rule to state that reports are to be provided to the Trustees on a monthly basis.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.52 FS.

LAW IMPLEMENTED: 215.44, 215.45, 215.47 FS.

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

TIME AND DATE: 2:00 – 4:00 p.m., Wednesday, January 4, 2006

PLACE: Hermitage Room, 1st Floor, 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; telephone (850)413-1199

THE FULL TEXT OF THE PROPOSED RULE IS:

19-4.0031 General Policies and Review Procedures for Investments.

(1) through (2) No change.

(3) Changes in security holdings are the responsibility of the Executive Director, and must conform with standards of professional investment practice and prudence. Changes in security holdings shall be reported to the Trustees on a monthly basis pursuant to Rule 19-3.011, F.A.C.

(4) through (8) No change.

Specific Authority 215.52 FS. Law Implemented 215.44, 215.45, 215.47 FS. History—New 2-10-82, Amended 12-25-85, Formerly 19-4.031, Amended 12-14-86, 12-10-87, 12-18-88, 6-1-89, 12-11-89, 2-13-90, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin SigRist, Senior Investment Officer-Defined Contribution Programs, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

STATE BOARD OF ADMINISTRATION

RULE TITLES: RULE NOS.:

Procedures Regarding Employer Contributions 19-11.001

Beneficiary Designation for FRS Investment Plan 19-11.002

Distributions from FRS Investment Plan

Accounts and Reemployment with an FRS-covered Employer 19-11.003

Excessive Trading in the FRS Investment Plan 19-11.004

FRS Investment Plan Complaint Procedures 19-11.005

Enrollment Procedures for New Hires 19-11.006

Second Election Enrollment Procedures

for the FRS Retirement Programs 19-11.007

PURPOSE AND EFFECT: These rules are promulgated to implement Section 121.4501(14), F.S., regarding the Public Employee Optional Retirement Program.

SUMMARY: Proposed amended Rule 19-11.001, F.A.C., conforms the rule to changed procedures regarding market loss calculations. Proposed amended Rule 19-11.002, F.A.C., adopts revised beneficiary designation forms. Proposed new Rule 19-11.003, F.A.C., describes procedures regarding distributions from the FRS Investment Plan; interactions between distributions and reemployment; and adopts forms. Proposed amended Rule 19-11.004, F.A.C., clarifies the excessive trading policy; exempting trading in money market funds; and provides examples. Proposed amended Rule 19-11.005, F.A.C., conforms the complaint process to revised procedures. Proposed amended Rule 19-11.006, F.A.C., adopts revised forms and makes editorial changes to more fully explain the enrollment process. Proposed amended Rule 19-11.007, F.A.C., adopts updated forms; makes changes consistent with legislation enacted during the 2005 legislative session; and makes editorial changes to more fully explain the second election process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 121.4501(8)(a) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.573, 121.091(8), 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (9), (13), (14), (15), (20), 121.591(3), 121.73, 121.74, 121.78(3)(b), 215.44(8)(b), 1012.875(3) FS.

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

TIME AND DATE: 2:00 – 4:00 p.m., Wednesday, January 4, 2006

PLACE: Hermitage Room, 1st Floor, 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; tel.: (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-11.001 Procedures Regarding Employer Contributions.

(1) Purpose. This rule implements Section 121.78, F.S., and establishes procedures regarding employer contributions, late payrolls, assessments, and market losses.

(2) Definitions.

(a) "Public Employee Optional Retirement Program" or "PEORP" shall mean the optional defined contribution plan within the Florida Retirement System, established in Part II of Chapter 121, F.S.

(b) "PEORP Participant" shall mean an active member of the Florida Retirement System who has elected to join the PEORP.

(c) "PEORP Participant's accounts" or "PEORP accounts" shall mean investment accounts for an individual PEORP Participant in which employer contributions are invested for a PEORP Participant.

(d) For purposes of Section 121.78(3)(b), F.S., which states that employers shall reimburse PEORP Participants for market losses resulting from late contributions, or from contribution adjustments as a result of employer errors or corrections, the term "market losses" shall be defined as the value of a Participant's account that otherwise would have been realized had the employer contribution and accompanying payroll data been submitted on a timely basis. "Market Losses" applies only to the monthly contribution that is late, not to the Participant's aggregate value in his PEORP account.

(e) "PEORP third party administrator" or "TPA" shall mean the third party administrator hired by the Florida State Board of Administration pursuant to Section 121.4501(8), F.S.

(3) One percent penalty.

(a) The portion of the one percent penalty assessed on late contributions and accompanying payroll data attributable to contributions for the PEORP shall be deposited into the Participant's account ~~on a pro-rata basis~~, using the PEORP Participant's investment allocation in effect at the time of the deposit of the assessment in the Florida Retirement System Trust Fund.

(b) Any employer requesting a waiver of the delinquency fee in accordance with Section 121.78(3)(c), F.S., shall fully explain and certify such waiver request in writing to the Office of Defined Contribution Programs, Florida State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308.

(4) Market loss calculation.

(a) The TPA will determine market losses using a PEORP Participant's investment allocation in effect at the time of calculation. The TPA will perform the market value calculation using a period certain which is the 15th of the month in which the payroll is due begins on the first day of the month immediately following the calendar month in which the contributions are due, or the next succeeding business day if the ~~first day of the month immediately following the calendar month in which the contributions are due~~ falls on a weekend or TPA-or Division of Retirement-observed legal holiday, in which contributions would have been processed, and ending on the date the payroll is received by the TPA used by the TPA to provide "as of" pricing for covered payroll.

(b) If contributions and accompanying payroll data are not received within the calendar month they are due, but that lateness does not result in market losses to participants, only the one percent late assessment will apply to the employer.

(c) The TPA will not perform the market loss calculation until a covered payroll and accompanying payroll data is received and processed by the TPA.

Specific Authority 121.78(3)(c) FS. Law Implemented 121.78 FS. History--New 12-8-02, Amended.

19-11.002 Beneficiary Designation for FRS Investment Plan

(1) A FRS Investment Plan participant may designate a beneficiary to receive the benefits which may be payable in the event of the participant's death. A participant may designate a beneficiary at any time, both before and after retirement. An FRS Investment Plan participant must make an active beneficiary designation once he becomes an Investment Plan member. Otherwise, the beneficiaries will be as described in Section 121.4501(20), Florida Statutes.

(2) No designation of beneficiary shall be effective unless it has been filed with the FRS Investment Plan Administrator. The most recent designation of beneficiary filed with the FRS Investment Plan Administrator shall replace any previous designation whether made before or after the participant's termination of employment or retirement.

(3) If the FRS Investment Plan participant enrolls in the FRS Investment Plan using the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, rev. 8-05, which is adopted and incorporated by reference in subsection 19-11.006(4), F.A.C., the participant has chosen the beneficiary designation contained in Section 121.4501(20) 121.091(8), Florida Statutes. Note that the statutory section provides that the participant's spouse at the time of death shall be the participant's beneficiary unless the deceased participant had designated a different beneficiary after his or her most recent marriage. Pursuant to subsection (1), above, however, once the participant is enrolled in the FRS Investment Plan, the participant may change his beneficiary designation at any time.

(4) The beneficiary designation an FRS Investment Plan participant chooses if he uses the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, rev. 02-04, includes the phrase “as applicable.” “As applicable” refers to that part of Section 121.091(8), Florida Statutes, which provides for “in line of duty” death payments for certain Florida Retirement System employees. These payments are not applicable to participants in the FRS Investment Plan.

(4)(5) A participant may designate a beneficiary or beneficiaries at any time, as follows:

(a) A participant may designate a beneficiary or beneficiaries to receive the assets of the participant’s FRS Investment Plan account, either sequentially or jointly.

(b) A participant may designate as beneficiary any person, organization, trust, or his estate.

(c) Any such beneficiary designation shall be made on Form IPBEN-1, rev. 09-03 08-03, which is hereby adopted and incorporated by reference. This form is available in paper form and may be obtained by calling the toll-free MyFRS Financial Guidance Line at (866)446-9377, Monday through Friday, except holidays, 9:00 A.M. to 8:00 P.M. The beneficiary designation may be made online by logging onto MyFRS.com and clicking on “Resources” and then “Forms.”

(d) A participant may change his beneficiary designation at any time by filing a new beneficiary designation form. There is no separate form for changes of beneficiary designation.

(5)(6) If a participant is married and designates a beneficiary who is not the spouse of the participant, then the participant is required to notify the spouse that he or she is not the beneficiary of the proceeds of the participant’s FRS Investment Plan account(s). The spouse must acknowledge that he or she understands that he or she is not the beneficiary of the participant’s FRS Investment Plan account(s) by signing the beneficiary designation form, Form IPBEN-1, rev. 09-03 08-03, in the appropriate place. Alternatively, the spouse may provide the FRS Investment Plan Administrator with a notarized statement reflecting the spouse’s understanding that the spouse is not the beneficiary of the participant’s FRS Investment Plan account(s). No distribution will be made of any FRS Investment Plan account(s) in the absence of a declaration by the spouse of his or her understanding that he or she is not the beneficiary of the participant’s FRS Investment Plan account(s).

Specific Authority 121.4501(8) FS. Law Implemented 121.091(8), 121.4501(20), 121.591(3) FS. History—New 10-21-04, Amended _____.

19-11.003 Distributions from FRS Investment Plan Accounts and Reemployment with an FRS-covered Employer.

(1) Purpose. The purpose of this rule is to clarify the provisions regarding distributions from FRS Investment Plan accounts and how that interacts with reemployment provisions for FRS-covered employers. Distributions from FRS

Investment Plan accounts are made either after the account-holder terminates employment or at the account-holder’s death.

(2) All forms identified in this rule may be obtained by calling the (toll-free) MyFRS Financial Guidance Line at (866)446-9377, or by accessing the MyFRS website at www.MyFRS.com. Click on Resources, and then on Forms.

(3) Distributions available when the participant terminates FRS-covered employment.

(a) An FRS Investment Plan participant shall not be entitled to a distribution from his account unless he has been terminated from all FRS-covered employment for three calendar months. Example: If a participant terminates on May 15, the three calendar months are June, July, and August. Therefore, he shall not receive a distribution until September.

(b) Upon the expiration of the three calendar months after termination, the participant may apply for a distribution from the FRS Plan Administrator, either using Form ETF-2, “Employment Termination Form/FRS Investment Plan,” rev. 08-05, which is hereby adopted and incorporated by reference, or an equivalent form.

(c) If a participant has terminated employment from all FRS-covered employment for one calendar month and he has reached normal retirement age, in accordance with Section 121.021(29), F.S., he may apply for a distribution of up to 10 percent of his account balance.

(4) Reemployment by an FRS-covered employer after termination.

(a) A participant who has terminated FRS-covered employment and taken a distribution is a retiree, in accordance with Section 121.4501(2)(j), F.S. As a retiree, the former participant shall not be reemployed with an FRS-covered employer until he has been retired for three calendar months, pursuant to Section 121.021(39)(c), F.S.. Example: A participant who terminates on May 15 cannot receive a distribution until September and cannot return to FRS-covered employment until January.

(b) Examples: This paragraph contains examples only. This paragraph does not contain an exhaustive list of all possible situations. Participants who are not in exactly the same circumstances as described in these examples should call the toll-free number set out in subsection (2), above, to have their situations properly analyzed.

1. A participant who has reached normal retirement age, in accordance with Section 121.021(29), F.S., may get up to ten percent of his account after a one-month calendar break, and he may get the balance after a total of three calendar months, unless he returns to FRS-covered employment, during any time in that three-month period.

2. If the participant in subparagraph 1., above, takes a partial distribution and then returns to work, he will not be eligible for any further distributions until terminating work or after the first 12 months of retirement are completed.

3. Any participant may return to employment with an FRS-covered employer after 12 months of retirement and may take distributions, even while reemployed.

4. A participant who has reached normal retirement age, in accordance with Section 121.021(29), F.S., can return to work in one of the excepted positions identified in Section 121.091(9)(b), F.S., after one calendar month off FRS-covered payrolls.

5. A participant who has not reached normal retirement age, in accordance with Section 121.021(29), F.S., can return to work in one of the excepted positions identified in Section 121.091(9)(b), F.S., after having been retired for three calendar months.

(5) Distributions on the death of a participant.

(a) If a participant dies before his effective date of retirement, the participant's spouse at the time of his or her death shall be the participant's beneficiary, unless the participant has designated another beneficiary after the participant's most recent marriage.

(b) A participant's spouse must acknowledge on Form IPBEN-1, "Beneficiary Designation Form/FRS Investment Plan," rev. 09-03, which is hereby adopted and incorporated by reference, that he or she is not the beneficiary if the participant chooses another person or an entity.

(c) Procedures for beneficiary designations are addressed in Rule 19-11.002, F.A.C.

(d) On the death of a participant, the beneficiary must file Form IPDB, "Death Benefit Distribution Claim Form," rev. 07-05, which is hereby adopted and incorporated by reference, with the FRS Plan Administrator, to receive benefits.

Specific Authority 121.4501(8)(a) FS. Law implemented 121.021(29), (39), 121.4501(20), 121.591 FS. History—New_____.

19-11.004 Excessive Trading in the FRS Investment Plan.

(1) Purpose.

(a) The purpose of this rule is to mitigate the negative impact on participants in the FRS Investment Plan from excessive trading and to establish limitations on such excessive trading. The Trustees of the State Board of Administration of Florida (SBA) have a fiduciary duty to make decisions about the FRS Investment Plan in the best interests of all participants and beneficiaries.

(b) Excessive trading by just a few of a fund's investors can disrupt fund operations, increase expenses and harm fund performance for all investors. In particular, some participants have shown a high proclivity to make numerous short-term trades in foreign stock funds in an attempt to exploit funds' pricing conventions and other technical factors. Therefore, this rule establishes limitations so that excessive trading between approved investment funds shall be prevented, without materially inhibiting all participants' opportunities to direct

contributions and account balances between investment funds with a frequency that is appropriate in light of the market volatility of the funds.

(c) The Executive Director of the SBA is directed to establish a policy on excessive trading in Section V of the Investment Policy Statement, adopted and incorporated by reference in Rule 19-9.001, F.A.C. This rule establishes that rule policy.

(2) Definitions.

(a) A "participant" is a person who has an account established in the FRS Investment Plan as a result of current or previous employment with an FRS-covered employer, or being designated as an alternate payee due to a qualified domestic relations order ("QDRO") or being a designated beneficiary when a participant is deceased.

(b) A "Roundtrip Trade" occurs when a participant conducts a series of at least two non-exempt transactions that include one or more transfers into an authorized investment fund AND one or more transfers out of the same authorized investment fund in either order (i.e. in/out or out/in), regardless of any multiple transfers from or to other different authorized investment funds during the roundtrip.

(c) An "exempt transaction" is any transaction that is initiated for purposes of: depositing employer payroll contributions; processing a distribution; processing a QDRO; or mapping funds from terminated products. Exempt transactions are not included in any calculations for the purposes of this rule policy.

(d) "Excessive trading" involves multiple occurrences of Market Timing Trades by a participant over time.

(e) A "Market Timing Trade" is a participant-directed series of trades with the following two characteristics:

1. At least one Roundtrip Trade within a 30-day period and
2. The trade amount for all the one Roundtrip Trades is an aggregate amount of \$75,000 or more.

(f) "Aggregate amount of \$75,000 or more" means the total of the amounts transferred out of a into a fund and into the same out of a fund, in either order (i.e., in/out or out/in) constituting a Roundtrip Trade, during any rolling 30-calendar day period, regardless of the number of Round Trips.

~~(g) "Receipt of the warning letter or the direction letter" as described in subsection (3)(b)2., below, shall mean the date on which the participant signs the return receipt; or the date noted by the U.S. Postal Service as the date on which the participant refused delivery of the letter; or the date of the last attempt to deliver the letter by the U.S. Postal Service, whichever is earlier.~~

(3) Limitations.

(a) Regarding authorized foreign or global stock funds: After making a non-exempt transaction by transferring any portion of their account balance into an authorized foreign or global or stock fund, participants are prohibited from

completing a Roundtrip Trade in that fund for a minimum of 7 calendar days, using the convention of last-dollar-in and first-dollar-out for the roundtrip calculation.

(b) Regarding all authorized funds, except for money market funds:

1. Participants who engage in Market Timing Trades in authorized funds will receive a warning letter sent by U.S. mail, certified/return receipt requested. The warning letter shall notify the participant that excessive trades have been identified in his/her accounts and any additional violations will result in a direction letter.

2. Participants who engage in Market Timing Trades in authorized funds and who have previously received a warning letter described in subparagraph 1., above, engaging in Market Timing Trades within 30 days of the warning letter will be sent a certified/return-receipt direction letter. The direction letter shall require that the participant shall not have access to automated online or telephonic trade instructions for at least one full calendar month following the date receipt of the direction letter.

a. A member who receives a warning letter and then has another Market Timing Trade more than three full calendar months from the date of the original warning letter will receive another warning letter.

b. Participants engaging in Market Timing Trades who receive more than two warning letters will be sent a certified, return-receipt direction letter, as described in this subparagraph 2.

3. Participants who engage in Market Timing Trades and who have previously received a direction letter, as described in 2., above, will be sent another certified/return-receipt direction letter. This direction letter shall require that the participant shall not have access to automated or telephonic trade instructions for at least three full calendar months following the date of the direction letter engaging in Market Timing Trades who receive more than two (2) warning letters will be sent a certified/return-receipt direction letter, as described in subparagraph 2., immediately above.

4. Participants who engage in Market Timing Trades and who have previously received a direction letter as described in 3., above, will be sent another certified/return-receipt direction letter. The direction letter shall require that the participant shall be required to conduct trades via paper trading forms for at least three full calendar months following the date of the direction letter.

5. Participants who engage in Market Timing Trades and who have previously received a direction letter as described in 4., above, will be sent another certified/return-receipt direction letter. The direction letter shall require that the participant shall be required to conduct trades via paper trading forms for at least twelve full calendar months following the date of the direction letter.

6. Participants who engage in Market Timing Trades and who have previously received a direction letter as described in 5., above, will be sent another certified/return-receipt direction letter. The direction letter shall require that the participant shall be required to conduct trades via paper trading forms for the remainder of any time that any balance exists in the participant's Investment Plan account following the date of the direction letter.

(c) If Participant A receives a direction letter as described in subparagraph (3)(b)2., above, on November 15, Participant A's access to automated online or telephonic trade instructions shall be denied until January 1. "One full calendar month," in this context, means the full calendar month following the month in which the direction letter is received. The direction letter, in this example, was received in November. The "one full calendar month" is December. Therefore, access will not be resumed until January.

(4) Examples.

(a) This subsection contains examples only. This subsection does not contain an exhaustive list of all possible transactions. Participants avoiding these examples will not necessarily avoid the impact of this rule since other transactions will meet the definitions of Market Timing Trades or Excessive Trading.

(b) If Participant A transfers \$50,000 out of Fund A and into Fund B on Monday and then transfers \$20,000 out of Fund B on Tuesday, the transaction is a Roundtrip Trade but is not a Market Timing Trade because the aggregate amount of \$75,000 specified in subparagraph (2)(e)2., above, has not been met.

(c) If Participant A transfers \$50,000 out of Fund A and into Fund B on Monday and then transfers \$55,000 out of Fund B on the following Monday, the transaction is a Roundtrip Trade and a Market Timing Trade because the aggregate amount of all trades in and out of Fund B has exceeded \$75,000 ($\$50,000 + \$55,000 = \$105,000$) ~~has been exceeded~~ within a 30 day period.

(d) If Participant A transfers \$5,000 out of Fund A and into Fund B on November 1 and then transfers \$25,000 out of Fund A and into Fund B on November 3 and then transfers \$10,000 out of Fund A and into Fund B on November 5 and then transfers \$40,000 out of Fund B and into Fund A on November 15, the entire series of transactions constitutes a Roundtrip Trade and is a Market Timing Trade because the aggregate amount of all trades into and out of Funds A and B each exceeded \$75,000 ~~has been exceeded~~ within a 30 day period.

(e) If Participant A transfers \$5,000 out of Fund A and puts \$2,500 into Fund B and \$2,500 into Fund C on December 1 and then transfers \$25,000 out of Fund A and puts \$20,000 into Fund B and \$5,000 into Fund C on December 5, and then transfers \$10,000 out of Fund A and puts \$10,000 into Fund C on December 6 and then transfers \$23,000 out of Fund B into

Fund A and \$20,000 out of Fund C into Fund A on December 16, the entire series of transactions constitutes a Roundtrip Trade and is a Market Timing Trade because the aggregate amount of all trades into and out of Fund A exceeded \$75,000 within a 30 day period ~~has been exceeded~~. It is irrelevant that money has come out of one fund and been transferred into two funds because the money has been returned to the original fund.

(f) Participant A transfers \$50,000 out of Fund A and into a foreign stock fund, which already contains \$100,000, on October 1, so that on October 1, the foreign stock fund contains \$150,000. Participant A must wait until October 28 to transfer any or all of the \$150,000 in funds out of the foreign stock fund.

(g) A Participant has \$250,000 in his FRS Investment Plan account and is the subject of a QDRO with the result that the Participant's spouse becomes entitled to half of the Participant's FRS Investment Plan account. A total of \$125,000 is transferred from the Participant's account to a newly-established account for the Participant's spouse and the funds are put into a foreign stock fund on December 1. On December 5, the Participant's spouse rolls over the entire \$125,000 into an IRA. This is neither a Roundtrip Trade nor a Market Timing Trade because the transfer is an exempt transaction, as described in paragraph (2)(c), above.

(h) A participant transfers \$32,000 into Fund A on August 5 and then transfers \$32,000 out of Fund A on August 11 and then transfers \$31,000 into Fund A on August 17 and finally transfers \$31,000 out of Fund A on August 18. The entire series of trades are Round Trip trades and the trades are also a Market Timing Trade because the aggregate amount of all trades exceeded \$75,000 within a 30 day period.

(5) For all participants, Roundtrip and Market Timing Trades are calculated using a rolling 30-calendar day time period. If a trade occurs on May 15 and the following 30-calendar day period, from May 15 through June 13, includes a sufficient number of trades to fit the definition of a Market Timing Trade, this ~~rule policy~~ shall apply.

Specific Authority 121.4501(8) FS. Law Implemented 121.4501(13), (14), (15) FS. History--New 10-21-04, Amended.

19-11.005 FRS Investment Plan Complaint Procedures.

(1) Purpose. Section 121.4501(9)(f)3., Florida Statutes, requires that the State Board of Administration “. . . develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the appropriate agency.” The following procedures outline the SBA's policy in handling complaints filed against Investment Plan providers, including the third party administrator, education providers, and investment providers.

(2) Definitions.

(a) “Complaint” shall mean a participant's written or verbal expression of dissatisfaction with an Investment Plan provider or one of its representatives. ~~“Complaint” shall mean a participant's written or verbal expression of dissatisfaction with an Investment Plan provider or one of its representatives.~~

(b) “Investment Plan” shall mean the Public Employee Optional Retirement Program as defined in Section 121.4501(2)(g), F.S.

(c) “Investment Plan providers” are:

1. Third Party Administrator, the FRS Investment Plan Administrator;
2. Companies providing Investment Plan education;
3. Investment managers providing investment services supporting mutual funds or institutional funds offered in the FRS Investment Plan;
4. Marketing companies providing marketing and educational support for their investment products or providing individual counseling; and
5. Any other company or state agency providing Investment Plan services (including the State Board of Administration of Florida).

(d) “Participant” means an employee who elects to participate in the FRS Investment Plan and enrolls in such program as provided in Section 121.4501(4), F.S. For purposes of this rule, “participant” also includes FRS employees who have not elected the FRS Investment Plan but who claim that they intended to join but were prevented for various reasons.

(e) “SBA” means the State Board of Administration of Florida, the plan sponsor for the FRS Investment Plan.

(3) Procedures.

(a) First Step: Intervention by the FRS Investment Plan Administrator.

1. Any Participant with a complaint regarding an Investment Plan provider shall communicate his complaint to the Third Party Administrator [i.e., the FRS Investment Plan Administrator]. ~~If an Investment Plan provider receives a complaint from a Participant directly, the Investment Plan provider shall notify the FRS Investment Plan Administrator within 2 business days. The FRS Investment Plan Administrator will communicate the complaint to the affected Investment Plan provider within 3 business days. The three parties will attempt to reach a satisfactory resolution of the problem within 5 business days.~~

2. ~~If a Participant has a complaint solely against the FRS Investment Plan Administrator, the participant shall communicate his complaint to the FRS Investment Plan Administrator. Both parties shall attempt to reach a satisfactory resolution of the problem within 5 business days.~~

3. If a solution cannot be reached timely within 5 business days, the FRS Investment Plan Administrator will provide the Participant with a written or verbal update on the status of his complaint and the anticipated timeline for resolution.

(b) Second Step: Intervention by the SBA.

1. If an acceptable resolution is not reached in the first step, the Participant may send a written Request for Intervention to the SBA for intervention and resolution. The written Request for Intervention may be sent:

a. By regular US mail service to:

Investment Plan Complaint Resolution
Office of Defined Contribution Programs
State Board of Administration
P. O. Box 13300
Tallahassee, FL 32317-3300

b. By e-mail: DefinedContributionPrograms@fsba.state.fl.us; or

c. By fax: (850)413-1489

2. The Participant shall use Form SBA-RFI06/04, which is hereby adopted and incorporated by reference. The form may be obtained by using the toll free number at (866)446-9377 and requesting that it be mailed to the participant or by accessing the MyFRS.com website, clicking on Resources, and then clicking on Forms. By using this form, the Participant grants permission to the SBA to obtain any personally identifiable information shared with or generated by any services provider to the FRS, including the MyFRS Financial Guidance Program copies of all telephone calls and other contacts the Participant has had with any of the FRS Investment Plan's service providers.

3. The Participant must provide all information. If all information is not provided, the form shall be returned to the Participant so that the missing information can be added.

4. Upon receipt of the complete Request for Intervention, an acknowledgment will be sent by regular US mail or emailed to the Participant.

5. The SBA will conduct an investigation and prepare and send to the Participant an agency action letter detailing the SBA's findings; any proposed resolution; and information on the next steps in the dispute resolution process.

(c) Third Step: Hearing Request

1. If the Participant is not satisfied with the proposed resolution as set out in the agency action letter, the Participant may file a Petition for Hearing, Form SBA-PFH06/04, which is hereby adopted and incorporated by reference, with the SBA. The Petition for Hearing is routinely attached to the agency action letter and may also be obtained by calling the toll free number at (866)446-9377 and requesting that it be sent to the Participant or by accessing the MyFRS.com website, and clicking on Resources and then clicking on Forms. The Petition for Hearing must be received within 21 days of the Participant's receipt of the agency action letter or it will be rejected as untimely and the Participant will have waived his right to a hearing.

2. The Participant shall use Form SBA-PFH06/04. By using this form, the Participant grants permission to the SBA to obtain any personally identifiable information shared with or

generated by any services provider to the FRS, including the MyFRS Financial Guidance Program copies of all telephone calls and other contacts the Participant has had with any of the FRS Investment Plan's service providers.

3. Upon receipt of the Petition for Hearing, the SBA has 15 days to respond to the petition, in accordance with Section 120.569(2)(a), Florida Statutes.

4. If the hearing request contains a disputed issue of material fact, the SBA shall, within the required 15 days, forward the hearing request to the Division of Administrative Hearings, requesting that an administrative law judge be assigned to conduct the hearing and so notify the Participant.

5. If there is no disputed issue of material fact, then the SBA shall send a Notice of Proceeding in conformance with Rule 28-106.302 and include a decision with regard to mediation under Section 120.573 and Part IV of Rule Chapter 28-106, F.A.C. The Participant has 14 days from the date of the Notice of Proceeding to submit written evidence or to ask to submit oral evidence. If the Participant asks to submit oral evidence, the SBA will schedule a hearing no sooner than 14 days from the date of the request. A Notice of Proceeding will include a reference to Rule 28-109.006, F.A.C., regarding communications media technology and the responsibility of the Participant to provide someone to swear him in if he decides to use a conference telephone.

6. The balance of the hearing process shall conform to the requirements of Chapter 120, Florida Statutes.

Specific Authority 121.4501(8)(a) FS. Law Implemented 120.569, 120.57, 120.573, 121.4501(9)(f)3. FS. History—New 10-21-04, Amended

19-11.006 Enrollment Procedures for New Hires.

(1) Purpose. This rule adopts procedures and forms for enrollment in the Florida Retirement System Investment Plan for employees who become employed in a regularly established position with a state employer commencing after April 1, 2002; or with a district school board employer commencing after July 1, 2002; or with a local employer commencing after October 1, 2002.

(2) Definitions.

(a) "ABO," which is the acronym for the "accumulated benefit obligation," means the present value of a member's benefit in the FRS Pension Plan, which is the defined benefit program of the Florida Retirement System, to which the member would be entitled if the member retired from the FRS Pension Plan. This present value shall be calculated in accordance with the formula set out in Section 121.4501(3)(c)2., Florida Statutes by the Division of Retirement within the Department of Management Services. The ABO changes on a monthly basis based on the following factors: age, service, salary level, and membership class.

(b) "Division" means the Division of Retirement within the Department of Management Services.

(c) "Effective date of enrollment in the FRS Investment Plan" means that the employee has completed enrollment by filing the enrollment form for his membership class or by filing a separate document for his membership class; that the TPA has entered the employee into its recordkeeping system; and that the TPA has informed the division and the employee's employer of the employee's effective date of enrollment in the FRS Investment Plan. For purposes of this rule, the term "enrollment form" or "form" shall also refer to the separate document described in paragraph 19-11.006(4)(b), below.

(d) "Effective enrollment in the FRS Investment Plan" means that the employee has completed enrollment; that the TPA has entered the employee into its recordkeeping system; and that the TPA has informed the division and the employee's employer of the employee's effective date of enrollment in the FRS Investment Plan.

(e) "Employee" means an eligible employee as defined in Section 121.4501(2)(d), Florida Statutes.

(f) "Employer" means an employer as defined in Section 121.4501(2)(e), Florida Statutes. For purposes of the FRS Investment Plan, there are three general categories of employers: state agencies; school districts; and local employers.

(g) "FRS Investment Plan" means the defined contribution retirement program of the Florida Retirement System, established in Parts II and III of Chapter 121, Florida Statutes. The FRS Investment Plan has two parts: the FRS Investment Plan and the FRS Investment Plan Hybrid Option.

(h) "FRS Pension Plan" means the defined benefit retirement program of the Florida Retirement System, established in Part I of Chapter 121, Florida Statutes.

(i) "Florida Retirement System Trust Fund" or "FRSTF" shall mean the trust fund holding the assets of the FRS Pension Plan, which is the defined benefit plan of the Florida Retirement System.

(j) "Grace Period" means that procedure described in subsection (6), below, which permits, under certain circumstances, the voiding of a retirement plan election.

(k) "Participant" means an employee who elects to join the FRS Investment Plan.

(l) "Public Employee Optional Retirement Program" or "PEORP" means the defined contribution retirement program of the Florida Retirement System established by Section 121.4501, Florida Statutes, more commonly known as the FRS Investment Plan.

(m) "SBA" means the State Board of Administration of Florida.

(n) "TPA" means the third-party administrator hired by the SBA, pursuant to Section 121.4501(8)(b)1., Florida Statutes, to provide administrative services to the FRS Investment Plan.

(o) "True-up Amount" means the difference between the ABO calculated by using the participant's actual creditable service and the actual final average compensation as of the participant's effective date in the FRS Investment Plan and the ABO initially transferred.

(3) General Enrollment Procedures.

(a) All newly-hired employees are initially enrolled in the FRS Pension Plan. If a newly-hired employee chooses, within the statutory election period, to enroll in the FRS Investment Plan, the effective date of enrollment in the FRS Investment Plan is the date of hire of the employee. However, the employer contributions received by an employee prior to effective enrollment in the FRS Investment Plan will be transferred into the employee's FRS Investment Plan account at the rate the employer was required to contribute for that employee. Only after effective enrollment in the FRS Investment Plan will the employee receive the employer contribution at the FRS Investment Plan rate appropriate to that employee's class of service, as specified in Section 121.4501(4)(a)2.b; (b)2.b., and (c)2.b., Florida Statutes.

(b) Enrollment forms are available in the enrollment package which is sent to an employee's address of record or may be accessed online at: www.MyFRS.com, click on Resources and then on Forms; or by calling (866)446-9377, which is a toll-free line.

(4) Specific Enrollment Procedures.

(a) All newly-hired employees may enroll in the FRS Investment Plan no later than the last business day of the 5th month following the employee's month of hire or may elect to remain in the FRS Pension Plan. Example: If an employee is hired on January 15, he must elect the FRS Investment Plan no later than the last business day of June.

(b) The SBA has designed the following forms for ease of use for employees in the several membership classes of the Florida Retirement System. As an alternative, an employee not wishing to use the forms may provide the information outlined in this Rule 19-11.006, F.A.C., for his membership class in a separate document. Employees may determine their membership class by inquiry of their human resources office at their agency. The forms available are: an EZ Retirement Plan Enrollment form which is only for regular, special risk, and special risk administrative support class employees; a General Retirement Plan Enrollment form for regular, special risk, and special risk administrative support class employees; an Elected Officers' Class Retirement Plan form; a Community College Optional Retirement Program Retirement Plan Choice form; a State University System ORP-Eligible Employee Retirement Plan form; a State Senior Management Service Employees Retirement Plan form; and a Local Senior Management Service Employees Retirement Plan form.

1. All enrollment forms can be obtained at the sources listed in paragraph (3)(b), above.

2. Only members of the regular, special risk, and special risk administrative support classes of employees may use the EZ form, "EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees," Form ELE-1-EZ, rev. ~~08-05~~ ~~02-04~~, which is hereby adopted and incorporated by reference. If an employee chooses to use the EZ form, only limited information is required and the FRS Select Moderate Balanced Fund is the initial investment option (although that investment option may be changed by the Participant once the account is funded) and no beneficiary identifying information is required. However, beneficiary designations must be made on forms for that purpose or funds will be distributed, at the Participant's death, in accordance with Florida law and Rule 19-11-002, Florida Administrative Code. Beneficiary designation forms may be obtained from the same sources listed in paragraph (3)(b), above.

(c) If one of the other forms is used, consistent with the employee's membership class, or if the employee chooses to submit a separate document, consistent with the employee's membership class, the employee shall provide the following information:

1. Employee's name and social security number;

2.a. For an employee who is not a member of any of the retirement plan options detailed in b. through f., below, a selection as to whether the employee decides to stay in the FRS Pension Plan, or transfer his ABO, if any, to the FRS Investment Plan, or transfer to the FRS Investment Plan and leave his ABO, if any, in the FRS Pension Plan; or

b. For a state employee who is eligible for membership in the State Senior Management Service Class, a selection as to whether the employee wishes to elect:

i. The FRS Pension Plan; or

ii. The FRS Investment Plan and have future employer contributions sent to the FRS Investment Plan account; or

iii. To retain any accrued benefit in the FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan, which requires that the employee must have at least 5 years of previous Pension Plan service to select this option iii; or

iv. To switch prospectively to the Senior Management Service Optional Annuity Program (SMSOAP) and retain any accrued benefit in the FRS Pension Plan, which requires that the choice form must be received no later than 4 PM Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.055(6)(c)2., Florida Statutes;

c. For a local employee who is eligible for the Senior Management Service Class, a selection as to whether the employee wishes to elect:

i. The FRS Pension Plan; or

ii. The FRS Investment Plan and have all future employer contributions sent to the FRS Investment Plan account; or

iii. To retain any FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan, which requires that the employee must have at least 5 years of previous Pension Plan service to select this option iii; or

iv. To withdraw from the Florida Retirement System, which requires contacting the employee's employer and submitting the appropriate form to that employer;

d. For an employee who is eligible for the State University System Optional Retirement Program (SUSORP), a selection as to whether the employee wishes to elect:

i. To join SUSORP and retain any accrued benefit in the FRS Pension Plan, which requires making such election no later than the 90th day after the date of hire by executing a contract with a SUSORP provider company and which also requires that faculty members employed at J. Hillis Miller Center at the University of Florida or the Medical Center at the University of South Florida shall elect this option, which requires the selection to be made no later than 4 p.m. Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.35(3), Florida Statutes; or

ii. To join the FRS Pension Plan which must be completed no later than the last business day of the 5th month after the month of hire; or

iii. To join the FRS Investment Plan and to transfer the present value, if any, of the FRS Pension Plan benefit to the FRS Investment Plan and to have future contributions sent to the FRS Investment Plan account; or

iv. To switch prospectively to the FRS Investment Plan and retain any accrued benefit in the FRS Pension Plan, which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iv;

e. For an employee who is eligible for the Community College Optional Retirement Program, a selection as to whether the employee wishes to elect:

i. To join the FRS Pension Plan; or

ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or

iii. To join the FRS Investment Plan and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii; or

iv. To withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP) which requires that the selection must be completed within 90 days of commencing CCORP qualifying employment, in accordance with Section 1012.875(3), Florida Statutes;

f. For an employee who is eligible for the Elected Officers' Class, a selection as to whether the employee wishes to elect:

i. To join the FRS Pension Plan; or

ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or

iii. To join the FRS Investment Plan and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii; or

iv. To join the Senior Management Service Class of the FRS Pension Plan and retain any accrued benefit in the FRS Investment Plan, which requires the eligible employee to make the choice no later than the last day of the 6th month after assuming his elected office, in accordance with Section 121.052(3)(a), Florida Statutes; or

v. To switch prospectively to the State Senior Management Service Optional Annuity Program and retain any accrued benefit in the FRS Pension Plan, which selection must be made no later than the last business day of the 6th month after assuming elected office and that the employee must be a state elected officer to select this option v; or

vi. To withdraw from the Florida Retirement System and participate in a local government Optional Annuity Program, which decision is irrevocable so long as the employee holds a position which is eligible for the Senior Management Service Class and which election must be made no later than the last business day of the 6th month after assuming elected office and that the employee must be a local elected officer to select this option vi; or

vii. To withdraw from the Florida Retirement System altogether, which means that the employee will not participate in the Florida Retirement System or any retirement plan offered by his employer; that the effective date of the election will be the date he assumed elected office; that the employee can rejoin the Elected Officers Class upon written request; that the employee's decision must be made no later than the last business day of the 6th month after assuming elected office; and that this option vii is not available to any member who has already retired from a State of Florida administered retirement plan.

3. Understand that benefits will be distributed in accordance with Section 121.091(8), Florida Statutes, in the absence of the participant's filing a beneficiary designation form, which is available from the sources listed in paragraph (3)(b), above;

4. Select any combination of investment funds from among any of the balanced funds and other investment funds shown, provided, however, that the percentage of the employee's contributions for all of the funds selected must equal 100 percent; Any participant who does not select investment options will be defaulted into the FRS Select Moderate Balanced Fund. Any participant so defaulted retains the option at any time to make other investment selections. Both the accumulated benefit obligation and all future

contributions will be invested in the FRS Select Moderate Balanced Fund unless and until the participant chooses other investment options.

5. [I understand section] sign and date a section indicating that, depending on which options were selected as described in Section 1 of the form and in subparagraph 2., above:

a. The employee understands that he can obtain a description of his rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan by calling a toll-free number or accessing an internet website;

b. The employee understands the elections he has made by choosing among the various options available to him as described in Section 1 of the form and in subparagraph 2., above;

c. The employee understands that if he has elected the FRS Investment Plan, the initial ABO is an estimate which will be reconciled within 60 days and that if the employee is a member of the FRS Investment Plan Hybrid Option, he cannot make this choice unless he has at least 5 years of previous Pension Plan service and that if he is currently a member of the FRS Pension Plan, the election may constitute his second choice as provided under Section 121.4501(4)(e), Florida Statutes;

d. The employee understands that he should review the fund profiles and the Investment Fund Summary before choosing investment funds and that information will be available electronically unless the employee requests hard copies and that if the employee does not choose specific funds, his assets will be invested in the FRS Select Moderate Balanced Fund;

e. The employee understands that investment management fees may change and that funds may be added or terminated and that if funds are terminated, the employee has the choice of moving his assets into other investment options or, if the employee does not make an affirmative decision, his assets will be moved to the FRS Select fund with the most similar risk characteristics or into a replacement fund designated by the Plan's Trustees;

f. The Florida Statutes incorporate federal law concepts of participant control so that if the employee exercises control over his assets in accordance with section 404(c) of the federal Employee Retirement Income Security Act of 1974, no program fiduciary shall be liable for any loss to his account which results from the employee's control;

g. The employee understands that he has a one time opportunity to switch plans and that to switch to the Pension Plan there will be a buy-in cost for doing so; [The Division of Retirement is responsible for calculating the buyback amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee's salary and service and rises when additional creditable service or salary is earned.] The employee understands that he can change his fund allocations at any time after the account is activated;

i. The employee understands that his account will be available by the end of the month following the date of his election;

j. The employee understands that by not selecting any investment options, he is authorizing that his assets be invested in the FRS Select Moderate Balanced Fund;

k. The employee understands that the FRS Investment Plan is not designed to facilitate short-term excessive trading; that foreign and international funds are subject to a 7-day holding period and that the excessive trading policy in Rule 19-11.004, F.A.C., applies to all participants;

l. The employee understands that he cannot file a second election using the initial enrollment form;

m. The employee understands that if he has chosen the Senior Management Service Optional Annuity Program, he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SMSOAP; that he is not eligible for disability benefits; that his SMSOAP election is irrevocable so long as he is employed in a SMSOAP position; that the State of Florida does not guarantee or insure SMSOAP benefits; and that any employee contributions to SMSOAP are tax-deferred;

n. The employee understands that if he has chosen to withdraw from the Florida Retirement System, that his participation in any other state-administered retirement plan is inactivated once the withdrawal is complete; that he is not eligible for disability benefits; that his withdrawal decision is irrevocable so long as he is employed in a position eligible for participation in the Senior Management Service Class;

o. The employee understands that if he has chosen the State University System Optional Retirement Program (SUSORP), he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SUSORP; that he cannot participate in SUSORP if he is a retiree or receiving an annuity payment from the SUSORP; that he is not eligible for disability benefits; that his SUSORP election is irrevocable so long as he is employed in a SUSORP position; that the State of Florida does not guarantee or insure SUSORP benefits; and that any employee can contribute up to the statutory amount of his gross salary as an employee contribution and that these contributions to SUSORP shall be tax-deferred;

p. The employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP), he must contract with the individual provider company(ies) for CCORP within 90 days of his employment; that failure to join CCORP will make him a compulsory member of the FRS Pension Plan; that by electing to withdraw from the Florida Retirement System, he must become a program participant in the CCORP's lifetime monthly annuity

program; that his participation in any other state-administered retirement plan is inactivated once enrolled in CCORP; that he is not eligible for disability benefits; and that he has one opportunity to join either the FRS Pension Plan or the FRS Investment Plan;

q. The elected employee understands that if he has chosen to join the SMSOAP, he must be an elected officer; and that he must contact the marketing company(ies) to receive information about the plan; that his participation in any other state-administered retirement plan is inactivated; that the State of Florida does not guarantee or insure any benefits paid under the program; and that any employee contributions he makes are not tax-deferred;

r. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in a local government annuity program, his effective date will be the first day of the month following the receipt of his written election to the FRS Plan Choice Administrator; and

s. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System altogether, he may rejoin upon written request and that this option is not available to members who have already retired from a State of Florida administered retirement plan.

6. For employees who have chosen to participate in the Senior Management Service Optional Annuity Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.

7. For employees who have chosen to participate in the State University System Optional Retirement Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.

(d)1. The enrollment form shall be complete and the election shall be final if all the required information is clearly indicated and if the enrollment form is received by the TPA by 4:00 p.m. Eastern Time. The form shall be transmitted via the U.S. mail or shall be submitted online in accordance with instructions accompanying the form.

2. The TPA shall determine that the employee's enrollment in the FRS Investment Plan is within the prescribed time period, the form in toto is complete, and the employee's election is clearly indicated. If the TPA determines that the form is incomplete, the form shall be returned to the employee and resubmitted when complete. An incomplete form is a form which is missing the name and address and phone numbers of

the participant, social security numbers, plan selection, signatures, or dates. If the form is incomplete only because the participant has made no investment selection, the form will be processed and the participant will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the participant at any time once the transfer has been made.

(e) Upon receipt of the completed enrollment form by the TPA, the TPA shall enroll the employee in the FRS Investment Plan. Upon completion of the enrollment, but no later than two working days after enrollment, the TPA shall send confirmation of the effective enrollment to the employee at the employee's home address, to the employee's employer, and to the division to inform the division that the employee is no longer in the FRS Pension Plan.

(f) Employers shall pay retirement contributions monthly for their FRS Investment Plan employees and those contributions are due to the division by the 5th working day of the month following the month for which the contributions are made. The employer shall change its employee records to reflect that the contribution rates effective on the effective date of enrollment are applicable to those of its employees who have elected to enroll in the FRS Investment Plan.

(5) Asset Transfer and True-Up Procedures for Newly-hired Employees with Previous FRS Service.

(a) For employees with previous FRS service who elect to enroll in the FRS Investment Plan with a transfer of his or her ABO, the division shall determine the amount of the employee's ABO. This amount shall be transferred to the employee's FRS Investment Plan account and shall be allocated to each investment product selected by the participant on his or her enrollment form.

(b)1. The division shall determine the employee's ABO as of the last day of the month prior to the employee's effective date of enrollment in the FRS Investment Plan.

2. Example: If the division receives the enrollment during the month of June, the effective date of enrollment for the employee in the FRS Investment Plan is July 1. The division shall determine the employee's ABO, if any, through June 30.

(c) By the 15th day of the month, the division shall notify the TPA of the ABO for each employee whose effective date of enrollment is the first day of the month and the TPA shall notify the SBA of the aggregate ABO of employees whose effective date of enrollment is the first day of the month.

(d) On the last business day of the effective month of enrollment in the FRS Investment Plan, the SBA shall transfer the aggregate ABO amount to the FRS Investment Plan custodian for distribution to the FRS Investment Plan participant accounts. Such distribution shall be directed by the TPA and shall be based on the percentage of the total investment allocated to each investment option designated by the participant on the enrollment form.

(e) The total amount initially credited to each FRS Investment Plan participant's account who chooses to move his or her ABO out of the FRS Pension Plan is an estimate of the participant's ABO as calculated by the division. Thereafter, pursuant to Section 121.4501(3)(c)3., Florida Statutes, the division shall recompute the ABO not later than 60 days after the initial transfer of funds and, if the recomputed amount differs from the transferred ABO amount by \$10 or more, the division shall cause an adjustment of the transfer of assets between FRS Investment Plan account(s) of the affected participant(s) through a true-up transfer in accordance with that statutory section.

(f) If the recomputed ABO is greater than the initial amount transferred by \$10 or more, the amount to be transferred to the participant's FRS Investment Plan account from the FRSTF will equal the excess of the recomputed ABO over the amount initially transferred plus interest. The amount transferred to each investment product shall be based on the percentage of the total investment allocated to each investment product by the participant on his or her enrollment form.

(g) If the recomputed ABO is less than the original amount transferred by \$10 or more, the TPA shall cause to be transferred from the participant's FRS Investment Plan account to the FRSTF an amount equal to the excess of the initial amount transferred over the recomputed ABO plus interest. The amount transferred from each investment product shall be based on the percentage of the total investment allocated to each investment product by the participant on his or her enrollment form.

(h) The division shall notify the SBA of the aggregate true-up amount plus interest within 45 days of the initial transfer. The division shall notify the TPA of the true-up amounts plus interest by participant account within 45 days of the initial transfer. The true-up transfer shall include the true-up amount determined by the division plus interest at the rates specified in Section 121.4501(3)(c)3., Florida Statutes, from the date of the initial transfer to the date of the true-up transfer. The transfer of the true-up amount plus interest shall occur on the 60th day following the initial transfer. In the event the 60th day following the initial transfer falls on a Saturday, Sunday, or a legal holiday, the true-up transfer shall occur on the last business day of the month preceding the Saturday, Sunday, or legal holiday.

(i) The division shall calculate the interest owed on true-up amounts. If the recomputed ABO is greater than the original amount transferred by \$10 or more, the participant will be owed a true-up amount plus interest. Interest will be calculated using the rate of 8% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer, as specified in paragraph (h), above. If the recomputed ABO is less than the original amount transferred by \$10 or more, the participant will owe a true-up amount plus interest. Interest will be calculated

on the amount owed based upon 6% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer.

(6) Grace Period.

(a) If an employee files an election with the TPA and the employee realizes that the election was made in error, the SBA will consider, on a case-by-case basis, whether the election will be voided, subject to the following requirements:

1. Member Elects the FRS Investment Plan. The employee must notify the SBA, by a telephone call to the toll free number: (866)446-9377, or by e-mail, or by written correspondence directly to the SBA, to the TPA, or to the Division of Retirement, before assets are transferred from the FRS Pension Plan to the member's FRS Investment Plan account. This transfer occurs no later than the last business day of the month following the election month.

2. Member Actively Elects the FRS Pension Plan. The employee must notify the SBA no later than the last business day of the month following the election month.

(b) If the request to void the election is made timely and the SBA agrees the election will be voided, the member will be required to sign a release and return it to the SBA prior to the election's being officially voided. The member will acknowledge that failure to make a new election within one calendar month will result in the original election's being reinstated, and that once the revised election is made it cannot be changed (unless the member uses his second election, if available).

(c) Upon receipt of the release, the Division of Retirement and the TPA will be directed to do the following:

1. The Division of Retirement will revise its database to reflect the member's plan change and extend the member's election period by one calendar month, except for the situation described in subparagraph 4., below.

2. The TPA will contact the member via telephone or email and tell him or her that the election has been voided.

3. The member will make a new election via telephone, or using the website at MyFRS.com or using a form prior to the newly-established deadline.

4. If the member had elected the FRS Investment Plan and decided to remain in the FRS Pension Plan, there is no need for another election, because the member is already in the FRS Pension Plan, his election to the FRS Investment Plan having been voided.

(d) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(9)(f)3., Florida Statutes.

(7) Costs associated with the liquidation or transfer of assets from the FRSTF to the FRS Investment Plan will be deducted from the FRSTF. The FRSTF will not be responsible for any transaction costs associated with the purchase of FRS

Investment Plan assets. Those costs will be deducted from FRS Investment Plan accounts or otherwise charged to FRS Investment Plan participants.

(8) The amount transferred to each investment product shall be based on the percentage of the total investment allocated to each fund by the participant on his or her enrollment form as described in paragraph (3)(b), above. However, pursuant to Section 121.4501(4)(d), Florida Statutes, amounts not specified will be invested in the default option designated in the Investment Policy Statement, as approved by the Trustees and adopted and incorporated by reference in Rule 19-9.001, F.A.C.

(9) In order to effectively and efficiently administer the investment programs of the SBA and in accordance with Section 215.44(8)(b), Florida Statutes, the records and other information relating to investments made by the SBA will be confidential and exempt from Chapter 119, Florida Statutes, until 30 days after completion of each investment transaction.

Specific Authority 121.4501(3)(c)4, (8)(a) FS. Law Implemented 121.051, 121.055, 121.35, 121.4501(2),(3),(4),(5),(6),(8),(15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS. History--New 10-21-04, Amended

19-11.007 Second Election Enrollment Procedures for the FRS Retirement Programs.

(1) Purpose. The purpose of this rule is to establish procedures for making the second election permitted by Section 121.4501(4)(e), Florida Statutes. This rule includes procedures for participants who initially chose the FRS Investment Plan or the FRS Investment Plan Hybrid Option to use their 2nd election to transfer to the FRS Pension Plan; for participants who chose or defaulted into the FRS Pension Plan to use their 2nd election to transfer to the FRS Investment Plan; and for participants who chose or defaulted into the FRS Pension Plan to use their 2nd election to transfer to the FRS Investment Plan Hybrid Option.

(2) Definitions.

(a) "FRS Investment Plan" means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, Florida Statutes, in which a participant chooses to transfer his accrued service benefit in the FRS Pension Plan, if any, to the FRS Investment Plan and further chooses that all future employer contributions be deposited in his FRS Investment Plan account.

(b) "FRS Investment Plan Hybrid Option" means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, Florida Statutes, in which a participant chooses to retain his accrued service benefit in the FRS Pension Plan, in accordance with Section 121.4501(3)(c)1., Florida Statutes, and further chooses that all future employer contributions be deposited in his FRS Investment Plan account.

(c) "FRS Pension Plan" means the defined benefit retirement plan within the Florida Retirement System, established in Part I of Chapter 121, Florida Statutes.

(d) "I," "you," or "your:" these references are to the participant in the context of relevant parts of the two enrollment forms described in this rule.

(e) "Accrued service benefit" or "accumulated benefit obligation" means the present value amount already earned by a participant in the FRS Pension Plan which, if the participant uses the 2nd election, will be transferred to his or her account in the FRS Investment Plan.

(3) General Procedures.

(a) All participants who wish to change their FRS retirement plan using their second election must use a 2nd election enrollment form. There are two types of forms. The "2nd Election Retirement Plan Enrollment Form" requires the participant to choose the investment options he wishes to use if he is choosing to move to either the FRS Investment Plan or the FRS Investment Plan Hybrid Option. Alternatively, by using the "2nd Election EZ Retirement Plan Enrollment Form," the participant is choosing to have his employer contributions and any transfers from the FRS Pension Plan invested in ~~authorizes that his investment fund option is the FRS Select Moderate Balanced Fund for his initial selection.~~ The participant may change his investment selection at any time after he is transferred to the FRS Investment Plan.

(b) Both forms are available by calling the toll-free number for the MyFRS Financial Guidance Line: (866)446-9377, or for the hearing-impaired: (888)429-2160; or by using the MyFRS.com website and clicking on Resources and then on Forms.

(c) The form must be mailed to the FRS Plan Choice Administrator, ~~City Street~~, FRS Investment Plan Administrator, P. O. Box 56290, Jacksonville, Florida 32241-6290.

(d) The form must be received by on the premises of the FRS Plan Choice Administrator before 4:00 p.m. Eastern time on the last day of the month in which the participant wishes to make the change from one retirement plan to the other. ~~The participant may elect to move between the Florida Retirement System retirement programs only if the participant is earning service credit in an employer-employee relationship consistent with the requirements under Section 121.021(17)(b), F.S., excluding leaves of absence. The form must be received and processed by the FRS Plan Choice Administrator before employment is terminated. The participant must work at least one day in the month that the election becomes effective for the transfer to be effective.~~ If the last day of the month is a Saturday, Sunday, or legal holiday, the deadline is the last business day of the month.

1. Example: if a participant submits the 2nd Election Retirement Plan Enrollment Form in the month of November, the effective date of the plan change will be December 1 ~~and the participant must work at least one day in the month of December for the plan change to be effective.~~

2. Example: if a participant intends to terminate his FRS-covered employment, he must ensure that the form is received by the FRS Plan Choice Administrator before he terminates his employment. Therefore, if a participant wishes to terminate on November 27, he must ensure that the form is received and processed by the FRS Plan Choice Administrator before that date if a participant wishes to have the 2nd Election effective in the month of December, the participant must have the 2nd Election form on the premises of the FRS Plan Choice Administrator before 4 PM Eastern Time on November 30.

3. Example: the last day of February, 2004, was Sunday, February 29. Therefore, the last business day was the preceding Friday, February 27. For a 2nd Election to have been effective as of March 1, 2004, the form must have been received by the FRS Plan Choice Administrator before 4:00 p.m. Eastern Time on Friday, February 27.

(4) Specific Procedures for the "2nd Election Retirement Plan Enrollment Form."

(a) All participants are required to fill out Section 1 of the form by providing the participant's name and Social Security number and checking only one of three boxes, indicating which choice the participant is making. These boxes contain the following information:

1. Change from the FRS Investment Plan or FRS Investment Plan Hybrid Option to the FRS Pension Plan (Please complete Section 4, as described in paragraph (d) below.) I understand I am using my existing FRS Investment Plan account balance to "buy" into the FRS Pension Plan. I understand that if my account balance is not sufficient to cover the cost of the "buy in", I must pay the balance due from my personal funds before being allowed into the FRS Pension Plan. The Division of Retirement is responsible for calculating the buyback amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee's salary and service and increases as additional creditable service and salary are earned. I understand that I may move my FRS Investment Plan account balance into more conservative, less risky investment options within the FRS Investment Plan in order to potentially reduce the volatility of my account balance prior to liquidation and movement to the FRS Pension Plan.

2. Change from the FRS Pension Plan to the FRS Investment Plan, (Please complete Sections 3 and 4 as described in paragraphs (c) and (d), below.) I understand I am transferring the present value, if any, of my FRS Pension Plan benefit to the FRS Investment Plan. I understand that I will have future employer contributions deposited in my Investment Plan account.

3. Change from the FRS Pension Plan to the FRS Investment Plan Hybrid Option, (Please complete Sections 3 and 4, as described in paragraphs (c) and (d) below) I am retaining any accrued benefit in the FRS Pension Plan with

future employer contributions deposited in my FRS Investment Plan account. I understand that I must have 5 years of Pension Plan service to select this option.

(b) The second section on the form discusses the beneficiary designation. The designation cannot be made on the enrollment form. This section contains the following information:

1. A beneficiary designation can be completed after you qualify for a retirement benefit (i.e., become “vested”). If you do not designate a beneficiary after you are vested, your benefit will be distributed in accordance with Section 121.091(8), or Section 121.4501(20), Florida Statutes, as applicable.

2. You may designate a beneficiary by completing a Beneficiary Designation Form (BEN-001 Pension Plan or IPBEN-1 Investment Plan). Both forms are available online at MyFRS.com or by calling the MyFRS Financial Guidance Line.

(c)1. The third section on the form discusses and describes the FRS Investment Plan Fund Selections. A participant who has checked the first box in the first section of the form, indicating a change to the FRS Pension Plan, must not complete this section. Participants who have checked either the second or the third boxes in the first section of the form must complete this section by choosing their investment fund options.

2. The investment fund selection must be indicated by:

a. Writing the percentage you wish to allocate to each investment option. Use whole percentages only.

b. Choosing your investment funds from the balanced funds, the other investment funds OR from a combination of the two.

c. Ensuring that the total of all your selections equals 100%.

d. Any participant who does not select any investment options will be defaulted into the FRS Select Moderate Balanced Fund. Any participant so defaulted retains the option at any time to make other investment selections. Both the accumulated benefit obligation and all future contributions will be invested in the FRS Select Moderate Balanced Fund unless and until the participant chooses other investment options.

(d) The fourth section on the form is an authorization section which will ensure that all participants understand the information described. All participants must read the information in the fourth section before signing the form. The information which follows is applicable as indicated depending on the choice the participant has made.

1. For all participants: I understand that I can find a description of my rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan in the respective Summary Plan Descriptions, Florida Statutes, and

Administrative Rules available through the MyFRS Financial Guidance Line at (866)44-MyFRS (1(866)446-9377; or TTY: (888)429-2160) or at MyFRS.com.

2. For participants choosing to transfer to the FRS Pension Plan:

a. I understand that I have elected to change retirement plans to the FRS Pension Plan.

b. I understand that this election will constitute my one-time second election as provided under the FRS and that I must remain in this retirement plan until my retirement.

c. I understand that there may be a cost to change to the FRS Pension Plan, which I can get by calling the MyFRS Financial Guidance Line and connecting to the Division of Retirement, and that such cost may require that I pay some amount greater than my current FRS Investment Plan account balance. Such payment, if necessary, must be received by the date determined by the Division of Retirement. If the required amount is not received by the Division of Retirement by the date due, the election will be voided. The participant will receive notification and proper instructions from the Division of Retirement detailing where and in what form to send any personal payments. The Division of Retirement is responsible for calculating that amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee’s salary and service and increases as additional creditable service and salary are earned. I understand that I have the ability to move my FRS Investment Plan account balance into conservative investment options within the FRS Investment Plan in order to potentially reduce the volatility of my account balance prior to liquidation and movement to the FRS Pension Plan.

e. I understand that my one-time second election is irrevocable.

3. For participants choosing to transfer to the FRS Investment Plan:

a. I understand that I have elected to change retirement plans to the FRS Investment Plan, and that any accrued benefit value I may have in the FRS Pension Plan will be transferred to the FRS Investment Plan.

b. I understand that this election will constitute my one-time second election as provided under the FRS and that I must remain in this retirement plan until my retirement.

c. I understand the initial transfer amount (the accrued benefit value or the accumulated benefit obligation) is an estimate and that within 60 days of that transfer, there will be a reconciliation pursuant to Florida law, which will use my actual FRS membership record. The amount could be more or less than the estimate I received.

d. I understand that I can get the amount of my accrued benefit value by calling the MyFRS Financial Guidance Line and connecting to the Division of Retirement.

e. I understand that if I am currently a member of the FRS Investment Plan Hybrid Option, I cannot make this election.

f. I understand my one-time second election is irrevocable and I understand that I must remain in this plan until my retirement.

4. For participants choosing to transfer to the FRS Investment Plan Hybrid Option:

I understand that I have elected to change retirement plans to the FRS Investment Plan and that my FRS Pension Plan benefit already accrued will remain with the FRS Pension Plan and that a FRS Investment Plan account will be established to receive all future employer contributions.

5. For participants choosing to transfer either to the FRS Investment Plan or to the FRS Investment Plan Hybrid Option:

a. I understand that I should review the Fund Profiles and the Investment Fund Summary at MyFRS.com before making any changes to my investment fund selections. I understand that information on investment funds will be provided in electronic format, unless I request hard copies. I understand that I can change my fund allocations at any time after my account is activated by accessing MyFRS.com or by calling the toll-free MyFRS Financial Guidance Line. I understand that my account will be available by the end of the month following the effective date of this election. If I do not choose specific investment funds, I authorize the FRS Plan Choice Administrator to invest ~~am authorizing that~~ my accumulated benefit obligation and future contributions ~~assets be invested~~ in the FRS Select Moderate Balanced Fund. I understand that the FRS Investment Plan is not designed to facilitate short-term excessive fund trading. Foreign and global investment funds are subject to a minimum holding period of 7-calendar days following any non-exempt transfers into such funds and I may be subject to trading controls on other funds in the event that I trade excessively or an equity wash is in effect for a stable value fund.

b. I understand that investment management fees will be deducted from my FRS Investment Plan account. I also understand that these fees may change in the future and that funds may be added or terminated. I understand that if any of the funds I select in the FRS Investment Plan are terminated in the future, I will be able to move my assets into other investment funds prior to termination. Otherwise, my assets in the terminated fund(s) will be automatically moved into a replacement fund designated at that time.

c. I understand that Sections 121.4501(8)(b)4. and 121.4501(15)(b) of Florida law incorporate the federal law concept of participant control, established by regulations of the U.S. Department of Labor under section 404(c) of the Employee Retirement Income Security Act of 1974. If I exercise control over the assets in my FRS Investment Plan account, pursuant to section 404(c) regulations and all

applicable laws governing the operation of the FRS Investment Plan, no program fiduciary shall be liable for any loss to my account which results from my exercise of control.

(e) The form must be signed and dated by the participant and must include a daytime telephone number. Inclusion of an e-mail address or the name of the participant's employing agency is optional on the participant's part.

(f) The form must be mailed to the address set out in paragraph (2)(c), above.

(g) The participant must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(h) For participants transferring to the FRS Pension Plan, the election may require a personal payment if the participant's account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division of Retirement. If the required amount is not received by the Division of Retirement by the date due, the election will be voided. The participant will receive notification and proper instructions from the Division of Retirement detailing where and in what form to send any personal payments.

(i) A confirmation statement will be mailed to the participant's address of record once the completed form is received and processed.

(j) The participant should carefully review the form and be sure that it is signed and dated. The participant should keep a copy for his records.

(k) If the participant submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name and address and phone numbers of the participant, social security numbers, plan selection, signatures, or dates. The incomplete form will be returned to the participant to add any missing information. If the form is incomplete only because the participant has made no investment selection, the form will be processed and the participant will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the participant at any time once the transfer has been made.

(5) Specific Procedures for the "2nd Election EZ Retirement Plan Enrollment Form."

(a) Form ELE-2EZ, "2nd Election EZ Retirement Plan Enrollment Form," v. 08-05 ~~03-04~~, is hereby adopted and incorporated by reference.

(b) All participants choosing to use this form are required to fill out Section 1 of the form by providing the participant's name and Social Security number and checking only one of three boxes, indicating which choice the participant is making.

(c) The form must be signed and dated by the participant and must include a daytime telephone number. Inclusion of an e-mail address or the name of the participant’s employing agency is optional on the participant’s part.

(d) The form must be mailed to the address set out in paragraph (3)(c), above.

(e) The participant must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(f) For participants transferring to the FRS Pension Plan, the election may require a personal payment if the participant’s account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division of Retirement. If the required amount is not received by the Division of Retirement by the date due, the election will be voided. The participant will receive notification and proper instructions from the Division of Retirement detailing where and in what form to send any personal payments. The Division of Retirement is responsible for calculating that amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee’s salary and service and increases as additional creditable service and salary are earned.

(g) A confirmation statement will be mailed to the participant’s address of record once the completed form is received and processed.

(h) The participant should carefully review the form and be sure that it is signed and dated. The participant should keep a copy for his records.

(i) If the participant submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name and address and phone numbers of the participant, social security numbers, the plan selection, signatures, or dates. The incomplete form will be returned to the participant to add any missing information.

(6) Grace Period.

(a) If a member files an election with the TPA and the employee realizes that the election was made in error, the SBA will consider, on a case-by-case basis, whether the election will be voided, subject to the following requirements:

1. Member Elects the FRS Investment Plan. The SBA must be notified, by a telephone call to the toll free number: (866)446-9377, or by e-mail, or by written correspondence directly to the SBA, to the TPA, or to the Division of Retirement, before assets are transferred from the FRS Pension Plan to the member’s FRS Investment Plan account. This transfer occurs no later than the last business day of the month following the election month.

2. Member Elects the FRS Pension Plan. The SBA must be notified no later than the last business day of the month following the election month.

(b) If the request to void the election is made timely and the SBA agrees the election will be voided, the Division of Retirement and the TPA will be directed to do the following:

1. The Division of Retirement will revise its database to reflect the member’s plan change and extend the member’s election period by one calendar month, except for the situation described in subparagraph 4., below.

2. The TPA will contact the member via telephone or email and tell him or her that the election has been voided.

3. The member will make a new election via telephone, or using the website at MyFRS.com or using a form prior to the newly-established deadline.

4. If the member had elected the FRS Investment Plan and decided to remain in the FRS Pension Plan, there is no need for another election, because the member is already in the FRS Pension Plan, his election to the FRS Investment Plan having been voided.

(c) Nothing contained in this subsection will interfere with a member’s right to file a complaint, as permitted by Section 121.4501(9)(f)3., Florida Statutes.

Specific Authority 121.4501(8)(a) FS. Law Implemented 121.4501(3), (4), (8)(b)4, (15)(b), (20) FS. History—New 10-21-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin SigRist, Senior Investment Officer-Defined Contribution Programs, State Board of Administration
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

STATE BOARD OF ADMINISTRATION

RULE TITLES: The Exclusive Benefit Rule of the

Code and Forfeitures 19-12.005
Acceptance of Rollovers 19-12.007

PURPOSE AND EFFECT: These rules are amended to make Rule 19-12.005, F.A.C., consistent with the Private Letter Ruling from the Internal Revenue Service received by the Board and to conform Rule 19-12.007, F.A.C., to legislation enacted during the 2005 legislative session.

SUMMARY: Proposed amended Rule 19-12.005, F.A.C., revises the rule to conform it with the Private Letter Ruling received by the Board on May 4, 2001. Proposed amended Rule 19-12.007, F.A.C., is amended to conform it to legislation enacted in the 2005 regarding acceptance of DROP rollovers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 121.4501(5)(c), (13)(a) FS.

LAW IMPLEMENTED: 121.4501(5)(c), (13), (21) FS.

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

TIME AND DATE: 2:00 – 4:00 p.m., Wednesday, January 4, 2006

PLACE: Hermitage Room, 1st Floor, 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; tel.: (850)413-1199

THE FULL TEXT OF THE PROPOSED RULES IS:

19-12.005 The Exclusive Benefit Rule of the Code and Forfeitures.

In accordance with Code s. 401, the assets of the Plan shall only be used for the exclusive benefit of Participants or their beneficiaries, or to pay administrative expenses of the Plan. Consistent with the Private Letter Ruling 200130057, dated May 4, 2001, consequently, any forfeited nonvested accumulations in the suspense account of the Public Employee Optional Retirement Program Trust Fund shall be applied to pay administrative expenses of the Plan which are solely related to the Public Employee Optional Retirement Program and to reduce future Employer contributions to the Plan in the following order in a manner consistent with Code requirements: first, to pay administrative expenses of the Plan; then to the extent any forfeited amounts remain, to reduce future Employer contributions to the Plan; and, finally, to be reallocated to the Plan accounts of other Participants.

Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(13) FS. History—New 11-20-01, Amended _____.

19-12.007 Acceptance of Rollovers.

(1) Notwithstanding the definitions of Rule 19-12.001, F.A.C., for purposes of this section the following words and terms have the following meanings:

(a) “Rollover” means either a direct rollover from another eligible retirement plan or a deposit contribution of an eligible rollover distribution to the Investment Plan for the benefit of the participant distributee that satisfies the time period requirement and other requirements of Code s. 402(c).

(b) A “direct rollover” means an eligible rollover distribution that is made directly to the Investment Plan from by another eligible retirement plan for the benefit of the participant distributee.

(c) An “eligible rollover distribution” means any distribution of all or any portion of another eligible retirement account ~~the balance~~ to the credit of the participant from distributee in an eligible retirement plan. Except for that portion of a distribution not includible in gross income which is transferred directly to the Plan in accordance with Code s. 402(c)(2), an eligible rollover distribution does not include any of the distributions described in the second sentence of the definition of “eligible rollover distribution” in Rule 19-12.001, F.A.C.

(d) An “eligible retirement plan” means any of the types of plans included in the definition of “eligible retirement plan” in Rule 19-12.001, F.A.C., that provides ~~makes~~ the participant’s distributee’s eligible rollover distribution to the Investment Plan.

(2) It is intended that the Plan accept rollovers in accordance with the requirements of this rule section. Except as otherwise provided below, before accepting a rollover to the Plan, the Investment Plan A administrator evaluating the rollover shall first obtain sufficient evidence to support a reasonable conclusion that the rollover is valid under the Code and shall determine that such rollover meets the requirements of this rule section.

(3) The Plan A administrator shall accept that portion of a rollover distribution in a direct trustee-to-trustee transfer which has been identified by the eligible retirement plan making the distribution as not includible in gross income if such portion is otherwise eligible for rollover. Such amount shall be accounted for separately, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible. The Plan Administrator may accept rollovers from participants in the Deferred Retirement Option Program (DROP), after the conclusion of such DROP participation. Members of the Teacher’s Retirement System and the State & County Officers & Employees Retirement System are eligible to roll over their DROP proceeds after their conclusion in the DROP.

(4) Payment to the Plan must be in cash in the form of a check. In a direct rollover the check should be made payable to the “FRS Investment Plan-FBO (the participant’s name).”

(5) Instructions regarding check delivery and other information relating to the processing of rollovers may be obtained by calling the MyFRS Financial Guidance Line ~~program’s employee phone line~~ which is a toll free line: (866)446-9377 or accessing the website at www.MyFRS.com. Participants shall use Form IPRO-1, rev. 09-05 ~~06/04~~, “Employee Rollover Deposit Instructions and Form,” which is hereby adopted and incorporated by reference, to effect rollovers described in this rule. Former DROP members shall use form IP-DROP-RO-1, “DROP Direct Rollover Form for Former DROP Members,” rev. 07-05, and current DROP members planning to roll over their DROP accumulation shall use Form IP-DROP-AD-1, “DROP Accumulation Direct

Rollover Form for Current DROP Members,” rev. 07-05, both of which are adopted and incorporated by reference, to effect rollovers described in this rule.

(6) Rollovers to the Plan shall be accounted for separately on the recordkeeping system of the Investment Plan Administrator.

Specific Authority 121.4501(5)(c) FS. Law Implemented 121.4501(5)(c), (21) FS. History—New 12-8-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kevin SigRist, Senior Investment Officer-Defined Contribution Programs, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: ADA Provisions for Inmates
RULE NO.: 33-210.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: delete unnecessary language and references to an obsolete form; clarify a definition; and clarify staff responsibilities.

SUMMARY: The proposed rule revises the definition of ‘major life activity’ to include standing, sitting or lifting, and eliminates an obsolete form and unnecessary language related to the request intake process and financial responsibility for damage to appliances. The proposed rule also clarifies staff responsibilities to provide for consultation with the program area director regarding accommodation requests.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.201 ADA Provisions for Inmates.

(1) No change.

(2) Definitions

(a) through (f) No change.

(g) Major life activities – activities that an average person can perform with little or no difficulty, such as walking, speaking, performing manual tasks, hearing, learning, and seeing, standing, sitting or lifting.

(h) through (n) No change.

~~(o) Youthful offender – refers to the category of individual set forth in Rule 33-506.101, F.A.C.~~

(3) Accommodation Request Procedure.

(a) through (f) No change.

~~(g) The intake officer will complete an “Inmate Request for Accommodation Log,” Form DC2-529 for each Form DC2-530 received. Form DC2-529 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500. The effective date of this form is August 20, 2001. Form DC2-259 shall include:~~

- ~~1. The name of the requesting inmate;~~
- ~~2. The inmate’s Florida Department of Corrections identification number;~~
- ~~3. The date the request was received;~~
- ~~4. The disposition of the request, (approved, modified, or denied);~~
- ~~5. The name of the individual making the decision;~~
- ~~6. Whether an appeal was filed;~~
- ~~7. The resolution of the appeal, if any; and,~~
- ~~8. The date of the final decision.~~

~~(h) The intake officer will forward each Form DC2-529 to the ADA coordinator by the fifth day of each month.~~

~~(h)(+) Copies of the requests, logs, and all other documentation shall be placed in the inmate’s medical file record and in the department’s confidential ADA file located in the central office.~~

(4) Justification for Denial of Requests for Accommodation. A request for accommodation shall be denied for any of the following reasons:

(a) No change.

(b) The department need not take an action to provide accessibility to a service, program or activity if the action would impose or require:

1. An undue financial burden on the agency where, in a cost benefit analysis, its costs would be an unjustifiable use of public funds. ~~The ADA coordinator shall consult with the Office of the General Counsel to make a determination if an accommodation would result in an undue financial burden.~~
2. An administrative burden on the agency; or,

3. A fundamental alteration of the nature of the service, program, or activity. The ADA coordinator shall consult with the central office director for the program area in which the accommodation is requested ~~Office of the General Counsel~~ to make a determination if an accommodation would constitute a fundamental alteration.

(c) Direct Threat. The ADA coordinator, ~~in consultation with the Office of the General Counsel~~ and the central office director for the program area in which the accommodation is requested, shall make a final determination on whether a requested accommodation poses a direct threat.

(d) No change.

(5) No change.

(6) Effective Communication. Reasonable accommodation shall be afforded to inmates with disabilities to ensure equally effective communication with staff, other inmates, and the public.

(a) No change.

(b) Auxiliary aids include bilingual aids or qualified interpreters, readers, sound amplification devices, captioned television or text displays, telecommunication devices for the deaf (TDD), audiotaped texts, Braille materials, large-print signs and materials, or the assignment of an inmate assistant ~~aid~~ for work, training, and school.

(c) No change.

(7) Health Care Appliances.

(a) through (b) No change.

(c) Maintenance of Health Care Appliances.

~~1.~~ When an appliance, ~~other than a wheelchair~~, is in need of repair or replacement, the inmate shall notify health care staff of his or her needs by a medical call-out or a request to see a doctor.

1.a. Health care staff shall schedule the inmate for an appointment and evaluate the condition of the appliance.

2.b. Once the need for repair or replacement is verified, the inmate shall be issued an appropriate appliance or accommodation.

~~2. A non-indigent inmate shall be financially responsible for damage, repair and replacement of appliances, or parts and batteries and shall be charged for the cost thereof in accordance with subsection 33-601.308(4), F.A.C.~~

(8) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 958.04 FS. History—New 8-20-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martie Taylor, ADA Coordinator

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, 28 2005

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

RULE NO.: 40C-8.031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to amend established minimum water levels for the following lakes in the following counties: Lake Gore in Flagler County; Lake Charles in Marion County; and Lakes Ashby, Daugharty, and Dias in Volusia County.

SUMMARY: The proposed rule would amend established minimum water levels for the above listed lakes pursuant to the mandate of Section 373.042, Florida Statutes. Each of these levels have an associated hydroperiod category. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting which begins at 1:00 p.m., January 10, 2006

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(1) No change.

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(a) through (c) No change.							
(d) ASHBY	Volusia	Seasonally Flooded Typically Saturated Semipermanently Flooded		<u>12.3</u> 13.8		12.1 11.1	
(e) through (o) No change.							
(p) CHARLES	Marion	Seasonally Flooded Typically Saturated Semipermanently Flooded		<u>40.2</u> 40.6	39.3	37.9	
(q) through (y) No change.							
(z) DAUGHARTY	Volusia	Seasonally <u>Temporarily</u> Flooded Typically Saturated Semipermanently Flooded		44.8	42.6	41.2	
(aa) through (bb) No change.							
(cc) DIAS	Volusia	Seasonally Flooded Typically Saturated Semipermanently Flooded		<u>34.6</u> 34.5	<u>33.5</u> 34.1	<u>32.2</u> 32.8	
(dd) through (oo) No change.							
(pp) GORE	Flagler	Seasonally Flooded Typically Saturated Semipermanently Flooded		<u>21.1</u> 21.6	<u>20.6</u> 20.8	<u>19.2</u> 19.8	

(qq) through (ccccc) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 272.0421 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 1-12-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sonny Hall, Technical Program Manager, Department of Resource Management, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4368, suncom 960-4368

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2005

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

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Water Shortage Plan	40D-21
RULE TITLES:	RULE NOS.:
PART I GENERAL	
Policy and Purposes	40D-21.011
Elements of the Plan	40D-21.031
Definitions	40D-21.051
PART II Declaring and Implementing a	
Water Shortage	
Monitoring Conditions	40D-21.211
Evaluating Water Conditions	40D-21.221
Declaring a Water Shortage	40D-21.231
Water Shortage Phases	40D-21.251
Implementing a Water Shortage Declaration	40D-21.275

Modifying or Rescinding a Water Shortage Declaration 40D-21.281

PART III Emergency Provisions

Declaring a Water Shortage Emergency Response Mechanisms During a Water Shortage Emergency 40D-21.331

Implementing a Water Shortage Emergency Declaration 40D-21.371

PART IV Enforcement and Water Shortage Mitigation 40D-21.391

Monitoring Enforcement 40D-21.401

Public Supply Water Shortage Mitigation Plans 40D-21.441

PART V The Classification System

General Use Classifications 40D-21.511

Method of Withdrawal Classifications 40D-21.541

PART VI Specific Response Mechanisms

General 40D-21.601

Phase I: Moderate Water Shortage 40D-21.621

Phase II: Severe Water Shortage 40D-21.631

Phase III: Extreme Water Shortage 40D-21.641

Phase IV: Critical Water Shortage 40D-21.651

PURPOSE AND EFFECT: Chapter 373, Florida Statutes, requires the District to have a Water Shortage Plan. According to this requirement, the District adopted Chapter 40D-21, Water Shortage Plan, F.A.C., in 1984. Since that time, the District has extensively used this Plan. The District is now proposing amendments to the Plan to update it to reflect the experience and knowledge gained through the droughts and other water shortage events that have occurred since 1984. The proposed amendments will also conform the Plan to new direction regarding water shortage phase provisions adopted in Chapter 62-40, F.A.C., by the Florida Department of Environmental Regulation.

SUMMARY: The proposed amendments to Chapter 40D-21, F.A.C., substantially rewrite the District’s Water Shortage Plan required by Section 373.246, F.S., and incorporate water shortage measures authorized by Section 373.175, F.S. All persons and operations supplied water either through a private well or through a utility system are covered by the Water Shortage Plan.

The District’s water shortage plan was first adopted in 1984. Since that time the District has gained extensive experience in managing water shortages, primarily due to drought. The proposed amendments reflect the experience and knowledge gained through the droughts and other water shortage events that have occurred since 1984.

The proposed amendments include the following:

Part I, containing updated definitions and new definitions.

Part II, describing the District’s overall program of monitoring conditions in anticipation of and during a Water Shortage. Part II also identifies and quantifies the factors that the District will consider in declaring or rescinding a Water Shortage. These indicators include regional rainfall, average stream flow, the Aquifer Resource Indicator, the CPC Predictions, the Palmer Drought index, the 6-month Standard Precipitation Index, and the Weekly U.S. Drought Monitor. The rules include a method for expressing the severity of a Water Shortage in terms of four Water Shortage phases and procedures for implementation a Water Shortage declaration. The four phases are Phase I, Moderate Water Shortage; Phase II Severe Water Shortage; Phase III Extreme Water Shortage and Phase IV Critical Water Shortage. Other factors have been modified to assure compliance with new requirements of the Florida Department of Environmental Protection set out in Chapter 62-40, Water Resource Implementation Rule, F.A.C.

Part III, establishing the procedures for declaring and implementing a Water Shortage Emergency when the provisions of Part II are not sufficient to protect the water resource and its users.

Part IV, describing how the District, in conjunction with local governmental entities and law enforcement official will enforce the provisions of a declared Water Shortage or Water Shortage Emergency. The proposed rules include clarification of local enforcement and planning responsibilities regarding violations of the Water Shortage Plan and preparation for water shortage events. A new incentive referred to as a “water shortage mitigation plan” is now included in the Plan. Under the Plan, local water suppliers are given the option of submitting to the District for approval a water shortage mitigation plan that is customize for its system and may be implemented in lieu of selected provisions of the Water Shortage Plan.

Part V, classifying each user according to the source of water supply, type of water use and method of withdrawal. These classifications are utilized in conjunction with Parts I, II, III and VI. The use classifications include Indoor Uses, Essential Uses, Commercial and Industrial Uses, Agricultural Uses, Landscape Uses, Cemeteries, Golf Courses, Driving Ranges and Other Athletic Play Areas.

Part VI, presenting water use restrictions and other response mechanisms for each Water Shortage Phase and Water Use Class. Various combinations of these response mechanisms may be used by the District to achieve the desired effect during any phase of a Water Shortage or a Water Shortage Emergency. Voluntary water use reduction goals of 5, 10 and 20% for Phases II, III and IV, respectively, are included to aid public notice efforts and to engage the public in necessary demand reduction.

There is extensive rewording of the Phases I and II measures and response mechanisms that the Governing Board may order to be taken to manage the water shortage, especially Lawn and

Landscape irrigation provisions. The proposed rules add Phase IV to address a Critical Water Shortage to conform the Plan to Chapter 62-40, F.A.C.

The type of notice, method of delivery and the recipients of a notice of Water Shortage has been updated. In addition, notice must be mailed to fire and rescue agencies in addition to providing notice to the public, water use permittees and local governments to alert those agencies of water resource conditions so that they may better coordinated water use activities with the District.

The response mechanisms have science-based enhancements, such as seasonal shifts in lawn watering days, use of property size to determine watering hours, and a revised establishment period for new plants.

The Water Use Permit "conservation credits" approach within the Southern Water Use Caution Area is an alternative to traditional restrictions for non-mulched crops and is included in Phase II, III and IV response mechanisms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.129, 373.136, 373.175, 373.246, 373.603, 373.609 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen Lloyd, Senior Attorney, 2379 Broad Street, Brooksville, FL 34604-6899

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-21.011 Policy and Purposes.

(1) The ~~provisions of procedures in~~ this Chapter comprise the Southwest Florida Water Management District's (District) ~~W~~ater ~~S~~hortage ~~P~~lan required under subsection 373.246(1), F.S. ~~and include restrictions pursuant to section 373.175, F.S.~~ The purposes of the plan are to protect ~~the~~ waters ~~resources~~ of the District from ~~serious~~ harm; to ~~establish procedures and responses that prevent undue hardship and ensure~~ ~~assure~~ equitable distribution of available water resources ~~among all water users~~ during times of shortage ~~and, (consistent with the goals of minimizing adverse economic, social and health related impacts;)~~ to provide advance knowledge of the means by which water apportionments and

reductions will be made during times of shortage ~~as a means of promoting; and to promote~~ greater security for ~~W~~ater ~~U~~se ~~P~~ermittees.

(2) These ~~provisions~~ ~~procedures~~ apply to all water users, including those not subject to permitting pursuant to Chapter 40D-2, F.A.C. ~~Thus, for each source, method of withdrawal, and type of use, it is the policy of the District to restrict water users uniformly, regardless of whether the water is from a public or private utility system, a private well, or any other source.~~

(3) This Chapter is designed to be an integral part of ~~the~~ District's a continuing effort to ~~promote~~ effect "~~... the maximum beneficial utilization, development and conservation of the waters resources of the District in the best interest of its people and to prevent depletion, deterioration, waste, and unreasonable use of the resources~~" (Rule 40D-0.011).

~~(4) This chapter and any implementation of it during a water shortage or water shortage emergency, shall not divest the Governing Board and Executive Director of the authority to declare a water shortage or water shortage emergency pursuant to Sections 373.175 and 373.246, F.S.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended _____.

(Substantial rewording of Rule 40D-21.031 follows. See Florida Administrative Code for present text.)

40D-21.031 Elements of the Plan.

The Water Shortage Plan consists of the following elements:

(1) Part I. General. – Part I provides the policy and purposes of the District in establishing the Water Shortage Plan. The various elements of the plan are described, and key terms utilized within the Plan are defined.

(2) Part II. Declaring and Implementing a Water Shortage. Part II describes the District's overall program of monitoring conditions in anticipation of and during a Water Shortage event. In addition, Part II describes the factors that the District will consider in declaring a Water Shortage. A method for expressing the severity of a Water Shortage in terms of four Water Shortage phases and procedures for implementing a Water Shortage declaration are also provided.

(3) Part III. Emergency Provisions. Part III establishes the procedures for declaring and implementing a Water Shortage emergency when the provisions of Part II are not sufficient to protect the water resource and its users.

(4) Part IV. Enforcement and Public Supply Water Shortage Mitigation Plans. Part IV describes how the District, in conjunction with local governmental entities and law enforcement officials, will enforce the provisions of a declared Water Shortage or Water Shortage emergency. The District's policy of providing regulatory flexibility and technical assistance to public suppliers wishing to manage and mitigate

local Water Shortage effects within their jurisdictions, including those local governments located in multiple water management districts, is also described.

(5) Part V. The Classification System. Part V classifies each user according to the source of water supply, type of water use and method of withdrawal. These classifications are utilized in conjunction with Parts I, II, III and VI.

(6) Part VI. Specific Response Mechanisms. Part VI presents water use restrictions and other response mechanisms for each Water Shortage phase and Water Use Class. Various combinations of these response mechanisms may be employed by the District to achieve the desired effect during any phase of a Water Shortage or a Water Shortage Emergency.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175; 373.246 FS. History—New 11-19-84, Amended _____.

(Substantial rewording of Rule 40D-21.051 follows. See Florida Administrative Code for present text.)

40D-21.051 Definitions.

(1) Except as otherwise noted below, all terms used herein shall have the same meaning as defined in Rule 40D-22.101, F.A.C.

(2) “Agricultural Uses” are water uses associated with Agriculture as defined in Rule 40D-22.101, F.A.C.

(3) “Commercial and Industrial Uses” are water uses integral to the production of goods and services, including power generation and cogeneration; phosphate mining and beneficiation; chemical manufacturing; limestone, sand and gravel mining; cement, concrete and other aggregate products manufacturing; perishable foods processing and packing; restaurants, hotels and other hospitality businesses; retail and wholesale establishments; and educational institutions.

(4) “Critical Water Shortage” is the alternative name for a Phase IV Water Shortage.

(5) “Drought Indicator” is a quantified assessment of the condition of a water supply or resource.

(6) “Drought Condition Level” is the degree of drought, the degrees ranging from the moderate Level 1 to critical Level 4, based on the status of Drought Indicators.

(7) “Essential Uses” are water uses associated with maintaining public health, safety, or welfare, including the operation of public water supply systems, public waste water systems, sanitation facilities, military facilities, power generation facilities, hospitals and other medical facilities, medical equipment and fire suppression equipment.

(8) “Extreme Water Shortage” is the alternative name for a Phase III Water Shortage.

(9) “Indoor Uses” are water uses associated with domestic and similar non-domestic needs. Domestic needs include drinking, bathing, cooking, cleaning and necessary sanitary purposes in a household environment. Similar non-domestic

needs include drinking, bathing and necessary sanitary activities outside of the household environment, such as in customer or employee restrooms.

(10) “Landscape Uses” are water uses related to the establishment and maintenance of Turfgrass, trees and other plant material. This specifically includes all Lawns and Landscape at homes and other residences, commercial or industrial buildings, parks, recreational areas, public rights-of-way, medians and other public and private properties. Within this classification, the District maintains the subclassifications of Cemeteries, Golf Courses, Driving Ranges and Other Athletic Play Areas as defined in Rule 40D-22.101, F.A.C., to address the unique Turfgrass needs associated with these uses.

(11) “Mobile Equipment” means any public, private or commercial automobile, truck, trailer, railroad car, camper, boat, tractor, or any other type of similar equipment.

(12) “Moderate Water Shortage” is the alternative name for a Phase I Water Shortage.

(13) “Other Uses” are all other water uses not specifically included in other Use Classes, including augmentation of natural or man-made surface water bodies for aesthetic, recreational or habitat value; ornamental ponds, water fountains and other aesthetic water features; environmental restoration or enhancement; cooling and air conditioning; swimming pools and other water-based non-commercial recreation; cleaning or Pressure Washing of structures, driveways, sidewalks and other impervious surfaces; and wetting roads and other surfaces for dust control or fire suppression when required by federal, state or local standards.

(14) “Permittee” is the holder of a Water Use Permit issued pursuant to Chapter 40D-2, F.A.C.

(15) “Phase I Water Shortage” is also referred to as “Moderate Water Shortage” and is described in Rule 40D-21.621, F.A.C.

(16) “Phase II Water Shortage” is also referred to as “Severe Water Shortage” and is described in Rule 40D-21.631, F.A.C.

(17) “Phase III Water Shortage” is also referred to as “Extreme Water Shortage” and is described in Rule 40D-21.641, F.A.C.

(18) “Phase IV Water Shortage” is also referred to as “Critical Water Shortage” and is described in Rule 40D-21.651, F.A.C.

(19) “Plan” means the plan set forth in this Chapter, including restrictions and other response mechanisms as authorized by Sections 373.246 and 373.175, F.S.

(20) “Pressure Washing” means the use of pressurized water for cleaning purposes, by means of equipment accepted by industry standards. Industry standards specifically include a self-canceling or automatic nozzle, water pressure at a minimum of 1,000 p.s.i. (pounds per square inch) and water volume at a maximum of five (5) gallons per minute.

(21) “Severe Water Shortage” is the alternative name for a Phase II Water Shortage.

(22) “Source Class” means the specified water resource from which a user is obtaining water either directly or indirectly. Source Classes within the District are identified in Rule 40D-21.531, F.A.C.

(23) “Supplemental Irrigation” means irrigation that is intended to meet the net water requirement for established plant material. This is the difference between the plant material’s current water requirement and recent effective rainfall.

(24) “Use Class” means the category describing the purpose for which the user is utilizing water. Use Classes within the District are identified in Rule 40D-21.541, F.A.C.

(25) “Water Shortage” means a drought or other situation within all or part of the District, for which the Governing Board has determined that there is insufficient water to meet the present and anticipated needs of users, or conditions are such that there is a need to require temporary reduction in water use within a particular area to protect one or more Source Class or the water resource from serious harm.

(26) “Water Shortage Emergency” means a Water Shortage for which a determination has been made that the powers exercised under Part II of this Plan are not sufficient to protect the public health, safety, or welfare; the health of livestock and other animals, fish or aquatic life; or other Essential Uses.

(27) “Water Utility Uses” are water uses associated with maintaining and operating a public water supply system, whether the system is managed by a regional water supply authority, local government agency, or private entity. These uses include utility activities such as flushing lines and maintenance of treatment processes but do not include water distributed by the system for customer use.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New 11-19-84, Amended 7-2-86,_____.

40D-21.211 Monitoring Conditions.

(1) Purpose – This part of the Chapter generally describes the data collection and analyses that the District continuously undertakes in anticipation of and during a declared Water Shortage or Water Shortage Emergency.

(2) Data Sources – Data may be obtained from any relevant source available, including, but not limited to:

(a) District databases and work products, including information on permitted quantities, relevant pumpage and meter records, inquiries to permit holders, field assessments and hydrologic/meteorologic/biologic information;

(b) The National Drought Mitigation Center, National Oceanic and Atmospheric Administration, U. S. Geological Survey, Florida Department of Environmental Protection,

Florida Department of Agriculture and Consumer Services, local governments and other local, state, or federal agencies; and

(3) Resource Monitoring – The District collects and analyzes data concerning the water resource. These data include, but are not limited to:

(a) Drought indices and forecast products prepared by federal and state agencies;

(b) Levels in surface and ground waters, including potentiometric heads in confined and semi-confined aquifers;

(c) Water quality of surface and ground waters;

(d) Flows of surface waters;

(e) Rainfall; and

(f) Other data as may be required to evaluate the status of the water resources of the District, such as evapotranspiration or impacts on fish and wildlife.

(4) Demand Monitoring – The District collects and analyzes data concerning water user demand and its impact on the water resource, such as:

(a) Demands of Permittees;

(b) Demands of water users not subject to permitting, but subject to this Chapter 40D-21, F.A.C.;

(c) Demands of water users whose supply of water is established by federal law, such as Native American reservations; and

(d) Other data required to evaluate demand and its impact on waters within the District, such as water restriction enforcement data from local governments or the total demand in jurisdictions adjacent to District boundaries.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New _____.

(Substantial rewording of Rule 40D-21.221 follows. See Florida Administrative Code for present text.)

40D-21.221 Evaluating Water Conditions.

(1) The District shall consider the data collected by the District as described in Rule 40D-21.211, F.A.C., in determining:

(a) Whether a Water Shortage or Water Shortage Emergency should be declared in light of existing or projected conditions and anticipated durations thereof;

(b) Whether the restrictions and other response mechanisms in effect are being adequately enforced; and

(c) Whether an existing order issued pursuant to this Chapter should be modified or rescinded in light of existing and/or anticipated conditions.

(2) Regional condition data may represent the entire District or any portion thereof. National condition and prediction data will be evaluated in combination with regional rainfall data. Individual Drought Indicators and Drought Condition Levels shall be decision-making tools, not values that will automatically trigger a District response. For example,

after detecting a possible drought event through only one Drought Indicator, the District may want several weeks of additional monitoring and evaluation to recognize a clear shift in overall conditions that would warrant a recommendation to change restrictions.

(3) The following describes the evaluation process:

(a) The District will compare current data to predetermined values for specific indicators as shown in Table 21-1. For example, if the Aquifer Resource Indicator for a particular groundwater basin is in the 19th percentile and has been below the 25th percentile for four weeks, then that basin is considered to have a “severely abnormal” Drought Indicator.

(b) The District will compile these comparisons to select a Drought Condition Level. Specifically, the combination of values for regional Drought Indicators shall be assessed in relation to the matrix shown in Table 21-2, then that assessment may be adjusted up or down based on national Drought Indicators. For example, if a watershed with a public supply reservoir was at Drought Condition Level 2 based on Regional Rainfall at the 24th percentile and Average

Streamflow at the 20th percentile, but now both Drought Indicators are at the 25th percentile (the threshold for “moderately abnormal” for both indicators), the District may upgrade the watershed to Drought Condition Level 1 status if all national Drought Indicators have returned to normal or above normal values;

(c) In the absence of a declared or Water Shortage Emergency, this evaluation will occur on at least a monthly basis;

(d) During a declared Water Shortage or Water Shortage Emergency, this evaluation will occur at least twice each month; and

(e) Results of this evaluation will be reported to the Board on at least a monthly basis and to the Executive Director as needed.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended _____.

**TABLE 21-1:
Drought Indicators**

Drought Indicator Value	Regional Conditions			National Predictions & Conditions				Regional Modifier Of National Data*
	REGIONAL RAINFALL (12-Month Moving Sum)	AVERAGE STREAM-FLOW (8-Week Moving Average)	Aquifer Resource Indicator	CPC Predictions	PALMER DROUGHT INDEX	6-MONTH Standard Precipitation Index	Weekly U.S. Drought Monitor	REGIONAL RAINFALL (6-Month Moving Sum)
Moderately Abnormal	<= 25 th percentile	<= 25 th percentile	<= 25 th percentile	<= 3 Months Below Normal	-1.0 to -1.9	-0.5 to -0.7	D0	<= 25 th percentile
Severely Abnormal	<= 20 th percentile	<= 20 th percentile	<= 25 th percentile for 4 weeks or < 16 th percentile	<= 6 Months Below Normal	-2.0 to -2.9	-0.8 to -1.2	D1	<= 20 th percentile
Extremely Abnormal	<= 10 th percentile	<= 10 th percentile	<16 th percentile for 4 weeks	<= 9 Months Below Normal	-3.0 to -3.9	-1.3 to -1.5	D2	<= 10 th percentile
Critically Abnormal	<= 5 th percentile	<= 5 th percentile	<16 th percentile for 8 weeks	>9 Months Below Normal	-4.0 to -4.9	-1.6 to -1.9	D3	<= 5 th percentile

*If a national Drought Indicator has an abnormal value, review the “regional modifier” for concurrence before considering the national data.

TABLE 21-2: Drought Condition Levels

Drought Condition	If this is true ...
Level 1	At least one Drought Indicator is Moderately Abnormal
Level 2	Multiple Drought Indicators are Moderately Abnormal or one is Severely Abnormal
Level 3	Multiple Drought Indicators are Severely Abnormal or one is Extremely Abnormal
Level 4	Multiple Drought Indicators are Extremely Abnormal or one is Critically Abnormal

40D-21.231 Declaring a Water Shortage.

(1) If the District determines there is a possibility that insufficient water will be available within a source class to meet the estimated present and anticipated future user demands from that source, or to protect the water resource from serious harm, the Board may declare a water shortage for the affected source class. The Board may declare that a Water Shortage exists within all or parts of the District and impose response mechanisms as established in this Chapter. The geographic restricted area involved may include all or part of a county, municipality, ground water basin, or surface water basin or utility service area which impacts a source class for which the a Water Shortage is declared. The Board may simplify the boundaries of the area subject to a Water Shortage declaration by using a major road or local government boundary that approximates the affected geographic area, in order to communicate effectively with Permittees and other water users. When the affected source extends beyond the District's boundaries, the District shall coordinate water shortage declarations with the appropriate water management district(s) to the extent practicable.

(2) ~~The Board may declare a Water Shortage may also be declared for those a source or source classes not presently experiencing a Water Shortage if usage from such a source or sources Class can be reasonably expected to impact the present and anticipated available water supply from the source or in those source classes currently experiencing a shortage.~~

(3) The Board may declare a Water Shortage for geographic areas not presently experiencing a Water Shortage if usage in such areas can be reasonably expected to impact the present and anticipated available water supply for an affected area. For example, a Water Shortage may be declared for an otherwise unaffected area that contains the alternative supply or emergency supplementation source for an affected area.

(4)(3) ~~Prior to declaring a Water Shortage for a source class, the Board may issue Water Shortage advisories calling for voluntary reductions in demand upon that source.~~

(5)(4) When a Water Shortage encompasses a geographic area that includes less than all of a local government's jurisdiction, the District will endeavor to coordinate Water Shortage declarations with that local government and any applicable water management district to the extent practicable.

For example, the District endeavors to have this coordination result in only one set of Lawn and Landscape irrigation restrictions within the local government jurisdiction, if this jurisdiction is shared with another water management district, based on conditions within the water management district that contains the majority of the water supply serving the local government's population. When a water shortage is declared for source class, the District shall determine the reduction in overall demand estimated to be required to reduce demand to available water supply, or to protect the water resource from serious harm.

(6) When a specific source is experiencing a Water Shortage and the source is only partially within the District's boundaries, the District will endeavor to coordinate Water Shortage declarations with the applicable water management district to the extent practical. For example, the District endeavors to have this coordination result in only one set of Lawn and Landscape irrigation restrictions in the affected area, based on the conditions within the water management district that contains the majority of the affected water source.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, _____.

(Substantial rewording of Rule 40D-21.251 follows. See Florida Administrative Code for present text.)

40D-21.251 Water Shortage Phases.

(1) This Water Shortage Plan establishes four phases of Water Shortage severity with associated restrictions and other response mechanisms.

(2) The following Water Shortage phases are established:

- (a) Moderate
- (b) Severe
- (c) Extreme
- (d) Critical

(3) The District shall assign a specific Water Shortage phase to each Source Class for which a Water Shortage has been declared. A Water Shortage declaration may or may not assign the same phase to all affected Source Classes.

(4) The District shall consider the following factors when assigning a specific Water Shortage phase to each Source Class or combination of Source Classes:

(a) The information generated as a result of evaluation process described in Rules 40D-21.221 and 40D-21.231, F.A.C., including the values of regional Drought Indicators and the composite Drought Condition Level;

(b) The relative impact of various categories of water users on the affected Source Class(es) and any specific water body for which the shortage is declared;

(c) The availability and practicality of alternative sources for each category of water user;

(d) To the degree practical, how the District can implement phased response mechanisms in a manner that distributes the burden of the response mechanisms equitably among water users, relative to their impact on the affected Source Class(es) and specific water bodies experiencing the Water Shortage;

(e) The potential for serious harm to natural systems as a result of the drought or other Water Shortage;

(f) Existing Public Supply Water Shortage Mitigation Plans as described in Rule 40D-21.441, F.A.C.;

(g) The appropriate geographic scope of the restrictions and other phased response mechanisms, relative to the affected source;

(h) The effectiveness of restrictions and other phased response mechanisms in terms of containing or reducing water use to protect the relevant Source Class(es), specific water bodies and by specific water supply sources; and

(i) The impact of restrictions and other phased response mechanisms on public health, safety and welfare.

(5) If the District determines that actions beyond those specified in the phased response mechanisms are required, or if immediate implementation of phased response mechanisms is necessary in order to meet the purposes specified in subsection 40D-21.011(1), F.A.C., then the Executive Director, with the concurrence of the Board, may declare a Water Shortage Emergency, as provided in Part III of this Chapter.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86,_____.

40D-21.275 Implementing a Water Shortage Declaration.

(1) Affected water users and Permittees shall be afforded the opportunity to comment to the Board concerning a proposed Water Shortage declaration at a scheduled public hearing. Declaration of a water shortage and notification thereof shall be conducted in accordance with Rule 40D-2.511.

(a) At least one public hearing will be scheduled to afford the public the opportunity to comment;

(b) The public shall be allowed a reasonable opportunity to participate during the public hearing in order to present non-repetitive testimony on Water Shortage effects and the impact of recommended restrictions and other response mechanisms. Such participation shall be subject to the control of the Governing Board and may be limited as necessary to facilitate reasonable progress of the hearing;

(c) Additional public hearings may be announced by the Board during a declared Water Shortage, and reasonable additional notice will be provided for any additional hearing.

(2) When a Water Shortage is declared, the District will publish notice of the declaration in a prominent place within newspapers of general circulation in the areas affected area. The Such notice shall serve as notice to all users in the affected area as to the existence and phase of the Water Shortage declaration of the condition of water shortage. In addition, the District shall make every reasonable effort to inform the general public of the restrictions in effect and the source classes which are affected. Particular attention shall be given to presenting this information in a form which is easily understood and applied by the citizens of the affected areas.

(3) The District shall send a Notice of Water Shortage by regular mail to each Permittee located in the affected area. This notice shall advise the Permittee of any change in the condition of the Water Use Permit, any suspension of the Water Use Permit and the applicability of any other restriction on the use of water or other response mechanism set forth in this Chapter. The mailed notice may refer the Permittee to website material or fact sheets for this or additional information. The District shall notify each affected permittee within the affected source class of any change in the condition of his permit, any suspension of his permit, or any other restriction on his use of water. Notice shall be by regular mail.

(4) The Public shall be afforded the opportunity to comment to the Board concerning a declared water shortage at scheduled public hearings.

(a) At least one public hearing shall be scheduled to afford the public the opportunity to comment.

(b) Notice of the public hearing(s) will be provided at least once accompanying the original declaration of the shortage. This will be published in newspapers of general circulation in the areas affected, as provided above in subsection (2).

(c) The public and consumptive use permit (CUP) holders shall be allowed a reasonable opportunity to participate during water shortage public hearings and present non-repetitive testimony on water shortage effects and impacts of recommended mitigation measures. Such participation shall be subject to the control of the Governing Board and may be limited as necessary to facilitate reasonable progress of the hearing. Substantive evidence submitted by the public at or prior to said hearing shall be made a part of the record at the hearing.

(d) Additional public hearings may be announced by the Board during a declared water shortage, and reasonable additional notice will be provided.

(4)(5) The District shall notify local elected officials of any Water Shortage declaration and associated response mechanisms subsequent restrictions. Notice shall be by the best practical practicable means under the circumstances, such as telephone contact attempts, regular mail, or electronic

transmittals. In addition, local law enforcement officials, local fire and rescue officials and appropriate state agencies shall be notified as soon as possible of any Water Shortage declaration or change in restrictions affecting their areas of responsibility.

(5)(6) A declaration of Water Shortage and any implementing response mechanisms provision or restriction adopted pursuant thereto under the Water Shortage rule may be modified or rescinded by the Board.

(6)(7) An order declaring a Water Shortage or imposing more severe restrictions shall become effective on the day after any notice required in subsection (2) above is published or any subsequent effective date stated in the order. An order declaring a Water Shortage shall remain in effect for the period of time established in the order; or, if no period of time is established, until the order is modified or rescinded by the Board.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended _____.

40D-21.281 Modifying or Rescinding a Water Shortage Declaration.

(1) During a declared Water Shortage, the District shall continue to monitor and evaluate conditions in accordance with Rules 40D-21.211 and 40D-21.221, F.A.C.

(2) When conditions have changed sufficiently to warrant the declaration and implementation of a different set of phased restrictions and other response mechanisms, an order amending or superceding the existing Water Shortage order shall be issued and implemented in accordance with Rules 40D-21.231, 40D-21.251, and 40D-21.275, F.A.C.

(3) When, after considering the data and factors described in Rules 40D-21.221 and 40D-21.231, F.A.C., conditions have changed sufficiently to no longer warrant the existence of a specific Water Shortage declaration, an order amending or rescinding the declaration shall be issued with the notification of the order being the same as specified in Rules 40D-21.231 and 40D-21.275, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New _____.

40D-21.331 Declaring a Water Shortage Emergency.

(1) Purpose – This part of the Chapter sets forth the steps the District will take to evaluate water conditions within the District in order to determine whether a Water Shortage Emergency exists as provided for in Rule 40D-2.541.

(2) The District shall monitor and evaluate the conditions of the water resources of the District and the needs of the users as provided in Rules 40D-21.211 and 40D-21.221, F.A.C. 40D-21.401.

(3) If the monitoring and evaluation process indicates that conditions are rapidly deteriorating, or if the District receives a request for an emergency action related to an ongoing drought or other Water Shortage event, District staff shall ascertain

whether the provisions of Part II of this Rule are sufficient. Data shall be evaluated to determine whether estimated present and anticipated future available water supply would be insufficient to protect the public health, safety or welfare and Essential Uses, or the health of livestock and other animals, fish or aquatic life in the affected area. This shall be accomplished through consideration of the following: a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial use.

(a) Factors related to the present and anticipated future water supply for affected users, including available shall be estimated. Factors that maybe considered include:

1. those Pertinent factors listed in subsection 40D-21.251(4), F.A.C; rule 40D-21.221(2)

2. The ability of affected users to obtain water from other users on a temporary basis;

3. The ability of affected users a user to obtain water from another Source Class on a temporary basis; and

4. Other factors affecting the present and anticipated available water supply, such as the availability of temporary treatment equipment that would allow affected users to obtain suitable water quality from an otherwise unsuitable source.

(b) Factors related to the potential for adverse impacts as a result of response mechanisms on the public health, safety, or welfare or Essential Uses; health of livestock and other, or the health of animals, fish, or aquatic life, including; or a public water supply, or commercial, industrial, agricultural, recreational, other reasonable-beneficial use shall be evaluated. Factors that maybe considered include:

1. Pertinent those factors listed in subsection 40D-21.251(4), F.A.C; 40D-21.221(2);

2. The extent to which adverse impacts can be reduced by imposing additional restrictions upon other users obtaining water from the same source class;

3. The extent to which restricting other users obtaining water from the same source class will create other adverse impacts; and

4. Other factors relating to potential adverse impacts, such as the availability of state of federal emergency resources to ameliorate these impacts, public health, safety, and welfare;

(c) Recommendations from, and emergency actions taken by, a local government in the affected area.

(4) The District may also consider if the user(s) affected is or includes a local governmental unit, the recommendation of its board of elected officials.

(4)(5) If it is ascertained that the District determines that, within any area of the District, the provisions of Part II are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, a public water supply, or commercial, industrial, agricultural, recreational, or other reasonable-beneficial uses, the Executive Director, with the concurrence of the Board, may declare a Water Shortage Emergency.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.119, 373.175, 373.246 F.S. History—New 11-19-84, Amended 7-2-86, _____.

40D-21.371 Response Mechanisms During Water Use Restrictions in a Water Shortage Emergency.

(1) When a Water Shortage Emergency has been declared, the Executive Director may issue orders containing response mechanisms imposing restrictions other deemed necessary to address meet the emergency. The response mechanisms ~~Such restrictions~~ may include, but are not limited to: authorizations to temporarily withdraw from a permitted source in a manner or for a purpose not expressly granted by the applicable Water Use Permit; authorizations to temporarily augment a public water supply system with water from an unpermitted source; and restrictions that involve apportioning, rotating, limiting, or prohibiting the use of the water resources of the District.

(2) All response mechanisms restrictions ordered pursuant to the declaration of a Water Shortage Emergency shall be in addition to, and enforced in combination with, any and all response mechanisms restrictions imposed under Part II of this rule, unless specifically stated otherwise within the orders, or unless there is a conflict between Part II and a Water Shortage Emergency order, in which case the more restrictive provisions shall apply.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.119, 373.175, 373.246 F.S. History—New 11-19-84, Amended _____.

40D-21.391 Implementing a Water Shortage Emergency Declaration.

(1) When an Water Shortage Emergency condition has been declared determined to exist due to a water shortage within any area of the District, pursuant to subsection 40D-21.331(5), F.A.C., the Executive Director may, without prior notice, issue orders reciting the existence of such an emergency pursuant to the emergency provision of Section 373.119, Chapter 120, F.S.

(a) Water Shortage Emergency ~~Such~~ orders shall recite information related to the existence of such an emergency and identify response mechanisms all ~~restrictions~~ deemed necessary by the Executive Director, with the concurrence of the Board, to address meet the emergency;

(b) All users to whom an emergency order is directed shall comply immediately, but may petition the Board for a hearing as set forth in Section Chapter 373.119, F.S.

(2) The District shall inform all users to whom an emergency order is directed of the existence of such order and all associated response mechanisms restrictions, by the best practical practicable means available under the circumstances of the specific Water Shortage Emergency. Particular attention shall be given to presenting this information in a form which is easily understood and applied by the citizens of the affected areas.

(3) The District shall notify local elected officials of any Water Shortage Emergency declaration and remedial action required. Notice shall be by the best practical practicable means under the circumstances of the Water Shortage Emergency. In addition, local law enforcement officials, fire rescue officials and appropriate state agencies shall be notified as soon as possible of any Water Shortage Emergency declaration or change of response mechanisms restrictions affecting their areas of responsibility.

Specific Authority 373.044, 373.113 F.S. Law Implemented 373.119, 373.175, 373.246 F.S. History—New 11-19-84, Amended _____.

PART IV. MONITORING AND ENFORCEMENT AND WATER SHORTAGE MITIGATION

40D-21.401 Monitoring.

(1) Purpose ~~this part of the chapter generally describes the data collection and analyses the district may undertake in anticipation of and during a declared water shortage or water shortage emergency. Monitoring data maybe used to determine:~~

(a) ~~Whether a water shortage or water shortage emergency should be declared;~~

(e) ~~Whether the restrictions in effect are being adequately enforced; and~~

(b) ~~Whether the restrictions in effect are sufficient to protect the water resources and users within the affected area in light of existing and anticipated climatological conditions;~~

(d) ~~Whether the restrictions in effect should be rescinded.~~

(2) Data Sources ~~Data may be obtained from any source available, including, but not limited to:~~

(a) ~~The District, including information on permitted quantities, relevant pumpage and meter records, general hydrological, meteorological, and biological information, and all other relevant information;~~

(b) ~~The U.S. Geological Survey, the Soil Conservation Service, the Florida Bureau of Geology, the Florida Department of Environmental Protection, Regional Planning Councils, and other local, state, or federal agencies; and~~

(e) ~~Any other source available.~~

(3) Resource Monitoring ~~When appropriate the District shall collect and analyze data concerning any aspect of the water resource. Data which may be collected include, but are not limited to:~~

(a) ~~Levels in surface and ground waters, including potentiometric heads in confined and semi-confined aquifers;~~

(b) ~~Water quality of surface and ground waters;~~

(e) ~~Flows of surface waters;~~

(d) ~~Demand of natural systems, including but not limited to losses due to evapotranspiration and seepage;~~

(e) ~~Rainfall;~~

(f) ~~Impacts on fish and wildlife; and~~

~~(g) Other data required to evaluate the status of the water resources of the District.~~

~~(4) Demand Monitoring—When appropriate the District shall collect and analyze data concerning any aspect of user demand upon the water resources. Data which may be collected include, but are not limited to:~~

~~(a) Demands of permitted users;~~

~~(b) Demands of users not subject to permitting, but subject to the provision of the water shortage rule;~~

~~(c) Demands of users whose supply of water is established by federal law; and~~

~~(d) Other data required to evaluate demands on the water resources of the District.~~

~~(5) When appropriate, the District may prepare a Hydrologic Conditions Report summarizing the data gathered pursuant to this rule.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, Repealed _____.

40D-21.421 Enforcement.

(1) It is the policy of the District to seek the cooperation and assistance of state, county and municipal governmental officials, law enforcement officials and police officers in accordance with Section 373.609, F.S., to facilitate the enforcement of this Chapter and the water shortage plan or any water shortage order issued pursuant to this Chapter, including any variance or waiver from this Chapter thereto. This cooperation and assistance is generally sought for violations of this Chapter which do not directly involve a Permittee.

(2) Counties and municipalities throughout the jurisdiction of the District are authorized and encouraged to adopt ordinances, which provide specific local processes for local enforcement of the provisions of this Chapter and rule, or any order or variance or waiver issued adopted pursuant thereto. A “sample ordinance” is available from the District and will be provided for use by local governments, upon request.

~~(2) Water utilities are encouraged to take reasonable efforts to inform their customers regarding the water shortage situation, including the dissemination of pertinent water conservation information where feasible. Water utilities are also encouraged to cooperate with the district in monitoring user compliance with restrictions. This may involve increased reporting of pumpage or metered connections.~~

~~(3) The District shall notify each affected permittee within the affected source class of any change in the condition of his permit, any suspension of his permit, or any other restriction on his use of water. Notice shall be by regular mail.~~

~~(3)(4) In enforcing the provisions of this Chapter, any water shortage order issued pursuant to this Chapter or 40D-1, F.A.C., or any variance or waiver approved by the District pursuant to provisions of this Chapter, the District will utilize any of the enforcement remedies available pursuant to~~

Chapters 120 or 373, F.S., or Chapter 40D, F.A.C., as appropriate. District enforcement actions will generally focus on violations which directly involves a Permittee.

~~(4)(5) Enforcement action may be initiated by the District as provided in Section 373.603, F.S., against violators of a water shortage order issued pursuant to this rule.~~

~~(5)(6) The Executive Director may assign District personnel for the purpose of initiating enforcement action pursuant to Section 373.603, F.S.~~

~~(6)(7) The Executive Director may take appropriate action pursuant to Sections 373.119, 373.175(4), and 373.246(7), and 120.69, F.S., and Rule 40D-21.331, F.A.C., to enforce the provisions of this Chapter and rule or any order or variance or waiver issued pursuant thereto, or pursuant to Chapter 40D-1, F.A.C., or to alleviate any emergency conditions which might occur.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.129, 373.136, 373.603, 373.609, 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-4-87, _____.

40D-21.441 Public Supply Water Shortage Mitigation Plans.

(1) It is the policy of the District to encourage each regional water supply authority (“Regional Authority”) and county, municipal and private water supplier (“Local Water Supplier”) throughout the jurisdiction of the District to develop a Water Shortage Mitigation Plan (“WSMP”) for public water supply shortages due to such occurrences as drought, major pipeline breaks, failures at water or waste water treatment plants and anticipated or actual withdrawals that exceed the allocation given under a Water Use Permit.

(2) A Regional Authority or Local Water Supplier may request that the District approve its WSMP for implementation in lieu of some or all of the applicable provisions of this Chapter. The request shall be submitted in the form of a petition for variance or waiver of some or all of the provisions of this Chapter, pursuant to Section 120.542, F.S. A petition for variance or waiver may be filed at any time, whether the District has declared a Water Shortage or not, and the Regional Authority or Local Water Supplier is encouraged to file its petition well in advance of its need to implement the drought provisions of its WSMP. Once a WSMP is approved by the District, it shall be binding on the applicable Regional Authority or Local Water Supplier and its customers. Each Regional Authority and Local Water Supplier and their customers shall continue to comply with any provisions of this Chapter and any order issued pursuant thereto which are not varied or waived through the District’s approval of the WSMP. Each Regional Authority and Local Water Supplier should seek clarification as to the applicability of any orders that are issued after District approval of its WSMP.

(3) In addition to fulfilling the requirements of Section 120.542, F.S., and Rule 40D-1.1002, F.A.C., the proposed WSMP shall contain the following:

(a) Use of the same Water Shortage Phase numbering and names as used in this Chapter.

(b) Identification of the regional Drought Indicators or local supply Drought Indicators, or both, that will be used to determine the need to implement a portion of the WSMP, including but not limited to requests that the District issue an order declaring, modifying, or rescinding a Water Shortage or Water Shortage Emergency for the applicable area or source, or both. If any of these indicators are not identical to the Drought Indicators specified in this Chapter, the identification must include a detailed description of the methodologies used to select and quantify each alternative or supplemental indicator.

(c) Identification of the demand management response mechanisms to be implemented for each Water Shortage Phase. Any water use restrictions identical to those specified in this Chapter should be referenced instead of recited in the WSMP. If the WSMP includes any water use restrictions or other demand management response mechanisms (such as “planned interruptible service” for reclaimed water blends) that are not identical to those specified in this Chapter, the identification must include a detailed description of the methodologies used to select each alternative mechanism, anticipated savings and other impacts of these mechanisms in relation to the responses specified in this Chapter and a copy of any and all ordinances that codify this mechanism.

(d) Identification of supply management response mechanisms to be implemented for each Water Shortage Phase. Supply management includes, but is not limited to, supply supplementation through the use of permitted supply sources, including withdrawal of quantities or for a purpose not expressly granted by the applicable Water Use Permit, or the temporary use of emergency supply sources, which may include unpermitted sources. Identification of each supply management response must include a detailed description of the methodologies used to select the applicable proposed supplementation source and a detailed description of the legal and physical means through which the proposed supplementation will be accomplished. The granting of a variance or waiver based on a WSMP does not constitute a modification to the petitioner’s Water Use Permit nor does it constitute issuance of an emergency authorization. Each Regional Authority or Local Water Supplier is encouraged to coordinate with the District to develop a template executive director order or other document to be used, when needed, to authorize emergency use of each proposed supplementation source, as part of the petition for variance or waiver.

(e) Identification of any and all parties to be responsible for the response mechanisms, including written proof that those parties have committed to providing appropriate implementation actions. For example, the WSMP for a Regional Authority shall include copies of appropriate local ordinances or other binding instruments, signed by its member governments, that demonstrate the member governments have

agreed to enforce specified water use restrictions and other agreed-upon response mechanisms within their respective jurisdictions.

(f) Identification of all processes to be used to monitor indicator conditions and determine when provisions of the WSMP would result in a request for the District to issue an order declaring, modifying or rescinding a Water Shortage or Water Shortage Emergency for the applicable area or source, or both. This identification shall specify the parties (title and affiliation) that will monitor indicator conditions and the method these monitoring parties will use to recommend actions to applicable decision-makers.

(g) Identification of all processes to be used to coordinate with the District for the purpose of communicating indicator conditions, reporting on local actions and requesting District action to declare, modify or rescind a Water Shortage or Water Shortage Emergency order. At a minimum, communication shall include scheduled contact with the District staff responsible for the District’s demand management efforts in the area that includes that Regional Authority or Local Water Supplier and prompt transmission of any applicable resolution or other document used to implement local Water Shortage actions.

(h) Identification of all processes to be used to communicate with affected water users about indicator conditions, local actions and District or local declaration, modification or rescission decisions. At a minimum, communication regarding indicator conditions shall include posting data on the Regional Authority’s or Local Water Supplier’s website. At a minimum, communication regarding recommended actions and communications regarding enactment and removal decisions shall include: issuance of a news release to broadcast and print media, publication of any legally required notice and designation of a customer information hotline that is included in the news release and legally required notice. Additional public awareness and information activities are encouraged as part of the demand management response mechanisms in each Water Shortage Phase.

(i) Written proof that any other Regional Authority or Local Water Supplier from which the petitioner regularly receives water, or from which the petitioner proposes to receive supplemental supplies during a drought or other Water Shortage, has reviewed and commented on the proposed WSMP. Since the goal of this review is to assure coordination in order to minimize potential regional consequences, review comments from such an entity may factor into the District’s decision-making process.

(j) Written proof that the decision-making body of the petitioner has approved the version of the WSMP submitted to the District for variance or waiver. For example, the decision-making body of a county water system is typically the

county's board of commissioners, and the petitioner may submit a transcript of the commission meeting in which the required approval occurred.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New _____.

40D-21.511 General.

Purpose – This part of the Chapter establishes the basis for distinguishing among different users of the water resource according to major classes. Under this system, each water user may be classified according to source, use and method of withdrawal. Each of these classes is ~~are~~ described herein.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended _____.

(Substantial rewording of Rule 40D-21.541 follows. See Florida Administrative Code for present text.)

40D-21.541 Use Classifications.

Each water user may be classified according to one or more of the following uses of water, as defined in Part I of this Rule:

- (1) Indoor Uses.
- (2) Essential Uses, including a subclassification for Water Utility Use.
- (3) Commercial and Industrial Uses.
- (4) Agricultural Uses.
- (5) Landscape Uses is further classified as set forth below.

Within each of the Landscape Use subclassifications there is a further subclassification of Existing or New Plant Material:

- (a) Lawn and Landscaping.
- (b) Cemeteries.
- (c) Golf Courses.
- (d) Driving Ranges.
- (e) Other Athletic Play Areas.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-4-87, _____.

40D-21.571 Method of Withdrawal Classifications.

Each water user may be ~~classified identified~~ by one or more of the following methods of withdrawal classes:

- (1) through (2) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-4-87, _____.

PART VI. SPECIFIC RESPONSE MECHANISMS RESTRICTIONS

40D-21.601 General.

(1) Purpose – ~~this part of the Chapter sets forth specific restrictions and other response mechanisms available to the District for implementation upon a declaration of a Water Shortage or Water Shortage Emergency. Upon declaration of a water shortage or water shortage emergency, the specific restrictions presented within this part can be implemented in an attempt to achieve the desired overall reductions in user~~

~~demand. The desired reduction ultimately chosen during a specific water shortage will be dependent upon the severity of the particular shortage. The restrictions specified within this plan may be modified by the Board to achieve the reduction ultimately determined to be necessary. The appropriate combination of restrictions shall be decided by the Governing Board in consultation with District staff and shall be designed to meet the specific phase of the shortage. The combination of restrictions shall be included in the notice(s) of the shortage, as specified above in Rule 40D-21.275.~~

(2) The response mechanisms specified within this Plan may be modified by the Board to address the specific Water Shortage or Water Shortage Emergency event. The selected combination of restrictions and other response mechanisms shall be included in the notice(s) of the shortage, as specified above in Rule 40D-21.275, F.A.C.

(3)(+) Response mechanisms ~~Restrictions~~ are presented for each Use Class and various subcategories, as appropriate. It shall be the duty of each water user to keep informed as to the phase of ~~W~~water ~~S~~shortage and the applicable response mechanisms ~~restrictions~~ for that phase.

(4)(2) In addition to the restrictions specified in this part, all wasteful and unnecessary water use is prohibited regardless of the phase of ~~W~~water ~~S~~shortage. Wasteful and unnecessary water use includes the water use activities listed in subsection 40D-22.201(2), F.A.C., and any of the following: Such wasteful and unnecessary water use shall include, but not be limited to:

- (a) through (c) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, _____.

(Substantial rewording of Rule 40D-21.621 follows. See Florida Administrative Code for present text.)

40D-21.621 Phase I: Moderate Water Shortage.

(1) A Phase I Water Shortage is a hydrologic or climatic condition in which at least one regional or local Drought Indicator has a moderately abnormal value. Upon declaration of a Phase I Water Shortage, the District will provide notice to affected local governments and Permittees about current conditions and weather predications, and those restrictions and other response mechanisms set forth below and any other response mechanisms that are in effect for the Phase I Water Shortage.

(2) Indoor Uses.

The notice specified in subsection 40D-21.275(1), F.A.C., will include practical tips about how to prevent wasteful and unnecessary Indoor Use through the use of water conserving measures and devices. The notice may refer water users to website material or fact sheets for this or additional information.

(3) Essential Use.

- (a) Fire Fighting.

1. Fire hydrant flushing shall not be restricted. However, each fire department shall review or develop processes through which it can address inquiries from the District and citizens about specific flushing activity, so that citizens will understand that some fire hydrant flushing is necessary to protect human health, safety and welfare.

2. Fire suppression and fire prevention activities shall not be restricted. However, each fire department or other fire-fighting agency should identify back-up water sources in anticipation of drought conditions that could result in the loss of primary sources, especially in areas where potable water is not available for fire-fighting purposes.

3. Maintenance of fire fighting facilities and equipment, including fire engines and other emergency Mobile Equipment, shall not be restricted, except as provided in subsection 40D-21.601(4), F.A.C. This specifically includes the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes.

4. The notice specified in subsection 40D-21.275(4), F.A.C., that is sent to fire and rescue officials will summarize the requirements listed above.

(b) Water Utility Use

1. Any water utility governed by a District-approved WSMP pursuant to Rule 40D-22.441, F.A.C., shall prepare to activate applicable provisions.

2. As appropriate, given its staff resources and its relationship to local code and law enforcement, each water utility shall develop enforcement procedures for Water Shortage restrictions. This shall specifically include a mechanism for notifying the District of possible violations involving a Permittee. If the utility is a nongovernmental entity, or if a governmental agency other than the utility has responsibility for enforcement of the District's Water Shortage orders, the procedures shall specifically include a mechanism for coordination with the applicable local agency.

3. Potable water, sanitary sewer and reclaimed water line flushing and disinfection shall not be restricted. However, each utility shall develop processes through which it can address inquiries from the District and citizens about specific flushing and disinfection activity, so that citizens will understand that some flushing is necessary to protect human health, safety and welfare.

4. The notice specified in subsections 40D-21.275(2) and (4), F.A.C., that is sent to local elected officials and public supply Permittees will summarize the requirements listed above.

(c) Medical and Health Use.

1. The use of water for medical purposes shall not be restricted.

2. Other uses necessary for the protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial Use

In addition to the requirements of any applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all Commercial and Industrial Use, as appropriate:

(a) All commercial and industrial Permittees shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be reasonably employed, should resource conditions further deteriorate.

(b) Commercial and industrial use shall continue to be restricted by any applicable Water Use Permit.

(5) Agricultural Use.

(a) All Agricultural Permittees shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) The following restrictions on water use shall apply, as appropriate:

1. Agriculture shall comply with the allowable watering hours, exemptions from those hours and other provisions specified in Chapter 40D-22, F.A.C. These provisions expressly include exemptions for irrigation needed for plant protection, including prevention of frost and freeze or heat damage and to water-in chemicals. Additionally, any Agricultural water user with a variance from Chapter 40D-22, F.A.C., to follow a published BMPs document, shall continue to comply with the variance. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.

2. Agricultural Use shall continue to be restricted by any applicable Water Use Permit.

(6) Landscape Use.

(a) All Permittees authorized to use water for Landscape Use shall review current water conservation programs to assure that permit-required elements have been fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) Lawn and Landscaping, Golf Course, Driving Range and Other Athletic Play Area use shall comply with all applicable provisions of Chapter 40D-22, F.A.C.

(c) An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services – Bureau of Cemetery Services and will include a summary of the requirements listed above.

(7) Other Uses.

(a) All Permittees authorized to use water for purposes not described above shall review current water conservation programs to assure that permit-required elements have been

fully implemented and to determine what additional demand management measures could be temporarily employed, should resource conditions further deteriorate.

(b) The following restrictions on water use shall apply to each other water use activity, as appropriate:

1. Lawn and Landscaping Use associated with any activity shall comply with applicable provisions of Chapter 40D-22, F.A.C. This specifically includes an allowance for the operation of an irrigation system during otherwise restricted days or hours for the discharge of water from air conditioning units or similar water-dependent devices.

2. Recycling or secondary use of water shall occur, to the maximum extent practicable. For example, a child's water slide or other recreational water device can be positioned so that it discharges onto a turfgrass area that requires irrigation.

3. Water use essential to the activity, such as rinsing as part of the process of Mobile Equipment cleaning is restricted only as provided in subsection 40D-21.601(2), F.A.C. For example, this means that rinsing is allowed if done with the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93.

(Substantial rewording of Rule 40D-21.631 follows. See Florida Administrative Code for present text.)

40D-21.631 Phase II: Severe Water Shortage.

(1) A Phase II Water Shortage is a hydrologic or climatic condition in which multiple regional Drought Indicators have moderately abnormal values, or a local Drought Indicator for a specific public supply has a severely abnormal value, such that conditions warrant prudent actions to further assure that only reasonable water uses are occurring in the affected area. Prudent actions include the use of temporary restrictions in addition to those imposed during a Phase I event, such as a stricter "time of day" limitation on lawn watering. The Board will request a 5% voluntary reduction in all water use, including reclaimed water blends. Notice of a declaration of a Phase II Water Shortage will include the restrictions and other response mechanisms set forth below and any other response mechanisms that are in effect for the Phase II Water Shortage.

(2) Indoor Use. The notice specified in subsection 40D-21.275(1), F.A.C., will include practical tips about how to achieve the requested reduction. The notice may refer water users to website material or fact sheets for this or additional information.

(3) Essential Use.

(a) Fire Fighting.

1. Fire hydrant flushing is allowed for the protection of human health, safety and welfare. Each fire department or other fire protection unit shall implement processes through which it addresses inquiries about specific flushing activity. At a minimum, these processes shall include the use of an on-site

sign containing the name and telephone number of the fire protection unit conducting the flushing activity. A marked vehicle remaining on-site during the activity may be used in lieu of a free-standing sign.

2. Fire suppression and fire prevention activities shall not be restricted. However, each fire department or other fire-fighting agency shall review and revise, as necessary, its list of primary and back-up water sources, especially in areas where potable water is not available for fire-fighting purposes.

3. Maintenance of fire-fighting facilities and equipment, including fire engines and other emergency Mobile Equipment, shall not be restricted, except as provided in subsection 40D-21.601(2), F.A.C. This specifically includes the use of a trigger (self-canceling) nozzle on any garden-type hose used for cleaning or other maintenance purposes.

4. The notice specified in subsection 40D-21.275(4), F.A.C., that is sent to fire and rescue officials will summarize the requirements listed above.

(b) Water Utility Use.

The following restrictions and other response mechanisms shall apply to all water utilities, as appropriate:

1. Any water utility governed by a District-approved WSMP shall activate applicable provisions.

2. At a minimum, unless otherwise specified in the applicable District-approved WSMP, each utility shall provide, directly or through the appropriate local agency, the following:

a. Response, as needed, to enforcement referrals made by the District. This shall involve, where necessary, a site investigation on the day of the week and the time of day indicted on the violation complaints forwarded with an enforcement referral.

b. Information regarding possible violations involving a Permittee, so that District staff can take the lead on such investigations;

c. Monthly transmittal of local enforcement data (number of warnings and citations issued, plus details regarding the status of any complaint referral made by the District) to the District, directly or via the water utility's Regional Authority of which it is a member; and

d. Annual and as-needed transmittal of current contact information for complaint referrals made by the District.

3. Water utilities shall augment the District's messaging efforts by disseminating pertinent water conservation and demand management information. At a minimum, each utility shall inform its customers about the Phase II Water Shortage declaration, including how their primary and back-up water supplies could be affected and any ongoing local water conservation projects, such as rebate or inspections offered by the utility, that may assist its customers in their efforts to immediately reduce water consumption.

4. Water utilities shall institute or accelerate system-level water conservation measures. At a minimum, each utility, or its contractor shall conduct a water audit pursuant to AWWA

standards and implement appropriate remedial actions if the water audit identifies greater than 12% unaccounted water. If a water utility has conducted a water audit in the past two years to comply with a Water Use Permit requirement or previous Water Shortage declaration, an additional water audit is not necessary. However, the water utility must continue to implement any specified remedial actions. If a water utility has not conducted a water audit in the past two years, it must complete one within 90 days of the Phase II Water Shortage declaration and then produce a copy of the audit report, including any required remedial action implementation schedule, upon the District's request.

5. Potable water, sanitary sewer and reclaimed water line flushing and disinfection is allowed for the protection of human health, safety and welfare. Each water utility shall implement processes through which it addresses inquiries about specific line flushing activity. At a minimum, these processes shall include the use of an on-site sign containing the name and telephone number of the agency conducting the flushing activity. A marked vehicle remaining on-site during the activity may be used in lieu of a free-standing sign.

6. The notice specified in subsection 40D-21.275(2), F.A.C., that is sent to public supply Permittees will summarize the requirements listed above.

(c) Medical and Health Use.

1. The use of water for medical purposes shall not be restricted.

2. The use of water for the protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial.

The following restrictions and other response mechanisms shall apply to each commercial and industrial use, as appropriate:

(a) Each user whose use is governed by a commercial or industrial Water Use Permit shall continue to comply with all permit requirements and terms.

(b) Each user whose use is not governed by a Water Use Permit shall implement the following demand management measures as appropriate:

1. Reduce off-site discharge to the extent practicable;

2. Recycle water to the extent practicable;

3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment;

4. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise required by published industry standards;

5. Maximize the use of the least restricted Source Class to which there is access;

6. Power generation utilities are specifically requested to encourage their customers to voluntarily reduce power consumption as a means to reduce water consumption, and;

7. Water use essential to the activity, such as that consumed in a manufacturing process, shall not be otherwise restricted.

(5) Agricultural Use.

The following restrictions and other response mechanisms shall apply to all agricultural activities, as appropriate.

(a) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. This specifically includes, for those Permittees located within the Southern Water Use Caution Area, the ability to earn and expend "Water Conservation Credits" pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.

(b) If a use is not governed by Water Use Permit, but the user has a valid variance from Chapter 40D-22, F.A.C., to follow a published BMPs document, the user shall continue to follow those BMPs.

(c) All other users not governed by a Water Use Permit shall implement the following demand management measures, as appropriate:

1. Reduce off-site discharge to the extent practicable;

2. Recycle water to the extent practicable;

3. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment;

4. Reduce the washing of vehicle and other Mobile Equipment, except for health and safety needs or as otherwise required by BMPs, such to prevent the spread of plant or animal diseases;

5. Maximize the use of the lesser or least restricted Source Class to which there is access;

6. Except as otherwise noted herein, comply with the applicable provisions and exemptions in Chapter 40D-22, F.A.C. These provisions include a ban on supplemental irrigation between the hours of 10:00 a.m. and 4:00 p.m. These exemptions include allowances for Low-Volume Irrigation technology, plant protection, testing and maintenance of irrigation systems and irrigation to water in chemicals. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.

7. Water use essential to the activity, such as irrigation of crops or maintenance of livestock, shall not be otherwise restricted.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges.

The following restrictions and other response mechanisms shall apply to all Golf Courses and Driving Range activities, as appropriate:

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. This specifically includes, for those Permittees located within the

Southern Water Use Caution Area the ability to earn and expend "Water Conservation Credits" pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated by reference in Rule 40D-2.091, F.A.C.

2. If a user is not governed by a Water Use Permit, the use may continue as specified in subparagraph 40D-22.201(5)(b)1., F.A.C.

3. All other users not governed by a Water Use Permit and not following subparagraph 40D-22.201(5)(b)1., F.A.C., shall implement the following demand management measures as appropriate:

a. Reduce off-site discharge to the extent practicable;

b. Recycle water to the extent practicable;

c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation and prevent damage to equipment;

d. Reduce the washing of vehicles and other Mobile Equipment except for health safety needs or as otherwise required by the published BMPs, such as cleaning the blades on commercial lawn mowers to prevent the spread of Turfgrass diseases between properties;

e. Maximize the use of the least restricted Source Class to which there is access;

f. Supplemental irrigation shall be restricted to the hours of 12:01 a.m. to 8 a.m. or 6 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may continue to irrigate during the allowable hours of 12:01 a.m. to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.;

g. Except as otherwise noted herein, all irrigation shall continue to comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These exemptions include allowances for plant protection on tees and greens, testing and maintenance of irrigation systems and irrigation to water in chemicals.

(b) Other Athletic Play Areas.

The following restrictions and other response mechanisms shall apply to all Athletic Play Areas, other than Golf Courses and Driving Ranges, as appropriate:

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. This specifically includes for those Permittees located within the Southern Water Use Caution Area the ability to earn and expend "Water Conservation Credits" pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which Basis of Review is incorporated by reference in Rule 40D-2.091, F.A.C.

2. Users whose use is not governed by a Water Use Permit shall implement the following, as appropriate:

a. Reduce off-site discharge to the extent practicable;

b. Recycle water on-site to the extent practicable;

c. Reduce clean-up requiring water use to the minimum required to protect efficiency of the operation or prevent damage to equipment;

d. Reduce the washing of vehicles and other Mobile Equipment except for health and safety needs or as otherwise required by the BMPs, such as to prevent the spread of Turfgrass disease;

e. Maximize the use of the least restricted Source Class to which there is access;

f. Supplemental irrigation shall be restricted to the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or larger may continue to irrigate during the allowable hours of 12:01 a.m. to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

g. Except as otherwise noted herein, continue to comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These specifically include allowances for plant protection of Turfgrass athletic fields, wetting clay tennis courts and similar surfaces immediately prior to play, one extra irrigation application immediately after heavy league play and the ability to have a special watering schedule under some circumstances without applying for a variance.

(c) Lawns and Landscaping Use, including Cemeteries.

The following restrictions and other response mechanisms shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. Each user whose use is governed by a Water Use Permit shall comply with all permit requirements and terms. This specifically includes for those Permittees located within the Southern Water Use Caution Area the ability to earn and expend "Water Conservation Credits" pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section which is incorporated in Rule 40D-2.091, F.A.C.

2. All other Lawn and Landscaping use shall implement the following demand management measures, as appropriate:

a. Supplemental irrigation shall be restricted to the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m. for properties less than two acres in size. Properties two acres or greater may continue to irrigate during the allowable hours of 12:01 a.m. to 10:00 a.m. or 4:00 p.m. to 11:59 p.m.

b. During the months of December, January and February, lawn watering shall be reduced to one application per week, if needed, in accordance with the following schedule:

i. Addresses with a "house number" ending in 0 or 1 may only water on Monday;

ii. Addresses ending with a 2 or 3, on Tuesday;

iii. Addresses ending with a 4 or 5, on Wednesday;

iv. Addresses ending with a 6 or 7, on Thursday;

v. Addresses ending with an 8 or 9 and locations with a mix of addresses or for which an address cannot be determined (such as common areas associated with a subdivision), on Friday;

vi. Cemeteries and other properties greater than two acres in size that have a special irrigation schedule in accordance with paragraph 40D-22.201(4)(c), F.A.C., or pursuant to a valid variance from Chapter 40D-22, F.A.C., may only water each section of property on the first day of the week already assigned to it. For example, a section of the property assigned a "Monday and Thursday" schedule may only water on Monday.

c. Reduce off-site discharge to the extent practicable.

d. Recycle water to the extent practicable.

e. Maximize the use of the least restricted Source Class to which there is access.

f. Except as otherwise noted herein, comply with all applicable provisions and exemptions of Chapter 40D-22, F.A.C.. Lawn and Landscape provisions include partial exemptions for New Plant materials, Low-Volume Irrigation of non-lawn plant material, testing and maintenance of irrigation systems, irrigation to water-in chemicals and spot treatment.

3. An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services – Bureau of Cemetery Services and will include a summary of the requirements listed above.

(7) Other Uses.

(a) Except as provided below, all users engaging in Other Use shall comply with applicable provisions of Chapter 40D-22, F.A.C., and implement the following demand management measures, as appropriate:

1. Reduce off-site discharge to the extent practicable;

2. Recycle water to the extent practicable;

3. Maximize the use of the least restricted Source Class to which there is access;

4. Reduce non-essential uses to the extent practicable.

(b) Cooling, Heating and Air Conditioning Use.

1. The use of water in a cooling tower or other water-dependent cooling, heating or air conditioning system shall be restricted to that amount of water necessary to maintain an appropriate temperature for the associated activity.

2. Discharge of water from cooling, heating or air conditioning systems shall be to pervious surfaces where economically feasible and environmentally appropriate. If said discharge must be sent to an impervious surface or is disposed of through an irrigation system, the user is encouraged to register the physical location with the District's Demand Management staff in order to circumvent compliance actions that could otherwise be triggered.

(c) Aesthetic Use (fountains, waterfalls and other artistic water features).

1. If an aesthetic use also provides a necessary water quality benefit, such as aeration of a stormwater pond, it may be operated as necessary.

2. All other outdoor aesthetic uses shall be limited to eight hours a day, and the user shall post the normal hours of operation for the aesthetic use.

(d) Recreation Area Use.

1. All pools shall be maintained in a manner that minimizes the need for make-up water. This shall include the prompt repair of leaks, optimum scheduling of backwash filtration and the use of shade or covers to reduce evaporation.

2. Commercial and institutional uses of water for recreational purposes shall comply with subsection 40D-21.631(4), F.A.C.

3. Residential and other non-commercial uses of water for recreational purposes shall be reduced to the maximum extent practicable. For example:

a. Use of a sprinkler or sprinkler-like device on a Lawn for recreational purposes shall be restricted to the watering day(s), watering times and horticulturally necessary amounts for the address involved.

b. Use of a wading pool, water slide, or other child-oriented recreation device shall include discharge or emptying onto a Lawn or Landscape area that requires irrigation.

(e) Water Body Augmentation.

Augmentation of a pond or other water body shall be limited to the following circumstances:

1. As required by a Water Use Permit or Environmental Resource Permit, typically for environmental mitigation purposes.

2. The minimum necessary to maintain and preserve the structural integrity of a newly constructed or recently altered pond.

3. The minimum needed to maintain and preserve habitat for native fish and wildlife.

4. Where lake levels are below the lowest minimum level or guidance level, as applicable, established for that lake by the District.

(f) Washing or cleaning outdoor impervious surfaces:

1. Pressure Washing buildings or other structures in preparation for painting or other necessary maintenance is allowed.

2. Annual Pressure Washing buildings, other structures, driveways, sidewalks and other impervious surfaces as part of a planned maintenance program to either maintain a warranty or prevent a "slip and fall" hazard is allowed.

3. Washing or cleaning streets in preparation of, or immediately after, a parade or other public event is allowed.

4. Washing or other water-based cleaning of streets or other impervious surfaces, other than that described above, shall be prohibited, except to meet federal, state, or local health or safety standards. These standards specifically allow for required dust control.

(g) Mobile Equipment Washing.

1. Commercial car washes, hand-detailing operations and similar establishments shall comply with subsection 40D-21.631(4), F.A.C.

2. Car wash fundraisers held on behalf of non-profit organizations are allowable, provided participants use water in an efficient manner. This specifically includes the use of a trigger (self-canceling) nozzle on any garden-type hose used.

3. Washing of fire trucks and other emergency vehicles shall comply with subparagraph 40D-21.631(3)(a)3., F.A.C.

4. Rinsing boats and flushing boat engines is allowed after each use, as necessary, to remove salt water or to prevent the transportation of exotic plant or animal material.

5. Cleaning agricultural vehicles in accordance with canker abatement procedures, animal husbandry practices and other activities endorsed by the University of Florida's Institute of Food and Agricultural Sciences or United States Department of Agriculture is allowed, as necessary.

6. Other than as described above, car, truck and other Mobile Equipment washing shall be accomplished using low volume methods only, such as with a hand-held hose equipped with a trigger (self-canceling) nozzle and shall be restricted to only one washing a week. At a residential property, this activity shall only occur on Tuesday or Saturday for an Even Address and only Wednesday or Sunday for an Odd Address.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, _____.

(Substantial rewording of Rule 40D-21.641 follows. See Florida Administrative Code for present text.)

40D-21.641 Phase III: Extreme Water Shortage.

(1) A Phase III Water Shortage is a hydrologic or climatic condition in which multiple regional Drought Indicators have severely abnormal values, or a local Drought Indicator for a specific public supply has an extremely abnormal value, such that conditions warrant temporary minimization of nonessential water use and/or preparation for supply augmentation. The Governing Board will request a 10% voluntary reduction in all water use, including reclaimed water blends. Notice of a declaration of a Phase III Water Shortage will include those response mechanisms set forth below and any other response mechanisms, that are in effect for the Phase III Water Shortage.

(2) Indoor Use. The notice specified in subsection 40D-21.275(1), F.A.C., will include practical tips specific to Indoor Use about how to achieve the requested reduction. The notice may refer water users to website material or fact sheets for this or additional information.

(3) Essential Use.

(a) Fire Fighting.

1. Each fire department or other fire suppression unit shall implement or continue to implement provisions of paragraph 40D-21.631(3)(a), F.A.C., except that fire hydrant flushing is limited to only that conducted by fire service personnel and vendors that the applicable fire department has authorized to conduct that activity during the specific Water Shortage event.

2. Each fire department or other fire suppression unit is encouraged to work with District staff to proactively locate potential back-up sources, such as existing permitted supplies, especially in areas where potable water is not available for fire-fighting purposes.

3. The notice specified in subsection 40D-21.275(4), F.A.C., that is sent to fire and rescue officials will summarize the requirements listed above.

(b) Water Utility Use.

In addition to the requirements of the applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all water utilities, as appropriate:

1. Any water utility governed by a District-approved WSMP shall activate applicable provisions.

2. Water utilities shall keep the District informed of the status of their potable water and reclaimed water systems to help the District detect regional trends, provide accurate information to the media and the general public and offer assistance in localized water supply problems. At a minimum, unless otherwise specified in the applicable District-approved Water Shortage Mitigation Plan, each water utility shall provide:

a. A report to the District's Demand Management staff regarding the status of its potable water and reclaimed water systems. This report shall be provided within 30 days of the effective date of a Phase III Water Shortage order. It should be concise, focusing on any current or anticipated shortage-related challenges, such as distribution pressure problems, quantity or quality concerns about primary and back-up supplies and planned strategies for additional demand management and/or supply supplementation in the event that the drought continues or worsens.

b. Regular status updates to the District's Demand Management staff. These updates may be brief and verbal instead of written. Unless another reporting frequency is needed for statewide coordination purposes, these updates will be required on a monthly basis.

c. Updates to District's Demand Management staff on a more frequent basis when there is a major or sudden change in status.

3. Water utilities shall plan for supply supplementation or replacement, including coordination with District staff to request any appropriate emergency order.

4. At a minimum, unless otherwise specified in the applicable District approved Water Shortage Mitigation Plan, each water utility should provide, directly or through the appropriate local agency, the following:

a. Response, as needed, to enforcement referrals made by the District and violation complaints made by members of the general public. This shall involve, when necessary, a site investigation on the day of the week and time of day indicated in the enforcement referrals or violation complaints.

b. Compliance monitoring, as appropriate, in portions of the service area where complaints appear to be prevalent.

c. Issuance of a citation, without needing to first issue a warning, in response to any violation that occurs more than 14 days after the effective date of a Phase III Water Shortage order declaration. Warnings may still be issued if the violation is not confirmed or involves extenuating circumstances.

d. Implementation or continued implementation of all provisions specified in sub-subparagraphs 40D-21.631(3)(b) 2.b., c. and d., F.A.C.

5. Water utilities shall augment the District's messaging efforts by disseminating pertinent water conservation and demand management information. At a minimum, each utility shall inform its customers about the Phase III Water Shortage declaration, including how their primary and back-up water supplies could be affected and any ongoing local water conservation projects, such as rebate or inspections offered by the water utility that may assist its customers in their efforts to immediately reduce water consumption.

6. Water utilities shall institute or continue to institute system-level water conservation measures as specified in paragraph 40D-21.631(3)(b)(4), F.A.C.

7. Potable water, sanitary sewer and reclaimed water line flushing and disinfection shall be limited to the minimum required for the protection of human health, safety and welfare. Each utility shall implement or continue to implement the inquiry processes specified in paragraphs 40D-21.631(3)(b)(5), F.A.C., and shall limit the use of unattended manual flushing as a means of minimizing inquiries and maximizing potential water savings.

8. The notice specified in subsection 40D-21.275(3), F.A.C., that is sent to the public supply Permittees will summarize the requirements listed above. Although it is the responsibility of permittees to notify their wholesale customers, the District will endeavor to send a copy of this notice to affected water utilities that are not permittees but are instead served by a permittee, such as the member governments of a Regional Authority.

(c) Medical and Health Use.

1. The use of water for medical purposes shall not be restricted.

2. The use of water for the protection of public health, safety and welfare shall not be restricted.

(4) Commercial and Industrial Use.

In addition to the requirements of the applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all commercial and industrial use, as appropriate, including efforts that may go beyond normally applicable Water Use Permit requirements, as appropriate:

(a) Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's Water Shortage declaration notice and when any major change

in water supply status occurs, notify the District's Demand Management staff regarding: any water well failures, quantity or quality concerns about primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens.

(b) Eliminate off-site discharge to the extent practicable;

(c) Recycle water to the extent practicable;

(d) Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment;

(e) Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to meet health and safety needs or as otherwise required by published industry standards;

(f) Maximize use of the least restricted Source Class to which there is access;

(g) Eliminate non-essential uses;

(h) Power generation utilities only: if using a water source that is affected by the Phase III declaration, encourage customers to voluntarily reduce power consumption as a means to reduce water consumption.

(5) Agricultural Uses.

In addition to the requirements of the applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all Agricultural Use, as appropriate:

(a) Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's declaration notice and when any major change in water supply status occurs, notify the District's Demand Management staff regarding: any water well failures, quantity or quality concerns about primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens;

(b) Each Agricultural Permittee shall comply with all of its Water Use Permit requirements and terms. This specifically includes, for those Permittees located within the Southern Water Use Caution Area, the ability to earn and expend "Water Conservation Credits" pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.;

(c) Eliminate off-site discharge to the extent practicable. For example, agricultural irrigation involving the use of seepage systems shall be operated in a manner that will eliminate surface runoff and loss of water through lateral seepage to open ditches;

(d) Recycle water to the extent practicable;

(e) Suspend clean-up requiring water use, except for the minimum required to protect efficiency for the operation and prevent damage to equipment;

(f) Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to protect animal or human health and safety needs, or as otherwise required by published BMPs, such as to prevent the spread of plant disease;

(g) Maximize use of the least restricted Source Class to which there is access;

(h) Eliminate non-essential uses;

(i) Except as otherwise noted herein, continue to comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These exemptions include: allowances for Low-Volume Irrigation technology, plant protection, testing and maintenance of irrigation systems and irrigation to water-in chemicals. In the context of allowable watering hours, Agricultural Uses of center pivot and traveling gun technologies shall have the same exemptions as Low-Volume Irrigation.

(6) Landscape Use.

(a) Golf Courses and Driving Ranges.

In addition to the requirements of the applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all Golf Courses and Driving Ranges, including efforts that may go beyond normally applicable Water Use Permit requirements, as appropriate:

1. Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's Water Shortage declaration notice and when any major change in water supply status occurs, notify the District's Demand Management staff regarding any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens.

2. Each Permittee shall comply with all of its Water Use Permit requirements and terms. This specifically includes for those Permittees located within the Southern Water Use Caution Area, the ability to earn and expend "Water Conservation Credits" pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.

3. Eliminate off-site discharge to the extent practicable;

4. Recycle water to the extent practicable;

5. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment.

6. Suspend the washing of golf carts, lawn mowers and other Mobile Equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as to prevent the spread of Turfgrass disease;

7. Maximize use of the least restricted Source Class to which there is access;

8. Eliminate non-essential uses and take appropriate actions to avoid water use increases. This may include the following, as appropriate:

a. Postponing any planned Turfgrass renovation for the duration of the Phase III Water Shortage declaration.

b. Reducing wear on fairways by restricting cart traffic to designated paths only.

c. Modifying nutritional, soil amendment and mowing practices to minimize water stress.

d. Limiting overseeding to tees and greens only.

e. Educating golfers and guests about the ongoing drought, the steps that the facility is taking to reduce water use and how golfers and guests can conserve water while visiting the facility.

9. Supplemental irrigation ("normal watering") shall be restricted to the allowable hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.

10. Tees, golf course greens and practice greens shall receive supplemental irrigation no more than three times per week. Upon specific request by the District, a course may be required to maintain a log documenting when this irrigation occurs.

11. Fairways and driving range greens shall receive supplemental irrigation no more than once per week during the months of December, January and February and no more than twice per week during the other months of the year. Upon specific request by the District, a course may be required to maintain a log documenting when this irrigation occurs.

12. Rroughs shall not be irrigated, except that irrigation may occur when used for the disposal of excess reclaimed water (i.e., wet weather disposal).

13. From days 31 through 60 of the allowable 60-day "establishment period" exemption provided in Chapter 40D-22, F.A.C., irrigation of New Plant Material may only occur on three days each week.

14. Except as otherwise noted herein, all irrigation and Other Uses shall comply with the applicable exemptions in Chapter 40D-22, F.A.C., Exemptions, shall continue to include allowances for plant protection on tees and greens, testing and maintenance of irrigation systems and irrigation to water in chemicals.

(b) Other Athletic Play Areas.

In addition to the requirements of the applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all Athletic Play Areas, except Golf Courses and Driving Ranges, as appropriate:

1. Inform the District about any drought-related challenges with their water supplies. At a minimum, each Permittee shall, within 14 days of receipt of the District's Water Shortage declaration notice and when any major change in the water supply status occurs, notify the District's Demand Management staff regarding: any water well failures, quantity or quality concerns about the primary water supplies, any anticipated need for supply supplementation and planned strategies for supply supplementation in the event that the drought continues or worsens;

2. Each Permittee shall comply with all of its Water Use Permit requirements and terms. This specifically includes for those Permittees located within the Southern Water Use Caution Area the ability to earn and expend "Water Conservation Credits" pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.:

3. Eliminate off-site discharge to the extent practicable;

4. Recycle water to the extent practicable;

5. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment;

6. Suspend the washing of lawn mowers and other Mobile Equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as to prevent the spread of Turfgrass disease;

7. Users having access to more than one Source Class shall maximize use of the least restricted Source Class to which there is access;

8. Eliminate non-essential uses and take appropriate actions to avoid water use increases. This may include the following, as appropriate:

a. Postponing any planned Turfgrass renovation for the duration of the Phase III Water Shortage declaration.

b. Reducing wear on athletic fields as practical.

c. Modifying nutritional, soil amendment and mowing practices to minimize water stress.

d. Educating players and guests about the ongoing drought, the steps that the facility is taking to reduce water use and how players and guests can conserve water while visiting the facility;

9. Supplemental irrigation shall be restricted to the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.;

10. Turfgrass fields shall receive supplemental irrigation no more than once per week during the months of December, January and February and no more than twice per week during the other months of the year;

11. From days 31 through 60 of the allowable 60-day "establishment period" exemption provided in Chapter 40D-22, F.A.C., irrigation of New Plant Material may only occur on three days each week.

12. Except as otherwise noted herein, all irrigation and Other Uses shall comply with applicable provisions and exemptions in Chapter 40D-22, F.A.C. These exemptions specifically include: allowances for plant protection of Turfgrass athletic fields, wetting of clay tennis courts and similar surfaces immediately prior to play, one extra irrigation application immediately after heavy play to encourage athletic field Turfgrass repair and, under certain circumstances, the ability to have a special watering schedule without applying for a variance.

(c) Lawn and Landscaping Use, including Cemeteries:

In addition to the requirements of the applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all Lawn and Landscaping Use, including Cemeteries, as appropriate:

1. An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services – Bureau of Cemetery Services and will include a summary of the requirements listed below.

2. Each Permittee shall comply with all of its Water Use Permit requirements and terms. This specifically includes for those Permittees located within the Southern Water Use Caution Area the ability to earn and expend "Water Conservation Credits" pursuant to Rule 40D-2.621, F.A.C., and the associated Basis of Review section, which is incorporated in Rule 40D-2.091, F.A.C.

3. Eliminate off-site discharge to the extent practicable;

4. Recycle water to the extent practicable;

5. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment;

6. Suspend the washing of lawn mowers and other mobile equipment, except for the minimum necessary to meet health and safety needs or as otherwise required by published BMPs, such as the spread of Turfgrass disease.

7. Maximize the use of the least restricted Source Class to which there is access.

8. Eliminate non-essential uses and take appropriate actions to avoid water use increases. This specifically includes postponing any planned Turfgrass renovation for the duration of the Phase III Water Shortage declaration. Other potential actions may include, but are not limited to modifying nutritional, soil amendment and mowing practices to minimize water stress.

9. From days 31 through 60 of the allowable 60-day "establishment period" exemption, irrigation of New Plant Material may only occur on three days a week. During this portion of the "establishment period" exemption, Even Addresses may only water New Plant Material on Tuesday, Thursday and/or Saturday and Odd addresses may only water New Plant Material on Wednesday, Friday and/or Sunday.

10. Supplemental irrigation for properties with an automatic timer or in-ground system which are less than one acre in size, may only occur during the hours of 12:01 a.m. to 4:00 a.m. or 8:00 p.m. to 11:59 p.m. Properties one acre or greater in size may continue to irrigate during the allowable hours of 12:01 a.m. to 10 a.m. or 4 p.m. to 11:59 p.m. Each property under two acres in size may only use one of its two allowable time periods, and each water utility may designate which of these time periods their customers shall use.

11. Supplemental irrigation accomplished by microirrigation or other low volume technology, or by manual means (handwatering or irrigation that does not involve the use

of an automatic timer or in-ground system), may only occur during the hours of 12:01 a.m. to 8:00 a.m. or 6:00 p.m. to 11:59 p.m.

12. During the months of December, January and February, lawn watering shall be reduced to only one application per week. Unless otherwise specified by the water provider in an alternative schedule approved by the District in a Water Shortage Mitigation Plan or as an event specific variance, this watering shall be in accordance with the following schedule:

a. Addresses with a “house number” ending in 0 or 1 may water on Monday;

b. Addresses ending with a 2 or 3 on Tuesday;

c. Addresses ending with a 4 or 5 on Wednesday;

d. Addresses ending with a 6 or 7 on Thursday;

e. Addresses ending with an 8 or 9 and locations with a mix of addresses, or for which an address cannot be determined (such as common areas associated with a subdivision), of Friday; and

f. Cemeteries and other properties greater than 2 acres in size that have a special irrigation schedule in accordance with paragraph 40D-22.201(4)(c), F.A.C., or properties regardless of size that have a special irrigation schedule pursuant to provisions of a variance from Chapter 40D-22, F.A.C., may only water each section of property on the first day of the week already assigned to it. For example, a section of the property assigned a “Monday and Thursday” schedule may only water on Monday.

13. When the once-per-week Lawn watering schedule is applicable, spot treatment shall only be allowed on the normally allowable watering day and Saturday (for Even Addresses only) or Sunday (for Odd Addresses only).

14. Except as otherwise noted herein, all applicable exemptions and other provisions of Chapter 40D-22, F.A.C., shall be in effect.

(7) Other Uses.

(a) In addition to the requirements of the applicable Water Use Permit, the following restrictions and other response mechanisms shall apply to all other use, as appropriate:

1. Eliminate off-site discharge to the extent practicable;

2. Recycle water on-site to the extent practicable;

3. Suspend clean-up requiring water use, except for the minimum required to protect efficiency of the operation and prevent damage to equipment;

4. Suspend the washing of vehicles and other Mobile Equipment, except for the minimum required to meet health and safety needs or as otherwise required by published BMPs;

5. Maximize the use of the least restricted Source Class to which there is access;

6. Eliminate non-essential uses and take appropriate actions to avoid water use increases;

(b) Cooling, heating and air conditioning use shall comply with paragraph 40D-21.631(7)(b), F.A.C.

(c) Aesthetic use, for example water fountains, waterfalls and other artistic water features with recirculation systems, shall be limited to operating eight hours a day and the user shall post the normal hours of operation.

(d) Recreation use shall comply with paragraph 40D-21.631(7)(d), F.A.C.

(e) Water Body Augmentation:

1. Augmentation shall be limited to those circumstances indicated in subparagraphs 40D-21.631(7)(e)1., 2. and 3., F.A.C.

2. Other augmentation, including augmentation of those water bodies for which the District has established minimum levels, is prohibited except in accordance with Chapter 40D-80, F.A.C.

(f) Washing or cleaning of outdoor impervious surfaces:

1. Pressure Washing of buildings or other structures in preparation for painting and other necessary maintenance is allowed.

2. All other washing or cleaning of impervious surfaces or structures shall be prohibited, except to meet federal, state or local health or safety standards. These standards specifically allow for required dust control.

(g) Mobile Equipment washing:

1. Commercial car washes, hand detailing operations and similar establishments shall comply with subsection 40D-21.641(4), F.A.C.

2. Car wash fundraisers held on behalf of non-profit organizations are prohibited, except for one-day events that were scheduled prior to the date of the Phase III Water Shortage declaration.

3. Washing of fire trucks and other emergency vehicles is allowed in accordance with paragraph 40D-21.641(3)(a), F.A.C.

4. Rinsing of boats and flushing of boat engines is allowed after each use when needed to remove salt water or to prevent the transportation of exotic plant or animal material.

5. Cleaning agricultural vehicles in accordance with canker abatement procedures, animal husbandry practices and other activities endorsed by the University of Florida’s Institute of Food and Agricultural Sciences and the United States Department of Agriculture is allowed, as necessary.

6. Other than as described above, car, truck and other Mobile Equipment washing shall be accomplished using low volume methods only, such as with a hand-held hose equipped with a trigger (self-cancelling) nozzle and shall be restricted to only one washing a week. At a residential property, this activity may only occur on Tuesday or Saturday for an Even Address, or Wednesday or Sunday for an Odd Address.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New 11-19-84, Amended 7-2-86, 5-30-93, _____.

40D-21.651 Phase IV: Critical Water Shortage.

(1) A Phase IV Water Shortage is a hydrologic or climatic condition where multiple regional Drought Indicators have extremely abnormal values, or the local Drought Indicator for a specific public supply has a critically abnormal value, such that conditions warrant the temporary suspension of nonessential use and/or initiation of supply augmentation. The Governing Board will request a 20% voluntary reduction in all water use, including reclaimed water blends. Notice of a declaration of a Phase IV Water Shortage will include those restrictions and other response mechanisms set forth below and any other response mechanisms that are in effect for the Phase IV Water Shortage.

(2) Indoor Use. The notice specified in subsection 40D-21.275(1), F.A.C., will include practical tips specific to Indoor Use about how to achieve the requested reduction. The notice may refer water users to website material or fact sheets for this or additional information.

(3) Essential Use.

(a) Fire Fighting, Health and Medical water uses shall be subject to paragraphs 40D-21.641(3)(a) and (c), F.A.C. The notice specified in subsection 40D-21.275(5), F.A.C., that is sent to fire and rescue officials will summarize these requirements.

(b) Water Utility Use.

1. The notice sent in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected public supply Permittees. Although it is the responsibility of permittees to notify their wholesale customers, the District will endeavor to send a copy of this notice to affected water utilities that are not permittees but are instead served by a permittee, such as the member governments of a Regional Authority.

2. Water utility use shall be subject to paragraph 40D-21.641(3)(b), F.A.C., with the following modifications:

a. Regular status updates shall be required on a weekly basis.

b. Water utilities shall promptly notify the District's applicable Regulation Department and Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

c. Water utilities shall participate in Water Shortage restriction enforcement as described in subparagraph 40D-21.641(3)(b)4., F.A.C., and take the following additional actions when necessary to protect public health, safety and welfare:

i. Temporary limits to potable water service, or augmented reclaimed water service, in response to a location specific request from the District to remedy a violation of this Chapter that is causing, or likely to cause, a public health hazard or property damage. These limits do not necessarily involve

suspension of service, but may include utilization of a regulator valve or other means by which the user can be constrained to the amount of water necessary for reasonable Indoor Use. During a Phase IV Water Shortage, repetitive Water Shortage restriction violations may constitute a public health hazard. The applicable water utility shall determine the limitation method and may consider any reasonable mitigating circumstances.

ii. Temporary waivers, or other means of deferring the enforcement of local code violations, until after the Phase IV Water Shortage declaration has been rescinded, if enforcement would result in an increase in water use and compliance is not immediately required to protect public health, safety and welfare.

iii. Conditional certificates of occupancy, or some other action resulting in the temporary waiver or deferral of specific requirements normally associated with issuing a certificate of occupancy, such that installation of the Lawn or Landscaping normally required for a new or substantially rehabilitated building can be delayed until after the Phase IV Water Shortage declaration has been rescinded.

iv. Temporary suspension of the practice of issuing letters of commitment, or some other action resulting in the temporary deferral of new commitments to provide potable water or to augment reclaimed water, such that significant additional customers are not added to the system until after the Phase IV Water Shortage declaration has been rescinded.

(4) Commercial and Industrial Use.

(a) The notice in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected commercial and industrial Water Use Permit. The notice will summarize the requirements listed below.

(b) Restrictions and other response mechanisms specified in subsection 40D-21.641(4), F.A.C., shall apply, with the following modifications:

1. Local offices of banks and other entities offering home loans or mortgage services shall notify the District if they will not enter into new agreements with properties affected by sub-subparagraph 40D-21.651(2)(b)2.c.ii or iii, F.A.C.

2. Users shall, upon the specific request of the District, cease all uses of water that are not essential to public health, safety and welfare.

3. Users shall, upon the specific request of the applicable water utility with a District-approved WSMP, cease all uses of utility-provided water that are not essential to public health, safety and welfare.

(5) Agricultural Uses.

(a) The noticing in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected agricultural Water Use Permit. The notice will summarize the requirements listed below.

(b) Restrictions and other response mechanisms specified in subsection 40D-21.641(5), F.A.C., shall apply, with the following modifications:

1. Users shall promptly notify the District's applicable Regulation Department Service Office and Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

2. Users shall, upon the specific request of the District, cease all crop related uses of water that are not essential to public health, safety and welfare.

3. Users shall, upon the specific request of the applicable water utility with a District-approved WSMP, cease all crop related uses of utility-provided water that are not essential to public health, safety and welfare.

(6) Landscape Use and Driving Ranges.

(a) Golf Courses.

1. The noticing in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected golf course Water Use Permit. This notice will summarize the requirements listed below.

2. Restrictions and other response mechanisms specified in paragraph 40D-21.641(6)(a), F.A.C., shall apply, with the following modifications:

a. Watering roughs and non-play native or naturalized areas shall be prohibited.

b. Users shall promptly notify the District's applicable Regulation Department Service Office and Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

c. The establishment period for New Plant Materials shall be reduced to "15/30/15." This means that the material can be watered on any day for a 15-day period starting the day it is installed, then up to three days a week during the next 30 day period, then only two days a week during the final 15-day period.

d. Users shall, upon the specific request of the District, cease all uses of water that are not essential to public health, safety and welfare.

e. Users shall, upon the specific request of the applicable water utility with a District-approved WSMP, cease all uses of utility-provided water that are not essential to public health, safety and welfare.

(b) Other Athletic Play Areas.

1. The noticing in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected Water Use Permit. This notice will summarize the requirements listed below.

2. Restrictions and other response mechanisms specified in paragraph 40D-21.641(6)(b), F.A.C., shall continue to apply, with the following modifications:

a. Supplemental irrigation of Turfgrass shall only be allowed once a week, regardless of the month.

b. Users shall promptly notify the District's applicable Regulation Department Service Office and Demand Management staff about any new water supply emergency and any supply supplementation or replacement that occurs in order to address or prevent such an emergency.

c. The establishment period for New Plant Materials shall be reduced to "15/30/15." This means that the material can be watered on any day for a 15-day period starting the day it is installed, then up to three days a week during the next 30 day period, then only two days a week during the final 15-day period.

d. Users shall, upon the specific request of the District, cease all uses of water that are not essential to public health, safety and welfare.

e. Users shall, upon the specific request of the applicable water utility with a District-approved WSMP, cease all uses of utility-provided water that are not essential to public health, safety and welfare.

(c) Lawn and Landscaping Use, including Cemeteries:

1. The notice in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected Water Use Permit. The notice will summarize the requirements listed below. An example copy of the notice specified in subsection 40D-21.275(3), F.A.C., shall be sent to the Florida Department of Financial Services – Bureau of Cemetery Services and will include a summary of the requirements listed below.

2. All Lawn and Landscaping Use, including Cemeteries, shall continue to comply with applicable provisions of paragraph 40D-21.641(6)(c), F.A.C., with the following modifications:

a. The establishment period for New Plant Materials shall be reduced to "15/30/15." This means that the material can be watered on any day for a 15-day period starting the day it is installed, then up to three days a week during the next 30-day period, then only two days a week during the final 15-day period.

i. When "three days a week" establishment period watering is allowed on properties less than one acre in size, Even Addresses may only water on Tuesday, Thursday and Saturday; whereas, Odd Addresses may only water on Wednesday, Friday and Sunday.

ii. When “two days a week” establishment period watering is allowed on properties less than one acre in size. Even Addresses may only water on Tuesday and Saturday, whereas, Odd Addresses may only water on Wednesday and Sunday.

iii. When “three days a week” or “two days a week” irrigation is allowed in cemeteries or on other properties one acre in size or larger, each property shall maintain a written schedule of its establishment period watering.

b. Supplemental irrigation for properties with an automatic timer or in-ground system may only occur during the hours of 12:01 a.m. to 4 a.m. or 8 a.m. or 8 p.m. to 11:59 p.m. Any property under one acre in size may only use one of the two allowable time periods and the applicable water utility may designate which of these time periods their customers shall use.

c. Supplemental irrigation accomplished by hand-watering, microirrigation or other low volume technology, or by manual means only (such as an oscillating sprinkler supplied by garden hose, or an in-ground system without an automatic timer) may only occur during the hours of 4 a.m. to 8 a.m. or 6 p.m. to 10:00 p.m. Any property under one acre in size may only use one of the two allowable time periods and the applicable water utility may designate which of these time periods their customers may use.

d. Supplemental irrigation, except as otherwise provided below, shall be limited to only one application per week during all months of the year in accordance with paragraph 40D-21.641(6)(c), F.A.C.

e. Supplemental irrigation of landscaping beds and other non-Lawn plant material, when accomplished by handwatering, microirrigation and other Low-Volume Irrigation methods, shall be limited to a maximum of three applications per week during all months of the year.

i. Even Addresses under one acre in size shall only accomplish this irrigation on Tuesday, Thursday and/or Saturday.

ii. Odd Addresses under one acre in size shall only accomplish this irrigation on Wednesday, Friday and/or Sunday.

iii. Properties one acre or larger in size shall maintain a written schedule of its Low-Volume Irrigation.

f. Spot treatment or syringing “hot spots” in Lawns is prohibited.

g. Utilize the following additional actions, as appropriate, to promote Lawn and Landscape survival without increasing water use:

i. Reduce foot traffic on lawn and other ground cover;

ii. Modify nutritional practices, such as reducing the frequency of complete fertilizer applications;

iii. Spot-treat pest and weed problems instead of using broadcast applications of chemicals that must be watered-in;

iv. Regularly test and maintain irrigation systems in accordance with provisions of Chapter 40D-22, F.A.C., as a means of detecting and repairing problems before plant damage or loss is extensive;

v. Use organic material or other soil amendments to improve the soil’s water retention capacity; and

vi. Adjust mowing practices to minimize water stress. For example, mow Lawns to the longest acceptable height and mow frequently enough to only remove one-third of the height each time.

3. Users shall, upon the specific request of the District, cease water uses that are not essential to public health, safety and welfare.

4. Users shall, upon the specific request of the applicable water utility with a District-approved WSMP, cease uses of utility-provided water that are not essential to public health, safety and welfare.

(7) Other Uses.

(a) The noticing in accordance with subsection 40D-21.275(3), F.A.C., for a Phase IV Water Shortage declaration shall constitute a temporary modification of the requirements for each affected Water Use Permit. The notice will summarize the requirements listed below.

(b) Restrictions and other response mechanisms specified in subsection 40D-21.641(7), F.A.C., shall apply, with the following modifications:

1. Cooling, heating and air conditioning use: Cooling towers, geothermal units and similar water-using devices used in public spaces may only cool to a minimum of 78 degrees Fahrenheit and heat to a maximum of 68 degrees Fahrenheit, except as otherwise required for health or medical reasons.

2. Aesthetic Use: Aesthetic use including water fountains, waterfalls and other artistic water features is prohibited. In public spaces, the owner or manager of such features shall use signs, when practical, to indicate that this action was taken in compliance with current Water Shortage restrictions.

3. Washing or Cleaning of Outdoor Impervious Surfaces: Washing or cleaning of outdoor impervious surfaces, including Pressure Washing, is prohibited, except to meet federal, state or local health or safety standards. These standards specifically allow for required dust control.

4. Mobile Equipment Washing:

a. Routine washing of cars or trucks in residential settings and car wash fundraisers held on behalf of a non-profit organization is prohibited.

b. Cleaning of cars, trucks and other Mobile Equipment in other settings is also prohibited, with the following exceptions: washing of fire trucks and other emergency vehicles, rinsing of boats after use, flushing of boat motors after use, necessary cleaning of Lawn and maintenance and agricultural vehicles, rinsing of any vehicle after exposure to saltwater or sewage

and washing of any vehicle immediately prior to sale, rent or lease (including lease termination, but excluding daily car or truck rentals).

5. Users shall, upon the specific request of the District, cease all uses of water that are not essential to public health, safety and welfare.

6. Users shall, upon the specific request of the applicable water utility with a District-approved WSMP, cease all uses of utility-provided water that are not essential to public health, safety and welfare.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lois Sorenson, Water Shortage Coordinator, Records and Data Department, 2379 Broad Street, Brooksville, Florida 34604-6899, (800)423-1476, or, (352)796-7211, Ext. 4299

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003, April 2, 2004, January 28, 2005 and July 29, 2005

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE CHAPTER TITLE: Florida State Employees’ Charitable Campaign
RULE CHAPTER NO.: 60L-39

RULE TITLES: Statewide Steering Committee
Application Procedures
Duties and Responsibilities of the Fiscal Agent
RULE NOS.: 60L-39.003
60L-39.005
60L-39.006

PURPOSE AND EFFECT: To amend the rules regarding the Florida State Employees’ Charitable Campaign in light of federal mandates regarding prohibited transactions with certain persons and organizations, to eliminate unnecessary paperwork and questions from the application process, and clarify the duties and responsibilities of the steering committee and the fiscal agent.

SUMMARY: The amendments amend the rules regarding the Florida State Employees’ Charitable Campaign in light of federal mandates regarding prohibited transactions with certain persons and organizations. The amendments eliminate unnecessary paperwork and questions from the application process and add a statement regarding federal mandates regarding prohibited transactions with certain persons and organizations by amending Form DMS-ADM-100, Application for Participation in the Florida State Employees’ Charitable Campaign and Form DMS-ADM-101, Renewing Organization Application for Participation in the Florida State

Employees’ Charitable Campaign. The amendments clarify the duties and responsibilities of the steering committee and the fiscal agent.

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: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Kuczanski, Chairman, Florida State Employees’ Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 215, Tallahassee, Florida 32399-0950, (850)921-4681

THE FULL TEXT OF THE PROPOSED RULES IS:

60L-39.003 Statewide Steering Committee.

(1) The members of the FSECC Steering Committee, ~~whose members~~ shall serve staggered four-year terms.

(2) The FSECC Steering Committee shall arrange publication of information about the application process – including deadlines, address for obtaining materials, and criteria for eligibility – in sufficient time to prepare applications and supporting documentation.

(3) The FSECC Steering Committee shall review all new and renewing applications before June 1 on the basis of their compliance with the established criteria and their timely submission.

(4) The staff of the FSECC Steering Committee shall be responsible for a review of all applying organizations to ensure that participating organizations are not on the list of persons and entities designated under Executive Order 13224, the United States Treasury Department’s “master list” of specially designated nationals and blocked persons, and the United States State Department’s list of foreign terrorist organizations.

~~(5)~~(4) The FSECC Steering Committee shall notify applicants of decisions on applications within a period that allows time for an appeal in accordance with Rule 60L-39.007, F.A.C.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History—New 1-6-02, Amended 3-5-04, 1-9-05, _____.

60L-39.005 Application Procedures.

(1) Annual applications for participation in the FSECC (Form DMS-ADM-100, Application for Participation in the Florida State Employees’ Charitable Campaign, effective _____, and Form DMS-ADM-101, Renewing

Organization Application for Participation in the Florida State Employees' Charitable Campaign, effective _____, which is hereby incorporated by reference) shall be submitted as set forth in rule subsection 60L-39.005(2), F.A.C., to the Steering Committee Chair at the following address:

Florida State Employees' Charitable Campaign
 Department of Management Services
 4050 Esplanade Way, Suite 280
 Tallahassee, Florida 32399-0950

Applications must be postmarked by April 1 of each year for a charitable organization to be considered eligible for that year's Campaign. A federated fundraising organization, as defined in subsection 496.404(10), F.S., shall submit applications on behalf of its members. Form DMS-ADM-100 and Form DMS-ADM-101 can be obtained by writing to:

Florida State Employees' Charitable Campaign
 Department of Management Services
 4050 Esplanade Way, Suite 280
 Tallahassee, Florida 32399-0950

(2) Applicants that did not participate in the FSECC during the previous year and all independent/unaffiliated organizations shall submit a complete application with documentation verifying compliance with eligibility outlined in Section 110.181(1), F.S., and Rule 60L-39.004, F.A.C. Form DMS-ADM-100, incorporated by reference at subsection 60L-39.005(1), F.A.C. All other applicants shall submit a complete Form DMS-ADM-101, incorporated by reference at subsection 60L-39.005(1), F.A.C.

(3) The Steering Committee shall request additional documentation or information from an applicant if necessary for purposes of clarifying eligibility. Requested documents or information must be supplied within five working days of the receipt of the Committee's request.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-1-02, Amended 3-5-04, 1-9-05,_____.

60L-39.006 Duties and Responsibilities of the Fiscal Agent.

(1) The state fiscal agent, which the Department shall select through competitive procurement, shall provide state level coordination of the campaign and oversee the activities of area fiscal agents, which receive, account for, and distribute charitable contributions among participating charitable organizations. The state fiscal agent shall ensure that campaign brochures and materials treat all participating organizations and federations equally and fairly. Campaign brochures shall provide fair listing order and the same type, size, and color print for all participating organizations and for all federations.

(2) The duties and responsibilities of the area fiscal agent shall include the following:

(a) Selecting, training and managing a local steering committee composed of state employees in the fiscal agent area to assist in conducting the campaign and to direct the

distribution of undesignated funds. Any local steering committee member shall disclose any affiliation with a participating charity or federation prior to voting on undesignated funds. Federations shall submit the names of potential steering committee members, if any, to the area fiscal agent by July 1 of each year.

(b) Training employee keyworkers and volunteers in the methods of non-coercive solicitation.

(c) Honoring employee designations.

(d) Helping to ensure that no employee is coerced or questioned as to the employee's designation or its amount, other than for arithmetical inconsistencies.

(e) Responding in a timely and appropriate manner to inquiries from employees, participating organizations, federations or the Steering Committee.

(f) Notifying participating organizations and federations of the name and address of the local steering committee chairperson and ensuring them access to the steering committee meetings.

(g) For meetings during which undesignated funds will be discussed, ensuring a minimum of a two-week notice to participating federations is provided.

(h) Ensuring that distribution of undesignated funds is limited to participating organizations and federations in the FSECC.

(i) Ensuring the timely distribution of campaign funds to participating organizations and federations on at least a quarterly basis. If an area fiscal agent's prior year's collections from the FSECC fall below the prior year's median raised by all area fiscal agents (an amount to be determined by the state fiscal agent by calculating the median amount raised by all area fiscal agents), the area fiscal agent is authorized to make distributions on a less than quarterly basis, so long as all distributions are made within the funding year.

(j) Withholding the reasonable costs for conducting the campaign and for accounting and distribution to the participating organizations and federations. These costs shall be shared proportionately by the participating federations and independent/unaffiliated organizations based on their percentage share of the gross campaign.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 1-6-02, Amended 3-5-04, 1-9-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 John Kuczanski, Chairman, Florida State Employees' Charitable Campaign Steering Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lee Ann Korst, Deputy Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLES: Approved Form; Incorporation Fees
 RULE NOS.: 61G4-12.006
 61G4-12.009

PURPOSE AND EFFECT: The Board proposes to include a form and fee for the reinstatement of null and void licenses, consistent with SB 1012.

SUMMARY: The proposed rule amendments provide language with regard to forms and fees for the reinstatement of null and void licenses.

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

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

SPECIFIC AUTHORITY: 455.213(2), 455.217(2), 455.219(1), 455.271(8), 489.108, 489.118 FS.

LAW IMPLEMENTED: 119.07(1)(a), 120.52(15), 455.213(2), 455.217(2), 455.219(1), 455.271(7), (8), 489.108, 489.109, 489.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.006 Approved Form; Incorporation.

The following ~~forms~~ form used by the Board in its dealings with the public, ~~are~~ is hereby adopted and incorporated by reference, and can be obtained from the Board at the following address:

Florida Construction Industry Licensing Board
 1940 North Monroe Street
 Tallahassee, Florida 32399-1039

(1) Florida Homeowners' Construction Recovery Fund Claim Form, DBPR/CILB/022 – (Rev. January 2005).

(2) Application to reinstate null and void license DBPR/CILB/ – (new October 2005).

Specific Authority 489.108, 455.271(6) FS. Law Implemented 120.52(15), 489.108, 489.143, 455.271(6) FS. History—New 1-6-80, Formerly 21E-12.06, Amended 1-1-89, Formerly 21E-12.006, Amended 1-4-94, 2-24-94, 11-23-95, 2-6-96, 7-22-96, 11-25-97, 8-2-98, 2-24-00, 3-26-01, 2-14-05, _____.

61G4-12.009 Fees.

The following fees are prescribed by the Board:

(1) through (13) No change.

(14) The fee for application to re-instate a null and void license is three hundred and nine dollars \$309.

Specific Authority 455.213(2), 455.217(2), 455.219(1), 455.271(6)(8), 489.108, 489.118 FS. Law Implemented 119.07(1)(a), 455.213(2), 455.217(2), 455.219(1), 455.271(7), (8), 489.109, 455.271(6) FS. History—New 10-1-79, Formerly 21E-12.01, Amended 1-6-80, 12-16-80, 3-15-81, 5-31-81, 11-14-82, 4-3-84, Formerly 21E-12.09, Amended 2-4-87, 1-26-88, 6-21-88, 9-19-88, 4-18-89, 5-23-89, 8-23-89, 5-29-90, 3-20-91, 12-21-92, 1-28-93, 7-14-93, Formerly 21E-12.009, Amended 7-18-94, 6-27-95, 8-29-95, 9-18-96, 2-4-98, 2-10-00, 2-6-03, 2-27-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 2005

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Certification and Registration of Business Organizations
 RULE NO.: 61G4-15.0021

PURPOSE AND EFFECT: The proposed rule amendment is to provide criteria for determination of the Board's additional entity committee.

SUMMARY: The proposed rule amendment provides language with regard to the Board's additional entity committee.

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

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

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 455.213, 489.105, 489.107, 489.115, 489.119, 489.1195, 489.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.0021 Certification and Registration of Business Organizations.

- (1) through (2) No change.
- (3)(a) through (b) No change.

(c) ~~The additional entities application committee~~ Each Division of the Board will rule on applications for designation as the financially responsible officer, ~~if the qualifying licensee holds only a license (or licenses) issued in that Division. If a qualifying licensee, for the business organization is licensed in both divisions, the decision as to the qualification of the applicant will be made by both divisions of the Board.~~

(d) The chairperson of the Board shall appoint members to the additional entities committee ~~two committees~~ of the Board, one committee ~~for each Division composed of at least one Board member each,~~ which shall review all applications for designation as a financially responsible officer. ~~The committees will sit together if the qualifying licensee holds licenses in both Divisions.~~ The committee will forward the application to the Board with a recommendation to approve, recommendation to approve subject to conditions, a recommendation to disapprove, or no recommendation.

(4)(a) ~~An individual holding a license in two separate categories~~ must receive the approval of the Board to qualify more than one business organization.

(b) ~~Each Division of the Board will rule on applications to qualify an additional organization if the licensee holds only a license (or licenses) issued in that Division. If a contractor seeks to qualify a business organization in both divisions, the decision as to the qualification of an additional business organization will be made by both divisions of the Board.~~

(5) A committee ~~Committees~~ of the Board, ~~one for each Division and composed of at least one person,~~ will review all applications for qualification of an additional business organization. ~~The committees will sit together if the applicant holds licenses in both Divisions.~~ The committee will forward the application to the Board with a recommendation to approve, a recommendation to approve subject to conditions, a recommendation to disapprove, or no recommendation.

- (6) through (7) No change.

Specific Authority 489.108 FS. Law Implemented 455.213, 489.105, 489.107, 489.115, 489.119, 489.1195, 489.143, ~~455.213~~ FS. History—New 12-6-83, Formerly 21E-15.021, Amended 3-29-88, 8-8-88, 9-24-92, 12-28-92, Formerly 21E-15.0021, Amended 7-18-94, 7-5-95, 11-12-95, 2-6-96, 7-1-96, 9-3-96, 11-27-96, 11-13-97, 9-15-98, 7-7-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

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

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Exemptions and Exceptions RULE NO.: 61G18-17.001

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the practice of veterinary medicine.

SUMMARY: The proposed rule amendment defines the herd animal and equine management tasks that fall outside the practice of veterinary medicine.

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: 474.203, 474.206 FS.

LAW IMPLEMENTED: 474.203(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-17.001 Exemptions and Exceptions.

- (1) through (3) No change.

(4) A person hired on a part time or temporary basis by an owner to assist with traditional herd management and/or animal husbandry tasks is not deemed to be engaged in the practice of veterinary medicine. Such tasks are limited to herd animals raised for food/fiber, and equines. In the case of herd animals, this includes castration, dehorning, and parasite control. In equines, this includes routine, non-corrective shoeing and non-mechanical, hand floating of teeth.

Specific Authority 474.203, 474.206 FS. Law Implemented 474.203(4) FS. History—New 7-9-80, Formerly 21X-17.01, 21X-17.001, Amended 7-4-95, 1-5-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 1, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Fees
RULE NO.: 61J1-2.001

PURPOSE AND EFFECT: The Board is rephrasing part of subsection 61J1-2.001(14), F.A.C., to improve the Rule's clarity.

SUMMARY: The Board is rephrasing subsection 61J1-2.001(14), F.A.C., to improve the Rule's clarity.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.271, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE TEXT OF THE PROPOSED RULE IS:

61J1-2.001 Fees.

(1) through (13) No change.

(14) Application fee for a registered trainee, licensed or certified \$50.00 appraiser to obtain a different status when such application is received by the department within 180 days prior to or through 180 days after the renewal period established in Rule 61J1-2.002, F.A.C.

(15) through (16) No change.

Specific Authority: 475.614 FS. Law Implemented: 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.61, 455.271(6)(b) FS. History--New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-20.02, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-1-98, 10-29-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005
DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Education Requirements
RULE NO.: 61J1-4.001

PURPOSE AND EFFECT: The Board is updating the education requirements for all appraiser licensure classifications to comply with the January 1, 2008, Appraiser Qualifications Board (AQB) criteria.

SUMMARY: The Board is updating the education requirements for all appraiser licensure classification to comply with the January 1, 2008, Appraiser Qualifications Board (AQB) criteria. Specifically, the Board is increasing the number of hours for initial licensure as a trainee appraiser, adding an additional pre-certification course for all licensure classifications, and clarifying how a non-Florida appraiser can comply with this Rule's licensure requirements.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.6175, 475.618 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.001 Education Requirements.

(1)(a) Persons desiring to become registered as a trainee appraiser must satisfactorily complete 75 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice. Effective January 1, 2008, persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board

approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.

(b) If a registration expires due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., the original 75 classroom hours to become initially registered will be invalid and may not be used to secure another registration. Effective January 1, 2008, persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.

(c) No change.

(2) through (5)(l) No change.

(m) Coverage of Florida rules and regulations that pertain to the practice of appraisal. Effective January 1, 2008, Board approved pre-registration courses for trainee appraisers must include a minimum of six (6) hours coverage of Florida laws, rules, and regulations that pertain to the practice of appraisal; and

(n) Effective January 1, 2008, Board approved pre-registration courses for trainee appraisers must include a minimum of three (3) hours coverage regarding the roles and rules of supervisor and trainee appraisers.

(6)(a) through (n) No change.

(o) National Uniform Standards of Professional Appraisal Practice; and-

(p) Effective January 1, 2008, Board approved pre-certification courses for certified residential appraisers must include a minimum of three (3) hours coverage regarding the roles and rules of supervisor and trainee appraisers.

(7)(a) through (e) No change.

(f) General appraiser report writing and case studies; and-

(g) Effective January 1, 2008, Board approved pre-certification courses for certified general appraisers must include a minimum of three (3) hours coverage regarding the roles and rules of supervisor and trainee appraisers.

(8) through (13) No change.

(14) A certified or licensed appraiser from Florida or another jurisdiction who is AOB compliant satisfies the criteria of subsections 61J1-4.001(2), (3) of the Florida Administrative Code (F.A.C.).

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04, 5-15-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2005

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 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 Acupuncture

RULE TITLE: Fees for Inactive Status and Change to Active Status

RULE NO.: 64B1-2.010

PURPOSE AND EFFECT: Amend the license reactivation fee from \$400.00 to \$300.00.

SUMMARY: This will reduce the fee for license reactivation. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.036(3), (4), (8), 457.104, 457.108(2) FS.

LAW IMPLEMENTED: 456.036(3), (4), (8), 457.108(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-2.010 Fees for Inactive Status and Change to Active Status.

(1) through (2) No change.

(3) Fees for the reactivation of a license shall be ~~\$300~~ 400.

Specific Authority 456.036(3), (4), (8), 457.104, 457.108(2) FS. Law Implemented 456.036(3), (4), (8), 457.108(2) FS. History—New 5-12-87, Amended 12-21-87, 8-6-89, Formerly 21AA-2.010, 61F1-2.010, Amended 10-25-95, Formerly 59M-2.010, Amended 5-8-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Retired Status and Reactivation of Retired Status License; Fees
 RULE NO.: 64B1-2.017
 PURPOSE AND EFFECT: To address retired status licenses and reactivation process.

SUMMARY: Allows a retired status licensee to reactivate the license.

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

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

SPECIFIC AUTHORITY: 456.036(15), 457.104, 457.108 FS.
 LAW IMPLEMENTED: 456.036(2), (4), (12), 457.108 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-2.017 Retired Status and Reactivation of Retired Status License; Fees.

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal the licensee shall pay the retired status fee of \$50.00. If the license is placed in retired status at any time other than at the time of license renewal the licensee shall pay the change of status processing fee described in Rule 64B1-2.010, F.A.C., and the retired status fee of \$50.00.

(2) A licensee may reactivate a retired status license at any time, subject to meeting the following requirements:

(a) Paying the reactivation fee, which shall be the same amount as the renewal fee for an active status licensee under these rules for each biennial licensure period in which the licensee was in retired status;

(b) Demonstrating satisfaction of the continuing education requirements of Rule 64B1-7.0015, F.A.C., for each licensure biennial period in which the licensee was in retired status.

Specific Authority 456.036(15), 457.104, 457.108 FS. Law Implemented 456.036(2), (4), (12), 457.108 FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 2005

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Disciplinary Guidelines
 RULE NO.: 64B1-9.001
 PURPOSE AND EFFECT: Additions to and clarification of the Disciplinary Guidelines.

SUMMARY: To create guidelines related to costs, restitution and the impaired practitioner treatment program.

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

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

SPECIFIC AUTHORITY: 456.079(1), 457.104 FS.
 LAW IMPLEMENTED: 456.072, 456.079, 457.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-9.001 Disciplinary Guidelines.

(1) through (3) No change.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. For applicants, any and all offenses listed herein are sufficient for refusal to certify an application for licensure. In addition to the penalty imposed, the Board shall recover the costs of investigation and prosecution of the case.

Additionally, if the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refunds of fees billed and collected from the patient or a third party on behalf of the patient.

(a) Violating Section 456.072(1)(gg), F.S., by failing to comply with, failing to successfully complete, or being terminated from an impaired practitioner treatment program.

(b) First Offense: Suspension until compliant up to Suspension until compliant with, followed by up to 5 years probation with conditions.

(c) Second or Subsequent Offense: Up to \$2,000.00 fine, Suspension until compliant followed by up to five years probation with conditions, or revocation.

(5)(4) The provisions of subsections (1) through (4)(3) above shall not be construed as to prohibit civil action or criminal prosecution as provided in Section 457.116 or 456.072, F.S., and the provision of subsections (1) through (4)(3) above shall not be construed so as to limit the ability of the Board to enter into binding stipulations with accused parties as per Section 120.57(4), F.S.

Specific Authority 456.079(1), 457.104 FS. Law Implemented 456.072, 456.079, 457.109 FS. History—New 12-8-86, Amended 8-6-89, Formerly 21AA-9.001, 61F1-9.001, Amended 11-21-95, Formerly 59M-9.001, Amended 8-3-00, 5-20-02, 5-24-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 2005

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

RULE TITLE: Retired Status Fee

RULE NO.: 64B4-4.0053

PURPOSE AND EFFECT: The Board proposes to approve a retired status fee of \$50.00 to be consistent with all of the other professions in the department.

SUMMARY: The proposed rule amendment establishes a retired status fee of \$50.00 to be consistent with all of the other professions in the department.

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

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

SPECIFIC AUTHORITY: 456.036(4)(b), 491.004(5) FS.

LAW IMPLEMENTED: 456.036(4)(b) 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: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.0053 Retired Status Fee.

The fee for an active or inactive status licensee who chooses retired status is \$50.00.

Specific Authority 456.036(4)(b), 491.004(5) FS. Law Implemented 456.036(4)(b) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

RULE TITLES: Disciplinary Guidelines

RULE NOS.: 64B4-5.001

Minor Violations, Notice of Noncompliance

64B4-5.005

PURPOSE AND EFFECT: The Board proposes to amend the existing rules to clarify what discipline will be imposed on a licensee practicing on retired status license.

SUMMARY: The proposed rule amendment amends the existing rules to clarify what discipline will be imposed on a licensee practicing on retired status license.

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: 120.695, 456.073(3), 456.079, 468.365(4), 491.004(5) FS.

LAW IMPLEMENTED: 120.695, 456.072, 456.073(3), 456.079, 468.365, 491.009, 491.0149 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 RULES IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B4-5.001 Disciplinary Guidelines.

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

(ll) Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program [Section 456.072(1)(gg), F.S.]

	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>FIRST OFFENSE:</u>	Suspension until compliant with contract	\$1,000 fine, revocation

<u>SECOND OFFENSE:</u>	Suspension until compliant with contract	\$10,000 fine, revocation with
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THIRD OFFENSE: Revocation

(2) through (4) No change.

Specific Authority 456.079, 491.004(5) FS. Law Implemented 456.079, 491.009 FS. History–New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97, 10-1-00, 2-5-01, 10-15-02, 3-27-05.

64B4-5.005 Minor Violations, Notice of Noncompliance.

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

(m) Practicing on a retired license for three (3) months or less as prohibited by Section 456.036(1), F.S.

(3) No change.

Specific Authority 120.695, 456.073(3), 491.004(5) FS. Law Implemented 120.695, 456.073(3), 491.009(2)(n), 491.0149 FS. History–New 1-4-90, Amended 1-7-92, Formerly 21CC-5.005, 61F4-5.005, Amended 1-7-96, Formerly 59P-5.005, Amended 12-11-97, 2-9-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

RULE TITLES: Renewal of Active License

RULE NOS.: 64B4-6.001

Approved Courses for Continuing Education 64B4-6.002

PURPOSE AND EFFECT: For Rule 64B4-6.001, F.A.C., the Board proposes to clarify the rule regarding C.E. hours for pro bono work. For Rule 64B4-6.002, F.A.C., the Board proposes to draft rule for C.E. credit for attendance at board meetings and for board members serving on the board.

SUMMARY: For Rule 64B4-6.001, F.A.C., the proposed rule amendment clarifies the rule regarding C.E. hours for pro bono work. For Rule 64B4-6.002, F.A.C., the proposed rule amendment drafts rule for C.E. credit for attendance at board meetings and for board members serving on the board.

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

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

SPECIFIC AUTHORITY: 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2), 491.0085 FS.

LAW IMPLEMENTED: 456.013(6), (7), 456.031(1)(a), 491.007(2) 491.0085(1) 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 RULES IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B4-6.001 Renewal of Active License.

(1) and (2) No change.

(a) and (b) No change.

(c) A maximum of six (6) of the required thirty (30) hours of continuing education may be earned for credit during one biennium by performing pro bono services to the indigent, underserved populations, or in areas of critical need within the State of Florida including but not limited to state mental institutions for the mentally retarded, the Department of Corrections, and health manpower shortages areas established by the United States Department of Health and Human Services. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines

produced by the United States Department of Health and Human Services. Such services must be approved in advance by the Board.

- 1. and 2. No change.
- (3) and (4) No change.

Specific Authority 456.013(6), 456.031(1)(a), 491.004(5), 491.007(2) FS. Law Implemented 456.013(6), (7), 456.031(1)(a), 491.007(2) FS. History—New 4-4-89, Amended 12-4-90, Formerly 21CC-6.001, Amended 1-9-94, Formerly 61F4-6.001, Amended 1-7-96, 12-29-96, Formerly 59P-6.001, Amended 2-9-99, 2-5-01, 2-7-05, _____.

64B4-6.002 Approved Courses for Continuing Education.
(1) through (3) No change.

(4) Three (3) hours of continuing education credit may be obtained by attending one day of a Board Meeting at which disciplinary hearings are conducted by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, in compliance with the following:

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

(b) The licensee must remain in continuous attendance.

(c) The licensee must sign out with the Executive Director for the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. The licensee may only receive CE credit for attending the Board meeting for that purpose solely. The licensee may not receive credit for that purpose if they are required or are attending the Board meeting for any other purpose.

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

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

Specific Authority 456.013(6), 491.004(5), 491.0085 FS. Law Implemented 456.013(6), 491.007(2), 491.0085(1) FS. History—New 4-4-89, Amended 10-16-90, 6-19-91, 9-2-91, 8-24-92, Formerly 21CC-6.002, Amended 1-9-94, Formerly 61F4-6.002, Amended 10-4-94, 12-22-94, 1-7-96, 12-29-96, Formerly 59P-6.002, Amended 12-11-97, 2-9-99, 8-9-00, 6-30-02, 7-8-03, 2-8-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE:

RULE NO.:

Retired Status and Reactivation of

Retired Status License

64B7-28.0044

PURPOSE AND EFFECT: To address retired status and reactivation from retired status.

SUMMARY: Placing a license in retired status and requirements for reactivating of the license.

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

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

SPECIFIC AUTHORITY: 456.013, 456.034, 456.036, 480.035(7), 480.0415, 480.044 FS.

LAW IMPLEMENTED: 456.013, 456.034, 456.036, 480.044, 480.0415 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.0044 Retired Status and Reactivation of Retired Status License.

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal the licensee shall pay the retired status fee set forth in Rule 64B7-27.018, F.A.C. If the licensee chooses to place the license in retired status at any time other than at the time of license renewal the licensee shall pay a change of status processing fee of \$50.00 and the retired status fee.

(2) A licensee may reactivate a retired status license at any time, subject to meeting the following requirements:

(a) Paying the reactivation fee described at Rule 64B7-27.019, F.A.C.;

(b) Demonstrating satisfaction of the continuing education requirements that would have been imposed on an active status licensee under this title for each licensure biennial period in which the licensee was on retired status.

Specific Authority 456.013, 456.034, 456.036, 480.035(7), 480.0415, 480.044 FS. Law Implemented 456.013, 456.034, 456.036, 480.044, 480.0415 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Provisions Governing All Supervisors or Monitoring Physicians

RULE NO.: 64B8-8.0021

PURPOSE AND EFFECT: This proposed rule is intended to address the required criteria with regard to supervision or monitoring of physicians on probation.

SUMMARY: The proposed rule sets forth the criteria for those physicians who supervise physicians who are on probation.

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

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

SPECIFIC AUTHORITY: 458.309, 459.331 FS.

LAW IMPLEMENTED: 458.331 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.0021 Provisions Governing All Supervisors or Monitoring Physicians.

(1) The supervisor/monitor shall be furnished with copies of the Administrative Complaint, Final Order, Stipulation (if applicable), and other relevant orders.

(2) The Respondent shall not practice without a supervisor/monitor unless otherwise ordered by the Board. The Respondent shall appear at the next meeting of the Board's Probation Committee with his proposed supervisor or monitor unless otherwise ordered.

(3) After the next meeting of the Probation Committee, Respondent shall only practice under the supervision of the supervisor or monitor. If for any reason the approved supervisor/monitor is unwilling or unable to serve, Respondent and the supervisor/monitor shall immediately notify the Board of Medicine Compliance Officer and Respondent shall cease practice until a temporary supervisor/monitor is approved. The Chairman of the Probation Committee may approve a temporary supervisor/monitor who may serve in that capacity until the next meeting of the Probation Committee at which time the Committee shall accept or reject a new proposed supervisor/monitor. If the Probation Committee or the Board

reject the proposed supervisor/monitor. Respondent shall cease practice until a new supervisor/monitor is approved by the Probation Committee and the Board.

(4) The supervisor/monitor must be a licensee under Chapter 458, F.S., in good standing, without restriction or limitation on his license and must serve as a volunteer without compensation. In addition, the Board may reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his or her license to practice medicine in this or any other jurisdiction. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Probation Committee or the Board may also reject any proposed supervisor/monitor for good cause shown.

Specific Authority 458.309, 459.331 FS. Law Implemented 459.331 FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 8, 2005

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLES: Retirement Status Fee

RULE NOS.: 64B12-11.005

Duplicate License Fee

64B12-11.017

PURPOSE AND EFFECT: The Board proposes a new rule to add a fee for retirement status and amend rules to delete obsolete language.

SUMMARY: The proposed rule amendments will add a \$50.00 retirement status fee and delete obsolete language, with regard to wall certificates and duplicate license fees.

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: 456.025(11), 484.005 FS.

LAW IMPLEMENTED: 456.025(11), 456.036 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 RULES IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B12-11.005 Retirement Status Fee.

The fee for retirement status of an active or inactive license shall be \$50.00.

Specific Authority 484.005 FS. Law Implemented 456.036 FS. History--New _____.

64B12-11.017 Duplicate License Fee.

~~(1) If a duplicate license is requested by a licensee, the fee is \$25.00 for the duplicate license.~~

~~(2) Licensees licensed prior to July 1, 1998, may obtain a wall certificate by submitting a written request to the Board along with a \$25.00 fee.~~

~~(3) If a duplicate wall certificate is requested by a licensee, the fee is \$25.00 for the duplicate wall certificate.~~

Specific Authority 456.025(11), 484.005 FS. Law Implemented 456.025(11) FS. History--New 2-23-93, Formerly 21P-11.017, 61G13-11.017, 59U-11.017, Amended 10-29-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Opticianry

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

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

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Risk Assessment
RULE NO.: 64B24-7.004

PURPOSE AND EFFECT: The Department of Health proposes this amendment to allow a lesser standard in certain uncomplicated cases.

SUMMARY: The amendment provides a risk assessment of "2," which allows a midwife to assist the delivery of a baby where the mother has had uterine surgery followed by an uncomplicated vaginal birth.

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: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 467.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-7.004 Risk Assessment.

- (1) through (3)(a) No change.
- (b) Documented Problems in Maternal Medical History
 - 1. through 6. No change.
 - 7. Documented Problems in Obstetrical History.
 - a. through d. No change.
 - e. Uterus.
 - (i) Incompetent cervix, with related medical treatment. 3
 - (ii) Prior uterine surgery. 3
 - (iii) Prior uterine surgery followed by an uncomplicated vaginal birth. 2
 - f. through i. No change.
 - 8. through 10. No change.

Specific Authority 456.004(5), 467.005 FS. Law Implemented 467.015 FS. History--New 7-14-94, Formerly 61E8-7.004, 59DD-7.004, Amended 9-11-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pamela King

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

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

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

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE TITLES: General Regulations; Definitions
RULE NOS.: 64F-12.001
Fees 64F-12.018

PURPOSE AND EFFECT: The 2003 Legislature passed Senate Bill 2312, The Prescription Drug Protection Act, that provided for a phase-in of enhanced drug regulation intended to further safeguard and protect the prescription drug supply in Florida. One of the provisions within that law is that an in-state or out-of-state prescription drug wholesaler must have a person certified as a designated representative and that person must be physically present at the permitted establishment during normal business hours, except for personal or family illness, scheduled vacation, or other authorized absence. The phrase 'other authorized absence' needs to be defined. The proposed rule also provides for an additional on-site inspection fee of

\$150 for each re-inspection required for an initial application because the applicant was not ready or available for a scheduled inspection. The bureau's agents schedule initial application inspections with the applicant. However, on an increasing frequency, the applicant fails to appear for the scheduled inspection or does not have the establishment conditions and policies and procedures required for initial inspection despite confirmation on the application and confirmed during the telephone call scheduling the inspection that these requirements have been met. This failure to be ready and available for inspection necessitates a subsequent inspection by the agents.

SUMMARY: This amendment defines the term 'authorized absence' as used in the statutes dealing with a designed representative. The rule also requires an additional on-site inspection fee of \$150 for each re-inspection required for an initial application because the applicant was not ready or available for a scheduled inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no estimated regulatory impact related to this proposed rule amendment. A person can avoid any fees related to additional on-site inspections by having the establishment ready and available for inspection at the scheduled appointment time. But, if an additional inspection is necessary, then the fee would be \$150 per additional inspection.

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: 499.012, 499.0121, 499.04, 499.041, 499.05 FS.

LAW IMPLEMENTED: 499.003, 499.012, 499.0121, 499.041 FS.

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

TIME AND DATE: 11:00 a.m., Tuesday, December 13, 2005
 PLACE: 2818-A Mahan Drive, Tallahassee, Florida. If special accommodations are needed to attend this workshop because of a disability, please contact Maxine Wenzinger, (850)922-5190

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Stovall, Compliance Manager, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257, ext. 210; sandra_stovall@doh.state.fl.us.fl.

THE FULL TEXT OF THE PROPOSED RULES IS:

- 64F-12.001 General Regulations; Definitions
- (1) No change.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0121(6), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C:

(a) through (b) No change.

(c) Authorized absence, for purposes of Section 499.012(11)(d), F.S., means the management or owner of a permitted wholesale establishment has approved in writing in a document that is available for inspection under Section 499.051, F.S., at the time of the inspection, the absence of the designated representative for a period not to exceed 60 calendar days for situations such as: the birth of the employee's child and to care for the newborn child; the placement of a child with the employee for adoption or foster care; the employee is needed to care for a family member (child, spouse or parent) with a serious health condition; or the employee's own serious health condition makes the employee unable to perform the functions of the designated representative.

(c) through (cc) renumbered (d) through (dd) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History--New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, 1-1-04, 1-29-04, 5-29-05, _____.

64F-12.018 Fees.

(1) through (3) No change.

(4) Miscellaneous other fees are as follows:

<u>Description of other service fees</u>	<u>Fee</u>
Certification of Designated Representative	\$150
Initial Application / On-site Inspection	\$150
(The initial application / on-site inspection fee is non-refundable.)	
<u>If the department must re-inspect for an initial application because the applicant does not have security, climate control, a quarantine area, or written policies and procedures, as required by the particular permit for which the applicant is applying; fails to appear for a scheduled inspection; or is otherwise not ready for inspection on or after the date indicated on the application form, an additional on-site inspection fee of \$150 is required for each re-inspection.</u>	
Prescription Drug Wholesaler Bond / Security or Out-of-State Prescription Drug	
Wholesaler Bond / Security, as set forth in Section 499.012(2), F.S.	\$100,000
Change of Address Fee:	

A relocation fee of \$100 must be paid for each permitted person relocating for which an on-site inspection is required. If no on-site inspection is required, the relocation fee is \$25 per permit. If a permitted person has multiple permits under the same permitted name and address and

relocates any or all permitted activities concurrently to the new location, then only one \$100 fee is required plus \$25 for all other permits.

Product Registration (per drug or cosmetic product registered) \$20 *

*The registration fee for a drug or cosmetic product being amended to an existing product registration that has 12 months or less until it expires is \$10.

Listed Identical Products \$ -0-
 Free Sale Certificate \$ 25
 Signature copy (requested concurrently) \$ 2
 Delinquent Establishment Permit Renewal \$100

(5) No change.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History—New 7-1-96, Formerly 10D-45.0544, Amended 4-17-01, 7-6-03, 1-1-04, 9-13-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, Chief of Statewide Pharmaceutical Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Access and Tobacco
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Rules for Self-Insurers Under the Workers' Compensation Act 69L-5

RULE TITLES: RULE NOS.:
 Definitions 69L-5.101
 General Requirements 69L-5.102
 Application 69L-5.103
 Financial Statement or Financial Summary 69L-5.106

PURPOSE AND EFFECT: The amendments update definitions and change the financial reporting requirements from three to one year of audited financial statements for the workers' compensation self-insurance applicants.

SUMMARY: Workers' compensation self-insurance applications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.38(2)(b), 440.591 FS.

LAW IMPLEMENTED: 440.38(1)(b) FS.

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

TIME AND DATE: 2:00 p.m., January 9, 2006

PLACE: Suite 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gregory Jenkins, Chief of Monitoring and Audit, Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, telephone (850)413-1608

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

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-5.101 Definitions.

(1) through (3) No change.

(4) “Financial Statement(s)” – A presentation of financial data, including accompanying notes, derived from accounting records that purports to show financial position and intended to communicate an entity’s economic resources or obligations at a point in time, and the results of operations and cash flows for a period of time, in accordance with Generally Accepted Accounting Principles. “Financial Statement” — A Report including the balance sheet, statement of operations, statement of cash flows, statement of changes in capital, and appropriate footnotes for the most recent fiscal year. The financial statements shall be prepared in accordance with the United States Generally Accepted Accounting Principles as set forth in GAAP Interpretation and Application of Generally Accepted Accounting Principles 1996 which is hereby incorporated by reference into Rule Chapter 69L-5, F.A.C. The publication is available for review at the Division of Workers' Compensation, Bureau of Monitoring and Audit, self-insurance Section, 2012 Capital Circle, S.E., Hartman Building, Suite 200, Tallahassee, FL. 32399 4224. The publication may be purchased for \$48. Applicants approved subsequent to January 1, 1997 shall submit financial statements which are audited in accordance with Generally Accepted Auditing Standards. All Amounts in the financial statement shall be stated in United States Currency.

(5) No change.

(6) “Generally Accepted Accounting Principles” – Accounting principles generally accepted in the United States of America in effect as of June 1, 2005, including, but not limited to, Accounting Principles Board Opinions Nos. 1 to 31 as published by the American Institute of Certified Public Accountants, and statements of accounting standards and interpretations thereof, as published by the Financial

Accounting Standards Board (FASB). These materials are entitled Original Pronouncements 2005/2006 Edition, vols. I, II, & III, dated June 1, 2005, and available from FASB, 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06856-5116, (800)748-0659, <http://www.fasb.org>.

(7) "Generally Accepted Auditing Standards" – Auditing standards generally accepted in the United States of America in effect as of January 1, 2005, including, but not limited to, general, field work and reporting standards approved and adopted by the membership of the American Institute of Certified Public Accountants (AICPA), as amended by the AICPA Auditing Standards Board (ASB), standards promulgated by the ASB in the form of Statements on Auditing Standards and standards promulgated by the Public Company Accounting Oversight Board (PCAOB). The AICPA materials are entitled Codification of Statements on Auditing Standards, dated January 1, 2005, available from the AICPA at <http://www.cpa2biz.com> or call (888)777-7077. The rules and standards of the PCAOB are available at no charge at <http://www.pcaobus.org>.

- ~~(8)(6)~~ No change.
- ~~(9)(7)~~ No change.
- ~~(10)(8)~~ No change.
- ~~(11)(9)~~ No change.
- ~~(12)(10)~~ No change.
- ~~(13)(11)~~ No change.

Specific Authority ~~440.38(1)(b), (2)(b), 440.5705, 440.591~~ FS. Law Implemented ~~440.38(1)(b),(2), 440.57, 624.24~~ FS. History–New 10-1-82, Amended 12-17-85, Formerly 38F-5.30, Amended 3-11-87, 8-28-91, 12-19-93, Formerly 38F-5.030, Amended 5-19-97, Formerly 38-5.101, 4L-5.10, Amended_____.

69L-5.102 General Requirements.

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

(b) Have at least three (3) years' Ffinancial Sstatements or Financial Ssummaries in the name of the applicant. The Financial Statements for the most recent year shall be audited in accordance with Generally Accepted Auditing Standards. If the financial statements or financial summaries are prepared on a comparative basis, such statements shall be the most recent fiscal year ending statement and the preceding fiscal year ending statement. If the latest Ffinancial Sstatement is over six (6) months old at the time of application, an interim statement up to, and including, their latest fiscal quarter must be included and must be certified by a corporate officer.

- (3) through (4) No change.

Specific Authority ~~440.38(1)(b),(6), (2)(b), 440.591~~ FS. Law Implemented ~~440.38(1)(b)(6)~~ FS. History–New 5-19-97, Formerly 38F-5.102, 4L-5.102, Amended_____.

69L-5.103 Application.

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

(a) The most recent past three years' Ffinancial Sstatements in the name of the applicant. The Financial Statements for the most recent year shall be audited in accordance with Generally Accepted Auditing Standards. If the Financial Statements for the two years prior to the most recent year have been audited in accordance with Generally Accepted Auditing Standards, the audit report(s) on these Financial Statements shall also be submitted.

- (b) through (g) No change.

- (4) No change.

Specific Authority ~~440.38(1)(b),(6), (2)(b), 440.591~~ FS. Law Implemented ~~440.38(1)(b)(6)~~ History–New 5-19-97, Formerly 38F-5.103, 4L-5.103, Amended_____.

69L-5.106 Financial Statement or Financial Summary.

- (1) No change.

- (2) No change.

- (a) through (b) No change.

(c) The Financial Statement shall be audited in accordance with Generally Accepted Auditing Standards.

(d) Financial Statements submitted for employers currently authorized to self-insure under a privilege granted prior to January 1, 1997, are not required to be audited in accordance with Generally Accepted Auditing Standards.

- (3) through (6) No change.

Specific Authority ~~440.38(1)(b),(6), (2)(b), 440.591~~ FS. Law Implemented ~~440.38(1)(b),(2)(b)~~ FS. History–New 10-1-82, Formerly 38F-5.47, Amended 6-12-91, 12-19-93, 5-14-96, Formerly 38F-5.047, Amended 5-19-97, Formerly 38F-5.106, 4L-5.106, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory Jenkins, Chief of Monitoring and Audit, Division of Workers' Compensation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Assistant Director, Division of Workers' Compensation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: RULE NO.:

Unfair Discrimination Because of Travel Plans 69O-125.003

PURPOSE, EFFECT, AND SUMMARY: To identify the denial or pricing of life insurance or health insurance to a person based upon his or her travel plans as a prohibited act or practice pursuant to Section 626.9541(1)(g), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 626.9611 FS.

LAW IMPLEMENTED: 626.951, 626.9521, 626.9541(1)(g) FS.

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

TIME AND DATE: 9:30 a.m., December 16, 2005

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

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

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.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-125.003 Unfair Discrimination Because of Travel Plans.

(1) No insurer nor person authorized to engage in the business of insurance in the State of Florida shall refuse to issue any policy, contract or certificate of life insurance, annuity contract, accident, disability or health insurance, solely because of the intent of the applicant to engage in future lawful foreign travel or based upon past lawful foreign travel, unless the insurer can demonstrate that insureds who have traveled or intend to travel are a separate actuarially supportable class whose risk of loss is different from those insureds who have not traveled and do not intend to travel.

(2) No insurer nor person authorized to engage in the business of insurance in the State of Florida, shall, in determining the rates charged an applicant for coverage under any policy, contract or certificate of life insurance, annuity contract, accident, disability or health insurance, issued or to be issued to be delivered to any resident of this state, consider the intent of the applicant to engage in future lawful foreign travel or past lawful travel of the applicant, unless the insurer can demonstrate that insureds who have traveled or intend to travel are a separate actuarially supportable class whose risk of loss is different from those insureds who have not traveled and do not intend to travel.

(3) Violation of this rule constitutes unfair discrimination prohibited by Section 626.9541(1)(g), Florida Statutes.

Specific Authority 626.9611 FS. Law Implemented 626.951, 626.9521, 626.9541(1)(g) FS. History--New_____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 4, 2005

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005 and September 23, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Initial Notice	690-154.303
Notice of Occurrence of a Qualifying Event	690-154.304
Election and Premium Notice Form	690-154.305
Election, Billing and Payment of Premium	690-154.306

PURPOSE, EFFECT AND SUMMARY: These rule amendments provide implementation of COBRA continuation for small groups with fewer than 20 employees, make conforming changes to the rule due to the statutory change and update the form being used. Rule 690-154.303, F.A.C., is repealed as an outdated provision which was only applicable to the initial implementation in 1997.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 624.308(1), 627.6692(9) FS.

LAW IMPLEMENTED: 624.307(1), 627.6692(5) FS.

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

TIME AND DATE: 9:30 a.m., December 15, 2005

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

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

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.

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-154.303 Initial Notice.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(8) FS. History—New 4-24-97, Formerly 4-154.303, Repealed.

69O-154.304 Notice of Occurrence of a Qualifying Event.

Each contract, policy, certificate and handbook must contain a Notice of Occurrence of a Qualifying Event provision. This provision must include the information required by Section 627.6692(5)(d)1., Florida Statutes. The beneficiary shall notify the carrier in writing within sixty-three (63) ~~30~~ days, as evidenced by postmark, after the occurrence of the qualifying event or the termination of coverage whichever is later.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(5) FS. History—New 4-24-97, Formerly 4-154.304, Amended.

69O-154.305 Election and Premium Notice Form.

(1) Within 14 days of the date that the carrier receives the notice of occurrence of a qualifying event from the qualified beneficiary the carrier must send to the employee, covered spouse and covered dependents, by certified mail, the Election and Premium Notice Form OIR-B2-1261 (REV 8/03 ~~2/97~~), which is hereby adopted and incorporated by reference. Copies of the forms are available and may be printed from the Office’s website: http://www.florid.com/lh_fr/is_lhfr_Statutory%2Form%20and%20%20Reporting.htm. ~~Copies can be obtained from the Office of Insurance Regulation, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399 0328.~~

(2) Carriers may develop a similar form which must include the information in Form OIR-1261. Any similar form must be filed and approved before use pursuant to the requirements of Section 627.410, Florida Statutes.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(5) FS. History—New 4-24-97, Formerly 4-154.305, Amended.

69O-154.306 Election, Billing and Payment of Premium.

(1) The employee, covered spouse and covered dependents have until the 30th day, as evidenced by postmark, after receiving the Election and Premium Notice form described in Rule 69O-154.3056, F.A.C., to elect coverage continuation in writing and pay the premium to the carrier.

(2) The carrier or its designee must process all elections, within 30 days and provide coverage retroactively to the day coverage would have otherwise terminated due to the qualifying event. The first premium payment must include the coverage paid to the end of the month in which the first payment of premium is made.

Specific Authority 624.308(1), 627.6692(9) FS. Law Implemented 624.307(1), 627.6692(5) FS. History—New 4-24-97, Formerly 4-154.306, Amended.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.025
 RULE TITLE: Elections Fraud Complaints
 NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.025, F.A.C., published in the F.A.W., Page 3498, Vol. 31, No. 40, on October 7, 2005, has been changed to reflect comments received from the public before and during the hearing held on October 31, 2005. The summary of the substantive changes made to the proposed rule text and the form incorporated by reference is as follows:

(1) Subsection (5) of the rule is changed to correct the phrase “illegally insufficient” to read properly as “legally sufficient.”

(2) The web hyperlink cited in the rule for downloading Form DS-DE 34 is changed to the Division of Elections’ homepage at: <http://election.dos.state.fl.us>.

(3) The rule is changed to cite to Section 20.10, F.S., as an additional source for specific authority for rulemaking by the Department of State.

(4) Form DS-DE 34 is changed to request day and evening phone numbers in lieu of home and work phone numbers. Additionally, the form is changed to elicit an e-mail address which is optional.

(5) Form DS-DE 34 is changed to add the following statement to the end of the form: It is a second degree misdemeanor, punishable as provided in Section 775.082, and Section 775.083, F.S., for any person to knowingly make a false official statement.

(6) Form DS-DE 34 is changed to eliminate the incorrect reference to “1(877)Voterfraud”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Division of Elections, Office of General Counsel, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.036
 RULE TITLE: Complaint Process for Violations of the National Voter Registration Act of 1993 and the Florida Election Code

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.036, F.A.C., published in the F.A.W., Page 3499, Vol. 31, No. 40, on October 7, 2005, has been changed to reflect comments received from the public before and during the hearing held on October 31, 2005. The summary of the substantive changes made to the proposed rule text and the form incorporated by reference is as follows:

(1) A correction is made in the rule to reflect proper cross-reference to form DS-DE #18 in lieu of DS-DE #118.

(2) Form DS-DE 18 is changed to request day and evening phone numbers in lieu of home and work phone numbers. Additionally, the form is changed to elicit an e-mail address which is optional.

(3) Form DS-DE 18 is changed to include the following public records disclosure statement: This complaint is not confidential. Once it is filed with the Division of Elections, it is a public record.

(4) Form DS-DE 18 is changed to add the following statement to the end of the form: It is a second degree misdemeanor, punishable as provided in Section 775.082 and Section 775.083, F.S., for any person to knowingly make a false official statement.

(5) The rule is changed to add reference to Section 20.10, F.S., as another source specific rule-making authority by the Department of State.

(6) The weblink for downloading the form is changed to "http://election.dos.state.fl.us."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Division of Elections, Office of General Counsel, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.037
 RULE TITLE: Provisional Ballots

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.037, F.A.C., published in the F.A.W., Pages 3500-3501, Vol. 31, No. 40, on October 7, 2005, has been changed to reflect comments received from the public before and during the hearing held on October 31, 2005. The summary of the substantive changes made to the proposed rule text and the form incorporated by reference is as follows:

(1) Subsection (1) of the rule is given the heading: "Notice of Rights to Provisional Ballot Voters." Additionally, the written instructions given to the provisional ballot voter must be titled "Notice of Rights to Provisional Ballot Voters."

(2) Subsection (2) of the rule is given the heading: "Forms for Certificates and Affirmations." Additionally, the rule is changed to state that the forms for certificates and affirmations for provisional ballot voters shall be substantially in accordance with forms DS-DE #49 OS/TS, DS-DE#49 OS, and DS-DE #49 TS, incorporated by reference in the rule.

(3) Section 20.10, F.S., is added as an additional source for specific-rulemaking authority.

(4) Forms DS-DE #49 OS/TS, DS-DE#49 OS, and DS-DE #49 TS, incorporated by reference, are changed to add a statement that a voter's Florida Driver's License Number, Florida ID card number and social security number are confidential and exempt from public disclosure under Section 97.0585, F.S.

(5) Forms DS-DE #49 OS/TS, DS-DE#49 OS, and DS-DE #49 TS, incorporated by reference in the rule, are changed to list two additional circumstances under which a voter may be given a provisional ballot: a) If there is an indication on the precinct register that the voter's identification has not yet been verified by the Department of State in conjunction with the Department of Highway Safety and Motor Vehicle, and b) If the voter's signature on the precinct register and on the form of identification do not match and the voter refuses to execute an affidavit.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Division of Elections, Office of General Counsel, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.002	Standards of National Fire Protection Association Adopted
5F-11.027	Approval of Liquefied Petroleum Gas Containers
5F-11.028	Installation of Containers on Roofs of Buildings
5F-11.029	Inspection of DOT Cylinders
5F-11.043	Out of Service Account Procedure
5F-11.044	Out-of-gas, Leak Call, and Interrupted Service Procedure
5F-11.045	Dispensing Units
5F-11.046	Introducing Gas into Containers for Transportation; Dealer to Insure Compliance
5F-11.050	Installation of Unvented Room Heaters

NOTICE OF CHANGE

Notice is hereby given that the following changes are made to the above proposed rules which were originally published in the August 26, 2005, issue of the Florida Administrative Weekly, Vol. 31, No. 34, pages 2987 through 2990, and which were corrected in the October 7, 2005, issued of the Florida Administrative Weekly, Vol. 31, No. 40, page 3531. The proposed rules are being changed to address comments from the Joint Administrative Procedures Committee received on October 19, 2005. Accordingly, these rules, when adopted, will read as follows:

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code 2004 ~~2001~~ edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, 2002 ~~1999~~ edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein. Section 6.6.7 ~~3-2-10~~ of NFPA 58, 2004 ~~2001~~ edition, titled "Installation of Containers on Roofs of Buildings," is hereby excluded from adoption.

- (2) No change.
- (3) No change.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, _____.

5F-11.027 Approval of Liquefied Petroleum Gas Containers.

Liquefied petroleum gas containers shall be considered approved when designed, fabricated, tested, and marked (or stamped) in accordance with the requirements of Section 5.2, ~~2-2-1.3~~ NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 6-5-97, Amended _____.

5F-11.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section 6.6.7 ~~3-2-10~~ is prohibited.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History--New 6-8-99, Amended 5-23-00, 9-2-02, _____.

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, ~~Annex Appendix~~ C, of NFPA 58.

- (b) through (h) No change.
- (2) through (4) No change.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 5-9-04, Amended _____.

5F-11.043 Out of Service Account Procedure.

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, initiate appropriate container abandonment procedures pursuant to Section 6.6.6 ~~3-2-9-1(f)~~ of NFPA 58. Alternatively, licensed suppliers may provide for the safe removal of the container or containers, install a suitable mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to ~~Annex Appendix~~ D of NFPA 54 performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures.

- (b) No change.
- (2) No change.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 7-23-86, Amended 2-6-90, Formerly 5F-11.044, Amended 4-30-96, 9-2-02, _____.

5F-11.044 Out-of-Gas, Leak Call, And Interrupted Service Procedure.

(1) Prior to filling an LP gas container in an out-of-gas situation, a licensed supplier of LP gas shall:

- (a) No change.
- (b) No change.

(c) If the customer is not present or appliances are inaccessible, close container(s) valves and provide adequate written notice to the customer of the work done. Written notice shall deemed adequate when it includes the name and phone number of the servicing company, a description of the work performed, a description of any unsafe conditions found, a telephone contact for restoration of service, and a statement warning against reactivation of service by unauthorized persons. ~~Written notice as provided in NPGA #102-91, which is hereby incorporated by reference, shall be deemed adequate.~~

(d) through (f) No change.

(2) If reason exists to suspect LP gas leakage, an LP gas license holder or its employee shall:

(a) Check for leakage by performing an appropriate leak test pursuant to ~~Annex Appendix~~ D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) Make necessary repairs or leave system in a safe condition.

(c) After repairs are made, place the system back into service, pursuant to Chapter 7, Section 4.2, NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(3) In instances involving the interruption of gas supply to a system, the following procedures shall be followed:

(a) The LP gas license holder or its employee shall check for leakage of the affected areas of the system in accordance with Chapter 7 4 of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) A leak test of the system as prescribed in Annex Appendix D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., must be performed prior to placing the system back into service.

(c) A leak test as prescribed in Annex Appendix D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., shall not be required where the LP gas license holder or its employee has caused the interruption of the gas supply to the system for the purpose of minor repairs to the system, and where the license holder or its employee remains on the system site and monitors the system during the service. However, the repairs shall be leak tested by means of an approved combustible gas detector or a leak detector solution.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 7-23-86, Amended 6-8-88, 2-6-90, 12-31-91, Formerly 4B-1.030, Amended _____.

5F-11.045 Dispensing Units.

(1) through (4) No change.

(5) The requirements for an actuated liquid withdrawal valve pursuant to Section 5.7.7 2.2.3 of NFPA 58 as incorporated by reference in Rule 5F-11.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with a an approved valve approved pursuant to the requirements of Chapter 3, NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97, 9-2-02, _____.

5F-11.046 Introducing Gas into Containers for Transportation; Dealer to Insure Compliance.

No dealer in liquefied petroleum gas shall introduce liquefied petroleum gas into any container if such is to be transported in any vehicle unless the provisions of NFPA No. 58, Chapter 6 and Chapter 9 2 are complied with. It shall be the responsibility to the dealer to insure that the transportation of any such container brought to his premises and while upon or about his premises complies with the above stated regulations subsequent to filling.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 8-7-80, Formerly 4A-1.15, Amended 7-18-85, Formerly 4B-1.11, Amended 10-8-86, 2-6-90, Formerly 4B-1.011, Amended _____.

5F-11.050 Installation of Unvented Room Heaters.

The following exceptions to the requirements of Section 9.23 6.24 of NFPA 54, 1992 edition, are adopted with regard to the installation of unvented room heaters:

(1) One listed, wall-mounted, unvented room heater, equipped with an oxygen depletion safety shutoff system may be installed in a bathroom, provided that the input rating shall not exceed 6000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

(2) One listed, wall-mounted, unvented room heater equipped with an oxygen depletion safety shutoff system may be installed in a bedroom, provided that the input rating shall not exceed 10,000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 1-24-95, Amended _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N., Tallahassee, Florida 32399-1650, phone: (850)921-4944

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-51	Florida's Highway Guide Sign Program
RULE NOS.:	RULE TITLES:
14-51.011	Definitions
14-51.052	Design
14-51.053	Installation

NOTICE OF HEARING

The notice of rulemaking was published in Florida Administrative Weekly, Vol. 31, No. 42, dated October 21, 2005. A hearing has been requested.

The hearing is scheduled as follows:

DATE AND TIME: December 8, 2005, 1:30 p.m.

PLACE: Department of Transportation, Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida.

SUBJECT AREA TO BE ADDRESSED: This amendment creates a Part V Wayfinding Signs. New definitions are added to Rule 14-51.011, F.A.C., and three new rules are established in a new Part V.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS**St. Johns River Water Management District**

RULE NO.:

RULE TITLE:

40C-2.042

General Permit by Rule

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., which was originally published in Vol. 31, No. 35, of the September 2, 2005, issue of the Florida Administrative Weekly.

40C-2.042 General Permit by Rule.

(1)(b) The use of water for irrigation for a reclaimed water system is allowed anytime ~~provided appropriate visible signs are placed on the property sufficient to inform the general public and District enforcement personnel of such use.~~ For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods.

(2)(a) The Board hereby grants a general permit to each person located within the District to use, withdraw or divert water for landscape irrigation, provided the irrigation does not occur more than two days per week and does not occur between the hours of 10:00 a.m. and 4:00 p.m. daily. An irrigator may select the two irrigation days unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). A contiguous property may be divided into different zones and each zone may be irrigated on different days than other zones of the property unless a local government adopts an ordinance identifying the specific two days irrigation is allowed pursuant to paragraph (b). However, no single zone may be irrigated more than 2 days a week. Additionally, any person who irrigates landscape with an automatic lawn sprinkler system installed after May, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred. For the purpose of this rule, "landscape irrigation" means the outside watering of shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, cemeteries, public, commercial, and industrial establishments, and public medians and rights of way. For the purpose of this rule, "landscape irrigation" does not include golf course greens, tees, fairways, primary roughs, and vegetation associated with intensive recreational areas such as, but not limited to, playgrounds, football, baseball and soccer fields. Landscape irrigation shall be subject to the following exceptions:

(2)(b)1. A local government may enforce paragraph (2)(a) within its jurisdiction by adopting an ordinance incorporating these provisions. If the local government chooses to identify specific days on which landscape irrigation will occur, then the schedule within the ordinance shall be:

~~a.1.~~ Landscape irrigation at odd numbered addresses must only occur on Wednesday and Saturday; and

~~b.2.~~ Landscape irrigation at even numbered addresses or no address must only occur on Thursday and Sunday.

~~c.3.~~ Non-residential landscape irrigation may be designated on two alternative days other than those combinations in subparagraphs 1. or 2. above to address utility system-related demands.

2. For the purpose of this rule, "address" means the "house number" of a physical location of a specific property. This includes "rural route" numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property's address. An "even numbered address" means an address ending in the number 0, 2, 4, 6, 8 or the letters A-M. An "odd numbered address" mean an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

~~3.(e)~~ Local governments with a jurisdiction divided between the St. Johns River Water Management District and another water management district may propose an alternative schedule of days, from paragraph (b) above, when necessary for the local government to achieve a uniform schedule within its jurisdiction. The local government shall submit its proposed alternative schedule for this District's review and approval prior to introducing the ordinance for adoption.

4. If the strict application of the uniformly required schedule for specified "day of week" limitations would lead to unreasonable or unfair results in particular instances, the local government may grant a variance from the specific days for landscape irrigation identified in subparagraph (2)(b)1., provided that applicant demonstrates with particularity that compliance with the schedule of days for landscape irrigation will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days than other zones of the property. However, no single zone may be irrigated more than 2 days a week.

~~5.(d)~~ At least thirty (30) days prior to the adoption of an ordinance to enforce paragraph (2)(a), the local government shall provide a copy of the proposed ordinance to the District.

(c) All variances for landscape irrigation from Water Shortage Order F.O.R. 2000-62 that have not expired as of the effective date of this rule shall be automatically extended for a 2-year time period in accordance with the terms and conditions of the variance. No other changes to the terms and conditions of the variances shall be allowed. Landscape irrigation activities not authorized pursuant to a variance extension or elsewhere in this rule will require a standard general permit.

(d) A person proposing to use water for landscape irrigation where factors establish the need for irrigation to occur on three days per week may submit an application for a Standard General Consumptive Use Permit for Landscape Irrigation Three Days Per Week pursuant to Chapter 40C-20, F.A.C. This application is limited to including no more than twenty-five (25) nearby properties within a common plan of development. If a development consists of more than one phase or section, the twenty-five (25) properties must be located within a single phase or section.

APPLICANT’S HANDBOOK: CONSUMPTIVE USES OF WATER SECTIONS:

6.7.1.9 The water quantity monitoring requirements contained in section 6.7.1 are not applicable to standard general permits for water uses that do not exceed the thresholds set forth in section 3.2.1(a) and (b) and that only authorize the use of water for landscape irrigation other than provided for in paragraph 40C-2.042(2)(a), F.A.C.

17.1 Public Supply-Type Uses

The following general conditions are generally applied to permits for public supply-type uses:

- (a) through (d) No change.
- (e) Landscape irrigation is prohibited between the hours of 10:00 a.m. and 4:00 p.m., and shall not occur more than two days per week except as follows:

- 1. No change.
- 2. The use of reclaimed water for irrigation is allowed anytime, ~~provided visible appropriate signs are placed on the property sufficient to inform enforcement personnel of such use. Such signs must be in accordance with local restrictions.~~

17.4 Agricultural Uses

The following conditions are generally applied to individual permits for agricultural-type uses:

- (a) No change.
- (b) Irrigation of agricultural crops is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:

- 1. Irrigation using a micro-irrigation system is allowed anytime.
- 2. The use of reclaimed water for irrigation is allowed anytime ~~provided appropriate visible signs are placed on the property sufficient to inform enforcement personnel of such use. Such signs must be in accordance with local restrictions.~~

17.5 Nursery Use

The following conditions are generally applied to individual permits for nursery-type uses:

- (a) Irrigation of nursery plants is prohibited between the hours of 10:00 a.m. and 4:00 p.m., except as follows:
- 1. No change.
- 2. The use of reclaimed water for irrigation is allowed anytime, ~~provided appropriate visible signs are placed on the property sufficient to inform enforcement personnel of such use. Such signs must be in accordance with local restrictions.~~

~~(b) Irrigation sites using reclaimed water must include signs designed and located to sufficiently inform enforcement personnel of such use. Such signs must be in accordance with local restrictions.~~

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.659
 RULE TITLE: Forms and Instructions

NOTICE OF CORRECTION

The South Florida Water Management District publishes this correction to the Notice of Proposed Rulemaking published on October 28, 2005, Vol. 31, No. 43, to reflect that the correct location for the hearing is the Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, Florida 33037. If more information is needed, please contact Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, telephone (800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.091
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated
 By Reference

NOTICE OF CORRECTION

The South Florida Water Management District publishes this correction to the Notice of Proposed Rulemaking published on October 28, 2005, Vol. 31, No. 43, to reflect that the correct location for the hearing is the Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, Florida 33037. If more information is needed, please contact Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, telephone (800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.101
 RULE TITLE: Content of Permit Applications

NOTICE OF CORRECTION

The South Florida Water Management District publishes this correction to the Notice of Proposed Rulemaking published on October 28, 2005, Vol. 31, No. 43, to reflect that the correct location for the hearing is the Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, Florida 33037. If more information is needed, please contact Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box

24680, West Palm Beach, Florida 33416-4680, telephone (800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-8.011	Purpose and General Provisions
40E-8.021	Definitions
40E-8.351	Minimum Levels: Surface Waters for Kissimmee Basin Regional Planning Area
40E-8.421	Prevention and Recovery Strategies

NOTICE OF CORRECTION

The South Florida Water Management District publishes this correction to the Notice of Proposed Rulemaking published on October 28, 2005, Vol. 31, No. 43, to reflect that the correct location for the hearing is the Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, Florida 33037. If more information is needed, please contact: Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680, telephone (800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

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 Social Work, Marriage & Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-3.003	Examination of Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment, as noticed in Vol. 30, No. 43, October 22, 2004 issue, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-6.0013	Retired Status

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 31, No. 42, October 21, 2005 issue, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.:	RULE TITLES:
64F-11.001	Definitions
64F-11.002	Client Eligibility
64F-11.003	Patient Selection and Referral
64F-11.005	Contract Requirements

NOTICE OF CHANGE AND ADDITIONAL PUBLIC HEARING

Notice is hereby given that the following changes have been made to proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 31, No. 18 on May 6, 2005. The changes reflect comments received from the Joint Administrative Procedures Committee and additional changes to Section 766.1115, Florida Statutes, Chapter 2005-118, section 1. The changes are as follows:

1. In subsection (1) of proposed Rule 64F-11.001, F.A.C., the phrase “or its successor statute” shall be deleted.
2. In subsection (3) of proposed Rule 64F-11.001, F.A.C., the phrase “or its successor statute” shall be deleted.
3. Subsection (5) of proposed Rule 64F-11.001, F.A.C., will be withdrawn in its entirety.
4. Subsections (6) through (11) are renumbered to (5) through (10).
5. Subsection (6) of proposed Rule 64F-11.001, F.A.C., shall read as follows:

(6) “Net family income” means gross family income minus the standard work related, child care, and child support deductions as used in determining presumptive eligibility for Medicaid expansion as designated by the Omnibus Budget Reconciliation Act 1986.
6. Subsection (9) of proposed Rule 64F-11.001, F.A.C., shall read as follows:

(9) “Health care provider or provider” includes a student enrolled in an accredited program that prepares the student to be a health care provider licensed under Chapters 458, 459, 460, 461, 464, or 467, F.S. The student must perform duties under the supervision and license of a health care provider who is contracted under the Volunteer Health Care Provider Program and is practicing in the student’s area of study.

7. Subsection (1) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(1) The governmental contractor will determine and approve client eligibility based on one of the following three eligibility groups:

(a) Individuals eligible for services under Medicaid when a provider is not available and who meet the program income eligibility requirements.

(b) Individuals whose family income does not exceed 200 percent of the federal poverty level.

(c) Individuals who are clients of the department, that volunteer to participate in the program, and who meet the program income eligibility requirements when the appropriate health care service is not available through the department.

8. Subsection (3) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(3) The governmental contractor will establish an eligibility limit not to exceed 200 percent of the poverty level.

9. Subsection (4) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(4) The governmental contractor is responsible for determining if applicants meet the eligibility criteria as established in the Department of Health Client Eligibility and Referral Process Training Guide, DH 1032G, for participation in the Volunteer Health Care Provider Program. A copy of the Client Eligibility and Referral Process Training Guide can be obtained through the department's Volunteer Health Services Program.

10. Subsection (5) of proposed Rule 64F-11.002, F.A.C., shall read as follows:

(5) Applicants shall furnish to the governmental contractor information regarding the gross family income for the family unit, child care expenses, and child support payments. The applicant's self declaration of income and expenses is acceptable for eligibility determination, and shall be documented on the Volunteer Health Care Provider Program Financial Eligibility form, DH 1032E. The governmental contractor may verify income and expenses for the four week period prior to the date of application. Additional verification for the preceding 12 month period may be requested if the income for the four week period is not representative of the family income and the additional information is in the best interest of the applicant. A copy of the Financial Eligibility form can be obtained through the department's Volunteer Health Services Program.

11. Subsection (4) of proposed Rule 64F-11.003, F.A.C., shall read as follows:

(4) The department may convey to any provider the responsibility for determining eligibility and the referral of the clients for the department. The provider may perform the eligibility and referral process in accordance with a Volunteer

Health Care Provider contract, DH 1029, as incorporated in 64F-11.005 Florida Administrative Code, with the governmental contractor.

12. Proposed Rule 64F-11.005, F.A.C., shall read as follows:

The governmental contractor shall use the Volunteer Health Care Provider Program contract, DH 1029, developed by the department specifically for this program. Provisions of the contract shall include the requirements specified in Section 766.1115(4) and (10), F.S. Copies of the contract can be obtained through the department's Volunteer Health Services Program.

An additional public hearing will be held on the above proposed rules to which all persons are invited.

TIME AND DATE: 9:00 a.m. – 1:00 p.m., Tuesday, December 13, 2005

PLACE: Conference Room 320N, Building 4025, Esplanade Way, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Lundberg, Director, Volunteer Health Services Program, 4052 Bald Cypress Way, Bin #C23, Tallahassee, Florida 32399-1743, (850)245-4151, Fax (850)488-4944, Mark_Lundberg2@doh.state.fl.us.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.:	RULE TITLES:
64F-12.001	General Regulations; Definitions
64F-12.012	Records of Drugs, Cosmetic, and Devices
64F-12.013	Prescription Drugs; Receipt, Storage and Security

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 31, No. 41, on October 14, 2005, issue of the Florida Administrative Weekly. The changes are the result of some non-substantive technical revisions; written comments received from staff of the Joint Administrative Procedures Commission; and comments received during the Public Hearing on November 7, 2005.

Paragraph (2) of Rule 64F-12.001, F.A.C., shall now read as follows:

64F-12.001 General Regulations; Definitions.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0121(6), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C.:

(a) through (g) No change.

(h) Electronic signature means a method of signing an electronic message that identifies a particular person as the source of the message and indicates the person's approval of the information contained in the message.

(h) through (cc) renumbered (i) through (dd) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, 1-1-04, 1-29-04, 5-29-05, _____.

Paragraph (3)(g) of Rule 64F-12.012, F.A.C., shall now read as follows:

64F-12.012 Records of Drugs, Cosmetics and Devices.

(3) Pedigree Papers.

(g) For purposes of Section 499.003(31)(b), F.S., a manufacturer or repackager will have uniquely serialized an individual legend drug unit when the unit contains an electronic product code that meets industry standards for that type of legend drug unit. The department will adopt the industry standards for each type of legend drug unit when they are established. One pedigree record may be prepared for a group of serialized legend drugs, provided the only unique characteristic for the pedigree is the serialization codes.

Specific Authority 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-17-01, 10-7-03, 1-1-04, 6-15-04, 8-2-04, _____.

Sub-subparagraphs (IX)(D) and (X) of Paragraph 64F-12.013(5)(f), F.A.C., shall now read as follows:

64F-12.013 Prescription Drugs; Receipt, Storage and Security.

(IX) The system must verify or perform the following:

(D) The system must check the digital signature for each signed transaction against the Certificate Authority's directory and the Certificate Revocation List and verify whether the certificate holder is or was authorized to sign electronic pedigrees at the time the transaction was signed.

2.a. Authentication of the purchase of a prescription drug directly from the manufacturer by an affiliated group member for a prescription drug that is subject to the statement in Section 499.0121(6)(e)1.a., F.S., may be documented by a written agreement between or among the affiliated group members that each affiliated group member will only transfer prescription drugs included on the specified list that were purchased directly from the manufacturer to an affiliated group member that is required to include the statement in Section 499.0121(6)(e)1.a., F.S., on its wholesale distributions to other wholesale distributors.

b. A purchasing wholesaler may use a written agreement between the purchasing wholesaler and its wholesale supplier, which is a primary wholesaler as defined in Section 499.012(1)(d), F.S., that requires that all prescription drugs distributed to the purchasing wholesaler by the wholesale supplier must be purchased by the wholesale supplier from the manufacturer. If this method is used to authenticate a pedigree, the purchasing wholesaler must establish policies and procedures for the random verification of the authenticity of the pedigrees that disclose the supplier wholesaler purchased the prescription drug from the manufacturer according to statistically valid standards.

(X)(A) The manufacturer must initiate the pedigree; or, until such time as the manufacturer initiates a pedigree to the wholesaler, the wholesaler that purchased the prescription drug from the manufacturer must imbed a copy of the sales invoice or the manufacturer's EDI transmission or Advance Ship Notice (ASN) that contains all required data elements for a complete audit trail as set forth in Rule 64F-12.012, F.A.C., related to that wholesaler's acquisition of the prescription drug from the manufacturer. Price information related to the transaction may be redacted from the imbedded copy of the sales invoice, the EDI transmission, or the ASN.

(B) If a pedigree complies with all provisions within sub-paragraph f. except for (X)(A) above, then a prescription drug wholesaler must use another method authorized by this rule to authenticate the distribution from the manufacturer to the first wholesaler. Subsequent distributions may be authenticated in accordance with sub-paragraph f.

Specific Authority 499.0121(1), 499.05 FS. Law Implemented 499.004, 499.006, 499.007, 499.0121, 499.028(6), 499.052 FS. History—New 7-8-84, Amended 1-30-85, Formerly 10D-45.535, Amended 11-26-86, 7-1-96, Formerly 10D-45.0535, Amended 1-26-99, 4-17-01, 1-1-04, _____.

THE PERSON TO BE CONTACTED REGARDING THESE CHANGES IS: Sandra Stovall, Compliance Manager, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257 ext. 210; sandra_stovall@doh.state.fl.us.fl.

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NO.: 64F-12.018
 RULE TITLE: Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 41, October 14, 2005 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

RULE TITLE: Alternative Inspection Programs

RULE NO.: 5GER05-2

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Florida Department of Agriculture and Consumer Services (FDACS) is statutorily responsible for all citrus inspection in the State of Florida under Chapter 601.27, F.S. The Florida Citrus Code. FDACS is further authorized to enter into cooperative agreement with any agency of the federal government to provide finished product inspection of processed citrus juice. FDACS entered into such an agreement with the United States Department of Agriculture (USDA) at the onset of the finished product inspection program more than 50 years ago utilizing the inspection programs developed and offered by the USDA, Agricultural Marketing Service (AMS), Processed Products Branch (PPB). Following three successive hurricanes tracking through Florida’s citrus belt during August and September 2004, and citrus canker eradication efforts, the Florida Citrus Industry saw crop reductions of approximately forty-one percent, adversely impacting the industry’s economics by limiting supply and raising unit costs, including those costs related to regulatory compliance. Harvesting and processing of the 2005-2006 Florida citrus crop is eminent and will commence on or before November 1, 2005. If immediate measures are not taken prior to the onset of the 2005-2006 season to provide alternative methods other than what USDA has developed and offered for the industry to comply with statutorily required inspections, the Florida Citrus Industry which contributes ninety thousand jobs and over nine billion dollars annually to the Florida economy will be severely impacted and may be unable to effectively compete in the world market. In view of these specific facts and reasons and in accordance with Section 120.54(4)(a), F.S., the Florida Department of Agriculture and Consumer Services hereby finds that an immediate serious danger to the public health, safety or welfare exists which necessitates the immediate implementation of alternative methods of inspection compliance for the processed citrus industry.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This action is necessary and fair under these circumstances because the Florida Citrus Industry has requested immediate relief and options for lower cost regulatory compliance.

SUMMARY OF RULE: Establishes an audit-based alternative method of inspection for finished processed citrus juices.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Shannon Shepp, Director, Division of Fruit and Vegetables, Department of Agriculture and Consumer Services, P. O. Box 1072, Winter Haven, Florida 33882-1072, phone (863)291-5820

THE FULL TEXT OF THE EMERGENCY RULE IS:

5GER05-2 Alternative Inspection Programs.

The Division of Fruit and Vegetables may approve registered citrus processing plants that apply for, agree to comply with and qualify to operate under the Florida Quality Systems Certification Program Description and Guidelines, dated September 16, 2005 hereby adopted by reference and available from the Division of Fruit and Vegetables, Department of Agriculture and Consumer Services, P. O. Box 1072, Winter Haven, Florida 33882-1072.

Specific Authority 570.07(21), (23) FS. Law Implemented 570.07(2),(16),(21),601.27, 601.49 FS. History–New 11-15-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE SECRETARY OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 15, 2005

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE TITLE: Grapefruit 2005-2006 Maturity Standards

RULE NO.: 20ER05-13

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

The Department received a petition requesting emergency rulemaking from Florida Citrus Mutual, a non-profit industry organization located in Lakeland, Florida. This emergency is due to the rapid spread of canker in the grapefruit growing regions in the state and the increasing need for growers to get some value out of their crop before the trees are pushed and burned in accordance with state and federal canker regulations. Strict enforcement of the minimum ratio of total soluble solids to anhydrous citric acid content requirements shall result in economic waste by causing good and safe food to be ruled immature.

After taking testimony and discussing the matter at an emergency public meeting and hearing in Lakeland, Florida on November 14, 2005, the Florida Citrus Commission found that there exists unusual circumstances and voted to adopt Emergency Rule 20ER05-13 adjusting the minimum ratio of total soluble solids to anhydrous citric acid content requirement for grapefruit for processed use to 7.2 to 1 for a period of 15 days, from November 15, 2005 up to and including November 29, 2005.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER05-13 in that notice was made via email on November 11, 2005, of the meeting to members of the Florida Citrus Commission, all industry organizations, the Florida Press Corps and other interested persons.

SUMMARY: Emergency Rule 20ER05-13 adjusts the minimum ratio of total soluble solids to anhydrous citric acid content requirement for grapefruit for processed use to 7.2 to 1 for a period of 15 days from date of filing of the emergency amendment.

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

20ER05-13 Grapefruit 2005-2006 Maturity Standards.

(1) Upon presentation of Division of Plant Industry Immediate Final Order Form DACS-08390, Rev. 11-2005 and from November 15, 2005 date of filing, and for fifteen days thereafter, up to and including November 29, 2005, grapefruit for processing shall be deemed mature when the juice sample contains not less than a minimum ratio of total soluble solids to anhydrous citric acid of 7.2 to 1. After the expiration of the fifteen days up to and including January 19, 2006 and upon presentation of Division of Plant Industry Immediate Final Order Form DACS-08390, Rev. 11-2005, grapefruit for processing shall be deemed mature when the juice sample contains not less than a minimum ratio of total soluble solids to anhydrous citric acid of 7.5 to 1.

(2) During the period beginning October 28, 2005 up to and including December 1, 2005 grapefruit for processing shall be deemed mature when the juice sample contains 10% less juice content than that set by statute for each variety and size.

(3) All other rules of the department governing maturity standards for processed grapefruit during the period through January 19, 2006 shall be construed consistent with the emergency action taken.

Specific Authority 601.10(1),(7), 601.16 FS. Law Implemented 601.111, 601.16 FS. History—New 10-21-05, Amended 10-28-05, 11-15-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE SECRETARY OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 15, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 650, GOLD RUSH
 RULE NO.: 53ER05-83

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 650, "GOLD RUSH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:


53ER05-83 Instant Game Number 650, GOLD RUSH.

(1) Name of Game. Instant Game Number 650, "GOLD RUSH."

(2) Price. GOLD RUSH lottery tickets sell for \$20.00 per ticket.

(3) GOLD RUSH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning GOLD RUSH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	20
ELEVN	THELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	TWENTY
21	22	23	24	25	26	27	28	29	30
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	THIRTY
31	32	33	34	35	36	37	38	39	
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	WIN \$500

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	20 TWENTY
21 THYONE	22 THYTWO	23 THYTHR	24 THYFOR	25 THYFIV	26 THYSIX	27 THYSVN	28 THYEGT	29 THYNIN	30 THIRTY
31 THYONE	32 THYTWO	33 THYTHR	34 THYFOR	35 THYFIV	36 THYSIX	37 THYSVN	38 THYEGT	39 THYNIN	

\$40	\$40	100.00	276.000
\$50	\$50	30.00	920.000
\$5 x 20	\$100	120.00	230.000
\$25 x 4	\$100	120.00	230.000
(\$10 x 6) + \$40	\$100	150.00	184.000
(\$2 x 20) + (\$5 x 4) + \$40	\$100	133.33	207.000
\$100	\$100	400.00	69.000
\$25 x 20	\$500	1,200.00	23.000
\$50 x 10	\$500	1,200.00	23.000
\$20 x 25	\$500	1,200.00	23.000
\$100 x 5	\$500	800.00	34.500
\$500 (GOLD BAR)	\$500	517.24	53.360
\$50 x 20	\$1,000	30,000.00	920
\$100 x 10	\$1,000	30,000.00	920
(\$25 x 20) + (\$100 x 5)	\$1,000	30,000.00	920
\$40 x 25	\$1,000	30,000.00	920
\$1,000	\$1,000	30,000.00	920
\$500 x 20	\$10,000	150,000.00	184
\$10,000	\$10,000	150,000.00	184
\$500,000	\$500,000	2,509,090.91	11

(6) The prize symbols and prize symbol captions are as follows:

\$2.00 TWO	\$5.00 FIVE	\$10.00 TEN	\$15.00 FIFTEEN
\$20.00 TWENTY	\$25.00 THY FIV	\$40.00 FORTY	\$50.00 FIFTY
\$100 ONE HUN	\$500 FIVE HUN	\$1,000 ONE THO	\$10,000 TEN THO
			\$500,000 FIVE HUN THO

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$500, \$1,000, \$10,000 and \$500,000.



(c) A ticket having a "WIN \$500" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$500.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 650 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 230 POOLS OF 120,000 TICKETS PER POOL
\$5 x 4	\$20	15.00	1,840,000
\$10 x 2	\$20	15.00	1,840,000
\$20	\$20	15.00	1,840,000
\$5 x 8	\$40	60.00	460,000
(\$5 x 4) + (\$10 x 2)	\$40	60.00	460,000
\$10 x 4	\$40	85.71	322,000
\$15 + \$25	\$40	85.71	322,000

(10) The estimated overall odds of winning some prize in Instant Game Number 650 are 1 in 2.95. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 650, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GOLD RUSH lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for GOLD RUSH lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 11-10-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: November 10, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE:
Instant Game Number 621, NEW
YEAR'S CASH

RULE NO.:
53ER05-84

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 621, "NEW YEAR'S CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:


53ER05-84 Instant Game Number 621, NEW YEAR'S CASH.

(1) Name of Game. Instant Game Number 621, "NEW YEAR'S CASH."

(2) Price. NEW YEAR'S CASH lottery tickets sell for \$1.00 per ticket.

(3) NEW YEAR'S CASH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning NEW YEAR'S CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

(4) The play symbols and play symbol captions are as follows:

1	2	3	4	5
ONE	TWO	THR	FOR	FIV
6	7	8	9	
SIX	SVN	EGT	NIN	HORN


(5) The "PRIZE BOX" symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
TICKET	ONE	TWO	FOUR	FIVE	TEN
\$20.00	\$25.00	\$50.00	\$100	\$500	\$2,006
THENTY	THY FIVE	FIFTY	ONE HUN	FIVE HUN	TWO THO SIX

(6) The legend is as follows:

PRIZE BOX

(7) Determination of Prizewinners.

(a) A ticket having three "  " symbols in the same row, column, or diagonal shall entitle the claimant to the corresponding prize shown in the "PRIZE BOX."

(b) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500 and \$2,006. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a \$1.00 instant ticket, except as follows. A person who submits by mail a NEW YEAR'S CASH lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 621 are as follows:

GAME PLAY	WIN	NUMBER OF	
		WINNERS IN	35 POOLS OF
		ODDS OF	180,000 TICKETS
		1 IN	PER POOL
TICKET	\$1 TICKET	10.00	630,000
\$1	\$1	15.00	420,000
\$2	\$2	25.00	252,000
\$4	\$4	150.00	42,000
\$5	\$5	50.00	126,000
\$10	\$10	150.00	42,000
\$20	\$20	300.00	21,000
\$25	\$25	300.00	21,000
\$50	\$50	2,400.00	2,625
\$100	\$100	15,000.00	420
\$500	\$500	315,000.00	20
\$2,006	\$2,006	630,000.00	10

(9) The estimated overall odds of winning some prize in Instant Game Number 621 are 1 in 4.05. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 621, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a NEW YEAR'S CASH lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for NEW YEAR'S CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 11-10-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: November 10, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Tournaments
RULE NO.: 61DER05-1(61D-11.027)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: There exists an immediate danger to the public health, safety, and welfare due to the conduct of statutorily unauthorized poker tournaments that requires immediate repeal of Rule 61D-11.027, Florida Administrative Code. The provisions of Rule 61D-11.027, Florida Administrative Code, that remain following a recent ruling of the First District Court of Appeal are in conflict with the bet and raise limitations found in Section 849.086(8)(b), Florida Statutes. As a result, the remaining rules may mislead persons regulated by those rules to believe that “no limit” game play is authorized. The term “no limit” in poker tournaments means there is no limit on the amount that can be wagered.

The existence of Rule 61D-11.027, Florida Administrative Code, which sets forth rules for tournament play, in and of itself suggests that tournaments may be conducted in a manner different from other authorized games. Further, specific rules such as paragraphs 61D-11.027(1)(c) and (3)(a) and (b), Florida Administrative Code, standing alone would authorize “no limit” play by allowing a participant to bet all of his or her chips after fifteen games or an hour of play and by allowing tournaments to be played with chips or tokens with “no cash value” in clear contravention of Section 849.086(8)(b), Florida Statutes.

Immediate repeal of the Division’s remaining tournament rules is needed due to “Structured/No Limit” poker tournaments (Exhibit 1) that are being conducted at pari-mutuel facilities in violation of Section 849.086(8)(b), Florida Statutes. Section 849.086(3), Florida Statutes, expressly requires cardrooms to be conducted in strict compliance with the statute. Further, Section 849.086(15)(a)2., Florida Statutes, makes a violation of Section 849.086, Florida Statutes, by a licensee or permitholder a crime. Therefore, the public health, safety, and welfare are clearly impacted by this form of legalized gambling.

The First District Court of Appeal recently affirmed a Final Order of the Division of Administrative Hearings that invalidated subsections 61D-11.027(1)(a), (b) and (e), (2)(a) and (b), Florida Administrative Code, which are part of the Division’s tournament rule section. Under the ruling of the

Division of Administrative Hearings, tournaments are authorized because Section 849.086(2)(a), Florida Statutes, defines “authorized game” as a “game or series of games of poker.” As a form of poker directly authorized by the statute, tournaments must be played to comply with the wagering limitations found in Section 849.086(8)(b), Florida Statutes, which limits wagers in any game or series of games to a “maximum bet” that “may not exceed two dollars in value,” with no more than “three raises in any round of betting.” While the Division of Administrative Hearings ruled that cardrooms may set their own entry fees for tournaments, allow re-buys in tournaments and hold single table tournaments, any form of tournament poker that allows the value of any single wager to exceed two dollars conflicts with the wagering limitations found in Section 849.086(8)(b), Florida Statutes, which the Final Order found to be a “restrictive form of wagering.”

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Legalized gambling, such as cardrooms authorized by Section 849.086, Florida Statutes, is an area of law that Florida courts have routinely held is subject to very strict regulation. See PPI, Inc. v. Department of Business and Professional Regulation, 698 So. 2d 306 (Fla. 3rd DCA 1997). In fact, the Florida Supreme Court, in Hialeah Race Course, Inc. v. Gulfstream Park Racing Association, 37 So. 2d 692 (Fla. 1948), stated that, “[a]uthorized gambling is a matter over which the state may exercise greater control and exercise its police power in a more arbitrary manner because of the noxious qualities of the enterprise as distinguished from those enterprises not affected with a public interest and those enterprises over which the exercise of police power is not so essential for the public welfare.” This very principle was echoed in Rodriguez v. Jones, 64 So. 2d 278 (Fla. 1953).

Similarly, in Jordan Chapel Freewill Baptist Church v. Dade County, 334 So. 2d 661 (Fla. 3d DCA 1976), the Third District Court held that legalized gambling falls into the same category as the regulation of drugs and liquor and, therefore, should be afforded the same strict regulation. In particular, the Third District held that “[g]ambling (or authorized gambling in the case of bingo) is an exceptional situation which has always been closely controlled in Florida for the protection of the public. Rodriguez v. Jones, 64 So. 2d 278 (Fla. 1953)” Id. at 666.

Given the facts presented, the immediate repeal of Rule 61D-11.027, Florida Administrative Code, is fair under the circumstances. There is an immediate need to make clear that tournaments must comply with the wagering limits of Section 849.086(8)(b), Florida Statutes. The remaining provisions of Rule 61D-11.027, Florida Administrative Code, are now in clear conflict with the rationale contained in the Final Order, and therefore those provisions must be repealed in conjunction with those provisions expressly declared to be invalid.

SUMMARY OF THE RULE: The emergency rule repeals Rule 61D-11.027, Florida Administrative Code, which provides rules for the conduct of poker tournaments.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Joseph M. Helton, Jr., Chief Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE EMERGENCY RULE IS:

61DER05-1 (61D-11.027) Tournaments.

~~(1) A series of games of poker may include tournament play. Tournaments may only be conducted at licensed pari-mutuel facilities and must comply with the following criteria:~~

~~(a) Cardroom operators must use for tournament play a game authorized for general cardroom play under Rule 61D-11.002, F.A.C. Any authorized game used for tournament play must be listed on the cardroom operator's approved license application, or on any subsequent applications/amendments that may be submitted for approval;~~

~~(b) No less than 9 players must be registered as participants at the start of play;~~

~~(c) Either a minimum of 15 hands per table per tournament, or a minimum of one hour's duration per tournament, must be played. After the minimum requirements have been satisfied, wagering shall conform to the established rules and guidelines of the cardroom operator;~~

~~(d) Tournaments must commence and conclude on the same calendar day; and~~

~~(e) Only one entry per player per tournament.~~

~~(2)(a) The tournament entry fee per participant shall be based upon a maximum of \$2 per bet and three raises per betting round. The entry fee shall not exceed the maximum potential value wagered by a single player in an individual game that is being used for tournament play.~~

~~(b) The cardroom operator is prohibited from allowing a participant to pay any fee to re-enter the same tournament. A participant's elimination from a tournament is final.~~

~~(c) There shall be a designated winner for each individual hand of tournament play. The play of progressive games is prohibited.~~

~~(3) Tournaments shall be played only with tournament chips that are visually distinct from those used in normal cardroom operations, and shall be provided to the participants in exchange for an entry fee.~~

~~(a) All players shall receive an equal number of tournament chips for their entry fee.~~

~~(b) Tournament chips shall have no cash value and shall represent tournament points only.~~

~~(c) Tournament chips shall not be redeemed for cash or for any other thing of value except that the point total represented by the players' accumulations of tournament chips shall be used to determine the tournament winners and/or final place in the tournament.~~

~~(4) Prizes may not exceed the aggregate entry fees paid by the participants.~~

~~(5) No table rake shall be made during tournament play.~~

~~(6) Gross receipts for a tournament shall mean the total amount received by the cardroom operator from all entry fees.~~

~~(7) Cash received for tournament entry fees must be kept separate and apart from all other cash received by the cardroom operator or management company until such time as it is counted. The cardroom operator shall report tournament activity on BPR Form 16-008. This form shall be filed with the division by the fifth day of each calendar month for the preceding calendar month's activity. BPR Form 16-008 is adopted and incorporated by Rule 61D-12.001, F.A.C.~~

~~(8)(a) The cardroom operator shall provide the tournament rules to the division, and shall furnish copies upon request to interested participants.~~

~~(b) The published tournament rules shall include, but are not limited to, information regarding the amount of the prizes using a stated percentage of gross receipts, whether the tournament's duration of play is based upon a fixed number of games or a stated time period, the use of blinds, and the wagering rules as authorized in paragraph (1)(e) above.~~

Specific Authority 550.0251(12), 849.086(4) FS. Law Implemented 849.086 FS. History—New 5-9-04, Repealed 11-9-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 9, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on November 8, 2005, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR # 2005-90), to F & T Minton, LLC (Petitioner). The Petition for Variance was received by SJRWMD on September 30, 2005. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 31, No. 41, October 14, 2005. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, F.S., to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on November 8, 2005, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR # 2005-93), to Town Center Partners, Ltd. (Petitioner). The Petition for Variance was

received by SJRWMD on October 4, 2005. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 31, No. 41, October 14, 2005. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, F.S., to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River. A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on November 8, 2005, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR # 2005-91), to Town Center Partners, Ltd. (Petitioner). The Petition for Variance was received by SJRWMD on October 4, 2005. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 31, No. 41, October 14, 2005. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, F.S., to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow

water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River. A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2005-168-DAO-ROW), November 9, 2005, to Broward County Commission. The petition for waiver was received by the SFWMD on October 5, 2005. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 31, No. 42, on October 21, 2005. No public comment was received. This Order provides a waiver for the proposed placement of rip-rap revetment and handrails within the south right of way of the North New River Canal at S.R. 7 west access ramp; S24/T50S/R41E, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank, and within equipment staging areas within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Broward County Commission from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6320; or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2005-169-DAO-ROW), on November 9, 2005, to Collier County Board of County Commissioners. The petition for waiver was received by the SFWMD on September 9, 2005. Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 31, No. 40, October 7, 2005. No public comment was received. This Order provides a waiver

for the proposed extension of existing culvert bridge with the addition of control gates, rip-rap and drainage facilities in conjunction with the County's widening project of Vanderbilt Beach Road near the I-75 Overpass; S31,32/T48S/R26E, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use of Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the low member elevations of box culvert bridges within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Collier County Board of County Commissioners from suffering a substantial hardship. A copy of the Order can be obtained from: Kathie Ruff at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680; telephone number (561)682-6320; or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2005-170-DAO-ROW), on November 9, 2005, to Miguel and Vivian Costa. The petition for waiver was received by the SFWMD on September 13, 2005. Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 31, No. 39, September 30, 2005. No public comment was received. This Order provides a waiver for the proposed installation of a fence enclosure encroaching 10' (25' from the top of the canal bank and existing bulkhead in a reach of canal where the District has no access to the overbank right of way) within the north right of way of C-51, downstream of District Water Control Structure S-155, at the rear of 210 Arlington Road, West Palm Beach; S15/T44S/R43E, Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(1)(j), F.A.C., and the Basis of Review for Use of Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and/or semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation

and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Miguel and Vivian Costa from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6320; or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2005-171-DAO-ROW), November 9, 2005, to Naranja Lakes Construction, LLC. The petition for waiver was received by the SFWMD on June 23, 2004. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 28, July 9, 2004. No public comment was received.

This Order provides a waiver for the proposed widening of the existing, previously-authorized S.W. 280th Street (Waldin Drive) bridge crossing C-103N; S34/T56S/R39E, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the minimum vertical clearance requirement (low member elevation) of pile-supported vehicular bridges located within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Naranja Lakes Construction, LLC, from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6320; or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD 2005-172-DAO-ROW), on November 9, 2005, to Simon Schwarz. The petition for waiver was received by the SFWMD on October 3, 2005. Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 31, No. 41, October 14, 2005. No public comment was received. This Order provides a for an existing seawall to remain and a waiver for the proposed construction of a dock within the west right of way of C-10 at the rear of 2702 Lee Street, Hollywood; S9/T51S/R42E, Broward County. Specifically, the Order

grants a waiver from paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use of Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the minimum low member elevation of pile-supported docking facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Simon Schwarz from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6320; or by e-mail kruff@sfwmd.gov.

AGENCY FOR HEALTH CARE ADMINISTRATION

Notice is hereby given that on October 24, 2005, the Agency for Health Care Administration (the "Agency") received a petition pursuant to Section 120.542 Florida Statutes, from Petitioner, Duane Ratliff. Petitioner is an applicant for licensure as a healthcare risk manager. The Petition requests a variance from subsection 59A-10.032(15), Florida Administrative Code. That Rule defines "Health Care Professional" to include emergency medical technician certified pursuant to Chapter 401, F.S., yet not a paramedic also certified under Chapter 401, F.S. Proof of attainment of the professions identified in subsection 59A-10.032(15), F.A.C., serves under subsection 59A-10.033(2), F.A.C., as evidence of the competency of a healthcare risk manager applicant. Petitioner is seeking a permanent variance from the Rule to allow him to use his certification as a paramedic as evidence of his competency.

A copy of the Petition can be obtained from and comments provided to: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Dr., Bldg. 3, Mail Stop 3, Tallahassee, Florida 32308.

The Agency will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. Eastern Standard Time.

For additional information, please contact Richard J. Shoop, Agency Clerk, at the above address, or telephone (850)922-5873.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice is hereby given that the Department of Business and Professional Regulation, Florida Real Estate Appraisal Board has withdrawn the Notice of Petition for Waiver or Variance filed by Mahartney Franklin Strickland, Jr., as noticed in Vol. 31, No. 40, October 7, 2005, Florida Administrative Weekly.

The Florida Real Estate Appraisal Board hereby gives notice that it has issued an Order on a Petition for Waiver or Variance filed by Mahartney Franklin Strickland, Jr. The Notice of Petition for Waiver or Variance was published on September 23, 2005, in Vol. 31, No. 38 of the F.A.W. The Board considered the Petition at its meeting held on October 3, 2005, in Orlando, Florida.

The Board's Order, filed November 2, 2005, denied the Petition for Waiver or Variance because the Board does not have lawful authority to vary from or waive a Florida Statute.

A copy of the Board's Order may be obtained by contacting: Florida Real Estate Appraisal, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

The Florida Real Estate Appraisal Board hereby gives notice that it has received a petition, filed on November 3, 2005, by William H. Haskell, Jr., seeking a waiver or variance of subsection 61J1-6.001(7), F.A.C. The Rule provides that an applicant for certification who is a local, state or federal employee may have experience verified by an official statement of a licensed or certified appraiser within the governmental office who supervised the applicant. This official statement is allowed in place of the actual appraisal work product when the appraisal work product cannot be released due to statutory regulations.

Comments on this petition should be filed with: Florida Real Estate Appraisal Board, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801, within 14 days of publication of this notice.

For a copy of the petition, contact Michael E. Murphy, Acting Director, Florida Real Estate Appraisal Board, at the above address or telephone (850)245-4161.

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

NOTICE IS HEREBY GIVEN that the Department of Health issued a Final Order on October 11, 2005, in response to a petition for a variance filed on May 5, 2005, by Nancy G. Linnan, Esq., representing Infiltrator Systems Inc., in regard to the Quick 4 Standard Chamber. Petitioner sought a variance from subsection 64E-6.009(7) and subparagraph 64E-6.009(7)(a)4., F.A.C., which requires alternative system components to undergo innovative system testing in Florida. Notice of the petition was published in the May 20, 2005, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), F.S., the Department Granted With Stipulations Petitioner's request for a variance.

A copy of the petition and final order may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

NOTICE IS HEREBY GIVEN that the Department of Health issued a Final Order on October 11, 2005, in response to a petition for a variance filed on May 5, 2005, by Nancy G. Linnan, Esq., representing Infiltrator Systems Inc., in regard to an alternative drainfield product. Petitioner sought a variance from subsection 64E-6.009(7) and subparagraph 64E-6.009(7)(a)4., F.A.C., which requires alternative system components to undergo innovative system testing in Florida. Notice of the petition was published in the May 20, 2005, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would create a substantial hardship in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), F.S., the Department Granted With Stipulations Petitioner's request for a variance.

A copy of the petition and final order may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

NOTICE IS HEREBY GIVEN that the Department of Health issued a Final Order on October 28, 2005, in response to a petition for a variance filed on August 1, 2005, by Tom Robinson, representing KTE Plastics. Petitioner sought a variance from subparagraph 64E-6.014(2)(a)5., F.A.C., which requires drainfield header pipes to meet ASTM F 810-99, requiring in part that pipes have specific diameters, wall

thicknesses and lengths. Notice of the petition was published in the August 19, 2005, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would violate principles of fairness in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), F.S., the Department GRANTED Petitioner's request for a variance.

A copy of the petition and final order may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration

Division of Bond Finance

Financial Services Commission:

Office of Insurance Regulation

Office of Financial Regulation

Financial Management Information Board

Department of Veterans' Affairs

Department of Highway Safety and Motor Vehicles

Department of Law Enforcement

Department of Revenue

Administration Commission

Florida Land and Water Adjudicatory Commission

Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection

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

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations;

investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184,

F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, conservation and preservation lands and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters pertaining to the Office of Greenways and Trails for lands acquired through the Greenways and Trails land acquisition program and lands managed by the Office of Greenways and Trails. The Department of Environmental Protection, as staff to the Board of Trustees of the Internal Improvement Trust Fund in addition to the above, will also present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/index.html> or by contacting each individual agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The Central Florida Citizens Advisory Board for the **Department of State, Division of Historical Resources** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 2, 2005, 10:00 a.m.

PLACE: St. Petersburg Pier – Dockside Room, Located at the end of Second Avenue N. E. on the downtown St. Petersburg waterfront.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Central Regional Office, 1802 East 9th Avenue, Tampa, Florida 33605. Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request special assistance.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** will hold telephone calls to discuss general issues, to which all persons are invited.

FCSW Nominating Committee

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

PLACE: Please call (850)414-3300 for instructions on participation

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

If you need an accommodation because of disability in order to participate, please notify: FCSW, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a regular business meeting of the Subcommittee on Managed Marshes Announcement of Quarterly Field Trip & Business Meeting to which all persons are invited.

DATES AND TIME: December 7-8, 2005, 10:00 a.m.

PLACE: Indian River Mosquito Control District, 5655 41st Street, Vero Beach, FL, (772)562-2393, Fax: (772)562-9619

Questions and Comments or Agendas may be directed to: Douglas Carlson, Chairman via email at dcarlson1@hotmail.com.

The **Department of Agriculture and Consumer Services** announces a rescheduled workshop to discuss revisions to DACS Form 13645, the Wood Destroying Organism Inspection Report form as referenced in Rule 5E-14.142, F.A.C. This is the third workshop on this topic.

DATE AND TIME: January 18, 2006, 9:00 a.m. – 1:00 p.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, Florida, telephone: (407)884-2034

GENERAL SUBJECT AREA TO BE CONSIDERED: Wood Destroying Organism Inspection Report.

THE PERSON TO BE CONTACTED REGARDING THE WORKSHOPS AND A COPY OF THE FORM IS: Mr. Steven Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, telephone (850)488-7447.

The **Florida Citrus Production Research Advisory Council**, announces a General Meeting to which all interested persons are invited.

DATE AND TIME: Friday, December 2, 2005, 10:00 a.m.

PLACE: Sebring Agri-Civic Center, 4509 George Blvd., Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting to review, discuss, and establish approval on research pre-proposals for calendar year for 2006-2007. Also discussed will be plant improvement programs, and developments in citrus greening.

If you need special accommodations due to disability or for directions please call: Marshall Wiseheart (850)488-4366.

The **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council.

DATE AND TIME: Thursday, December 8, 2005, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council. For additional information or if you need special accommodations, call Sonia Baquero at (305)401-1502.

The **Department of Agriculture and Consumer Services** announces a conference call meeting of the Florida Aquaculture Review Council. Guests and other parties interested in participating should meet at the Division of Aquaculture at the appointed time.

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

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Blvd., Fifth Floor, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda can be obtained by contacting: Karen Metcalf, 1203 Governor's Square Boulevard, Tallahassee, FL 32301, telephone (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Karen Metcalf as soon as possible.

DEPARTMENT OF EDUCATION

The Florida **State Board of Education and Florida Board of Governors** invites you to a meeting of the Access Task Force to which all persons are invited:

DATE AND TIME: Wednesday, December 7, 2005, 10:00 a.m. – 3:00 p.m.

PLACE: Department of Education (Turlington Building), Room 1703/07, 325 West Gaines Street, Tallahassee, Florida

Special accommodations: Persons with disabilities who require assistance to participate in this meeting are requested to contact: Office of Strategic Initiatives, 325 West Gaines Street, Tallahassee, FL 32399 or by phone (850)245-9840.

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

An Administrator Hearing Panel

DATE AND TIME: December 2, 2005, 9:00 a.m.; A Teacher Hearing Panel; December 2, 2005, immediately following the Administrator Hearing Panel.

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, (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.

Florida Atlantic University/Florida's Art in State Buildings Program, announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: December 1, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Atlantic University/Florida's Art in State Buildings Program, Boca Raton Campus, CO-110, 777 Glades Road, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BT-621 Computer Center Expansion/Remodeling.

For more information or to obtain a copy of the agenda, please contact: Rachel Slaw, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, ADM Bldg., Room 392, Boca Raton, Florida 33431, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Rachel Slaw, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: (800)955-8770.

The Florida **Department of Education**, Office of Independent Education and Parental Choice, announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

DATE AND TIME: December 9, 2005, 10:30 a.m. until completion

PLACE: Capitol Building, LL-03, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission hearing on the Non-Renewal of Students Are For Education, Inc. vs. Jackson County School Board

Special Accommodations: Persons with disabilities who require assistance to participate in these hearings are requested to contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399 or by phone (850)245-0502.

The **Department of Education, Division of Blind Services'** Business Enterprises Program announces a Selection Panel meeting to which all persons are invited.

DATES AND TIMES: December 6, 2005, 2:00 p.m. until all business is concluded; December 7, 2005, 9:00 a.m. until all business has concluded

PLACE: SpringHill Suites, Tampa Westshore Airport, Ybor Conference Room, 4835 West Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and interview applicants for the business opportunities announced in October 2005.

The **Florida Covering Kids and Families Coalition** announces a meeting to be held.

DATE AND TIME: Tuesday, December 13, 2005, 10:30 a.m. to 1:30 p.m.

PLACE: The Lawton and Rhea Chiles Center for Healthy Mothers and Babies, University of South Florida, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Process Improvement Collaborative; Sustainability; Peer-to-Peer Site visit; Connect Project; Access application; election of a Vice Chair; and Florida KidCare enrollment issues.

For information please contact CKF Project Director, Jodi Ray (813)974-3143.

The Florida **Rehabilitation Council** announces the following face to face meetings:

DATES AND TIMES:

Planning Committee

December 8, 2005, 1:00 p.m. – 5:00 p.m.

Quality Assurance Committee

December 12, 2005, 9:00 a.m. – 12:00 noon

Evaluation Committee

December 12, 2005, 12:00 noon – 5:00 p.m.

NOTE: Phone numbers for these meetings may be obtained by contacting Yolanda Manning.

PLACE: VR Headquarters, Room 360, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, telephone (850)245-3397. Any interested parties that need further information may contact Yolanda Manning at (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the

meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

The Florida **Rehabilitation Council** announces the following conference calls:

DATES AND TIMES:

Executive Committee

December 20, 2005, 10:00 a.m. – 12:00 noon

Executive Committee

January 17, 2006, 10:00 a.m. – 12:00 noon

NOTE: Phone numbers for these meetings may be obtained by contacting Yolanda Manning.

PLACE: VR Headquarters, Room 360, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, telephone (850)245-3397. Any interested parties that need further information may contact Yolanda Manning at (850)245-3320.

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commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

The Florida **Rehabilitation Council** announces the following Quarterly Meetings:

DATES AND TIME: January 19-20, 2006; April 20-21, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: VR Headquarters, Room 360, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

NOTE: Phone numbers for these meetings may be obtained by contacting Yolanda Manning.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting/workshop of the Florida Rehabilitation Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, telephone (850)245-3397. Any interested parties that need further information may contact Yolanda Manning at (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

DATE AND TIME: December 5, 2005, 9:00 a.m.

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Greystone Hotel, 1920 Collins Avenue, Miami Beach; Florida Marine Agency/Island Shipping Lines, Inc., 3795 NW South River Drive, Miami; Frank Family Theatres, Gallkeria Plaza, 2111 Tamiami Trail South, Venice; X-Ray Associates, 150 Westmont Drive, Altamonte Springs; Port Orange Nursery, 5503 South Ridgewood Avenue, Port Orange; Okeechobee County School Board, 700 S.W. 2nd Avenue, Okeechobee; World Gym Fitness Center, 1962 A1A Beach Boulevard, St. Augustine.

DATE AND TIMES: December 5, 2005

8:00 a.m. Product Approval/Prototype Buildings/Manufactured Buildings POC.

1:00 p.m. Product Approval Validation Work Group

1:00 p.m. Meeting of the Energy Technical Advisory Committee.

2:00 p.m. Meeting of the Accessibility Technical Advisory Committee

3:00 p.m. Meeting of the Structural Technical Advisory Committee.

3:00 p.m. Meeting of the Education Program Oversight Committee.

DATE AND TIMES: December 6, 2005

8:00 a.m. Meeting of the Building Code System Assessment Ad Hoc Committee.

8:00 a.m. Workshop on Lightning Protection System Attachment for Hurricane Winds.

11:00 a.m. Hurricane Research Advisory Committee

1:00 p.m. Meeting of the Plumbing Technical Advisory Committee.

DATE AND TIME: December 6, 2005, 3:30 p.m., Meeting of the Plenary Session of the Florida Building Commission. Review and approval of the Agenda. Review and approval of the October 10 and 11, 2005 Minutes.

Consideration of requests for waiver from accessibility code requirements: Greystone Hotel, 1920 Collins Avenue, Miami Beach; Florida Marine Agency/Island Shipping Lines, Inc., 3795 NW South River Drive, Miami; Frank Family Theatres, Gallkeria Plaza, 2111 Tamiami Trail South, Venice; X-Ray Associates, 150 Westmont Drive, Altamonte Springs; Port Orange Nursery, 5503 South Ridgewood Avenue, Port Orange; Okeechobee County School Board, 700 S.W. 2nd Avenue, Okeechobee; World Gym Fitness Center, 1962 A1A Beach Boulevard, St. Augustine.

Consideration of Legal Issues and Petitions for Declaratory Statement

Petition for Binding Interpretations by Edward Guedes Second Hearing:

DCA05-DEC-159 by Ron Lambert, Greystone of Florida, Inc.

DCA05-DEC-162 by Irinia Tokar, WCI Communities, Inc.

DCA05-DEC-174 by James E. Kelley, Jr., AIA, President, Fugleberg Koch

DCA05-DEC-175 by Gene Boecker, AIA, Code Consultants, Inc.

DCA05-DEC-178 by Paul Quintana, All American Shutters, Inc.

First Hearing:

DCA05-DEC-173 by Thomas J. Baird, Attorney, Okeechobee County

DCA05-DEC-177 by Billy Tyson, CBO, Madison County

DCA05-DEC-203 by Arturo Silveira, Andreu & Associates, Inc.

DCA05-DEC-215 by Gary L. McDonald, AIA, Basham & Lucas Design Group, Inc.

DCA05-DEC-217 by Tina M Neace, Dependable Air Designs

DCA05-DEC-218 by Steve Munnell, Executive Director, FRSA

DCA05-DEC-219 by Dr. Humayoun Farooq, PE, Al-Farooq Corporation

DCA05-DEC-220 by T. Eric Stafford, PE, T. Eric Stafford & Associates, LLC

Consideration of Applications for Product and Entity Approval Staff Report and Miami-Dade Code Compliance Office Presentation on Hurricane Wilma Damage to Buildings and Discussion

General Public Comment and Commission Member Comments and Issues

Recess until Wednesday, 8:00 a.m.

DATE AND TIME: December 7, 2005, 8:00 a.m., Meeting of the Plenary Session of the Florida Building Commission continued.

Review and approval of the Agenda.

Chair's Discussion of Issues and Recommendations.

Review and Update of Commission Workplan

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Education POC Report; Energy TAC Report; Plumbing TAC Report; Joint Fire TAC Report; Hurricane Research Advisory Committee Report; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

Update on the Residential Code High Wind Enhancements

Update on Panhandle Wind Borne Debris Region Requirements

Rule Adoption Hearing on Rule 9B-3.050, Staff Review of Code Amendments

Rule Adoption Hearing on Rule 9B-3.055, Binding Interpretation

Rule Adoption Hearing on Rule 9B-3.053, Alternate Plan Review and Inspection Form

Report and Recommendations of Building Code System Assessment Ad Hoc Committee

Report and Recommendations of the Product Approval Validation Work Group
 Discussion of Wind Design Exposure Category C Definition
 Update on Report to the 2006 Legislature
 General Public Comment

Review Committee Assignments and Issues for the January 23, 24, and 25, 2006 TAC meetings and February 6 and 7, 2006 Commission Meeting.

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

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, FAX (850)414-8436, or looking on the web site at www.floridabuilding.org

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

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant, Department of Community Affairs, (850)487-1824 at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached, (800)955-8770 (voice) and (800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces public meetings to which all persons are invited:

DATE AND TIME: December 6, 2005, 1:00 p.m. – 5:00 p.m.
 PLACE: Miami-Dade Expressway Authority (MDX), 3790 N. W. 21st Street, Miami, FL 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop of the Florida Transportation Commission.

DATE AND TIME: December 7, 2005, 8:00 a.m. – 12:00 noon
 PLACE: Miami-Dade Expressway Authority (MDX), 3790 N. W. 21st Street, Miami, FL 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Transportation Commission
 Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450 (Phone (850)414-4105).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman, (850)414-4105.

The **Department of Transportation**, District Two announces public hearings to present the Department’s Tentative Work Program for Fiscal Years beginning July 1, 2006, through June 30, 2011, to which all persons are invited. Assistance for disabled persons may be arranged by contacting Mr. Bill Henderson, District Planning & Environmental Manager, Lake City District Office at (800)749-2967 at least ten (10) days in advance of the Public Hearings.

1. Live Oak Hearing: Specific notice is provided to the County Commissioners for Taylor, Lafayette, Madison, Hamilton, and Suwannee counties serving as MPO for their respective counties.

DATE AND TIME: Monday, November 28, 2005, 5:30 p.m.
 PLACE: Suwannee River Water Management District, Board Room, 9225 County Road 49, Live Oak, Florida

2. Lake City Hearing: Specific notice is provided to the Gainesville Metropolitan Transportation Planning Organization (MTPO) and the County Commissions for Dixie, Levy, Gilchrist, Bradford, Alachua, Columbia and Union counties serving the MPO for the respective counties.

DATE AND TIME: Tuesday, November 29, 2005, 5:30 p.m.
 PLACE: FDOT Lake City District Office, Madison Room, 1109 South Marion Avenue, Lake City, Florida

3. Jacksonville Hearing: (RESCHEDULED DATE*) Specific notice is provided to the First Coast Metropolitan Planning Organization (FCMPO) and the County Commissions for Putnam, St. Johns, Nassau, Baker, Clay, and Duval counties serving as MPO for their respective counties.

DATE AND TIME: Thursday, December 15, 2005, 5:30 p.m.
 PLACE: FDOT Jacksonville Urban Office, Training Facility, 2198 Edison Avenue, Jacksonville, Florida

The proposed improvements have been developed in accordance with the Civil Rights Act of 1964, and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United States Civil Rights Act and person(s) or beneficiary who believes they have been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Department of Transportation’s Equal Opportunity Office in Tallahassee or contact the District Title VI and Title VIII Coordinator in Lake City.

Central Office: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450

District Office: Florida Department of Transportation, District Two, Title VI & Title VIII Coordinator, 1109 South Marion Avenue, MS 2016, Lake City, Florida 32025-8574

These Public Hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, to consider the Department's Tentative Work Program for the period 2006-2007 through 2010-2011, and to consider the necessity of making any changes to the Program.

Written comments from the Commissions and other interested parties will be received by the Department at the Public Hearings and within ten days thereafter. Comments should be addressed to: Mr. Charles W. Baldwin, P.E., District Secretary, Florida Department of Transportation, District Two, 1109 South Marion Avenue, Lake City, Florida 32025-5874, telephone (800)749-2967.

*NOTE: Previous notice was published in the November 4, 2005, Florida Administrative Weekly. The date for the Jacksonville hearing was rescheduled from December 5, 2005, to December 15, 2005.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 8, 2005, 8:30 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th St., Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Christine Jones, (850)245-7914.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing to: Christine Jones, Executive Secretary, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

The **Department of Transportation**, District 4 announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, December 20, 2005, 6:00 p.m.

PLACE: City of Pembroke Pines, City Hall, City Commission Chambers, 10100 Pines Boulevard, Pembroke Pines, 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 State Permit Project Number 419241-1-58-01, otherwise known as Pines Boulevard (SR 820). The limits of the project corridor are from Hiatus Road to Palm Avenue in Pembroke Pines, Broward County, Florida.

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 Mr. Patrick Glass, P.E. at telephone number (954)777-4681 (Toll Free (866)336-8435, ext. 4681). Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing. A copy of the agenda may be obtained by writing to: Mr. Patrick Glass, P.E. FDOT Project Manager, Florida Department of Transportation, District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund (FHCF) to which all persons are invited.

DATE AND TIME: Wednesday, December 7, 2005, 2:00 p.m. – 4:00 p.m. (EST)

PLACE: This meeting will be a teleconference call. Persons who wish to participate or listen may call (850)410-0961 or Suncom 210-0961 on the date and at the time indicated for access to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The discussion will include the FHCF's current statutory coverage limit. In addition, legislative issues impacting the FHCF and other general business of the Council may be addressed.

Anyone wishing a copy of the agenda should contact: Donna Sirmons, Florida Hurricane Catastrophe Fund, P.O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodations to participate in the meeting is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, December 8, 2005, 11:00 a.m., or soon thereafter

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, December 8, 2005, 9:30 a.m., or soon thereafter

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida, 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a special meeting via telephone conference of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Tuesday, November 8, 2005, 11:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to announce in a public meeting that a closed session has been requested by Commission counsel. Immediately following such announcement, the Commission will discuss Graves Brothers Company, et al, litigation.

The parties attending the closed session will be: Benny W. Albritton, Jr., Michael L. Carrere, W. Cody Estes, Sr., Harry H. Falk, William J. Ferrari, George T. Pantuso, Anina C. McSweeney, Virginia S. Pena, Stephen W. Ryan, Steven M. Smith, George H. Streetman, Andrew R. Taylor, Dan Gunter, Hank B. Campbell, Esq., Ed Scales, Esq., Monterey Campbell, Esq., Barry Richard, Esq., and Kenneth O. Keck, Esq.

Please note members of the Florida Citrus Commission will attend by telephone. To assure the public has access to this meeting, the Florida Department of Citrus will have a speakerphone available at the Department of Citrus.

FLORIDA PAROLE COMMISSION

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

DATE AND TIME: Wednesday, December 14, 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 a Special Commission Conference in the following docket to which all interested persons are invited.

Docket No.: 050693-TL – Petition to reduce intrastate switched access rates in revenue-neutral manner pursuant to Section 364.164, Florida Statutes, by ALLTEL Florida, Inc.

DATE AND TIME: Monday, December 12, 2005, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision regarding staff's recommendation regarding ALLTEL Florida, Inc.'s Petition to reduce intrastate switched access rates in a revenue-neutral manner, and for such other related matters as may be deemed appropriate.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, and 364, F.S.

A copy of the Agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy, (\$1.00 per copy, Statement of Agency Organization and Operations) by writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda is 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 a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached, (800)955-8771 (TDD) or (800)955-8770 (VOICE).

The Florida **Public Service Commission** will consider at its December 6, 2005, Agenda Conference, Docket No. 050844-EI, Application by Progress Energy Florida, Inc., formerly Florida Power Corporation (Company), for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The

Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell or otherwise incur during 2006 any combination of additional equity securities and debt securities and obligations, consisting of up to \$1.5 billion of any combination of equity securities and long-term debt securities and obligations. Additionally, the Company requests authority to issue, sell or otherwise incur during 2006 and 2007 any combination of additional equity and debt securities and obligations consisting of up to \$1 billion outstanding at any time of short-term debt, including commercial paper, bank loans or loans from affiliates, which amount shall be in addition to and in excess of the amount the Company is authorized to issue pursuant to Section 366.04, Florida Statutes, which permits the Company to issue short-term securities aggregating to more than five percent of the par value of the Company's other outstanding securities.

DATE AND TIME: Tuesday, December 6, 2005, Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action on Docket No. 050844-EI.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at (800)955-8771 (TDD).

For additional information, please contact Katherine Fleming, Office of the General Counsel, (850) 413-6218.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Office of Tourism, Trade, and Economic Development** announces a public meeting to which all persons are invited

MEETING: The Governor's Council of Economic Advisors (CEA)

DATE AND TIME: Tuesday, November 29, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: Room 117, Knott Building, 111 W. St. Augustine Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Office of Tourism, Trade, and Economic Development will convene the Governor's Council of Economic Advisors to discuss with government and business leaders the impact of local, national, and global economic forces currently influencing the state.

For further information contact: Mkunde Mtenga, Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, FL 32399-0001 or by telephone (850)487-2568.

Any person requiring a special accommodation at this meeting because of a disability should contact Mkunde Mtenga, (850)487-2568 no later than 48 hours prior to the meeting. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at (800)955-8770 (voice) or (800)955-8771 (TDD).

Volunteer Florida, the Governor's Commission on Volunteerism and Community Service, Grants Committee, is pleased to announce a conference call to which all persons are invited.

DATES AND TIMES: Tuesday, November 29, 2005, 2:00 p.m.
 PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and approval of AmeriCorps Competitive Concept Papers.

Please contact Gwen Erwin at (850)921-5172 for more information.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Governor's Faith-Based and Community Advisory Board** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, F.S. (2003).

DATE AND TIME: Wednesday, December 7, 2005, 3:00 p.m.
 PLACE: Conference call (850)410-0962; Leader: John Brabson, Chair

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Board subcommittees will provide an overview of their activities.

Pursuant to Section 286.26, F.S., any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

The **Florida Sports Foundation** announces it's quarterly Junior Golf Grant Committee meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 30, 2005, 10:00 a.m. – 11:30 a.m.

PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309, CALL IN NUMBERS: (800)416-4132 (Toll Free) (850)922-7892 (Tallahassee).

Please make note that if a person decides to appeal any decision made by the Grant Committee with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Sports Foundation** announces it's quarterly Grant Committee meeting to which all persons are invited.

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

PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309, CALL IN NUMBERS: (800)416-4132 (Toll Free) (850)922-7892 (Tallahassee).

Please make note that if a person decides to appeal any decision made by the Grant Committee with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council announces the following meetings to which all persons are invited.

MEETING: Executive Committee.

DATE AND TIME: December 1, 2005, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee.

DATE AND TIME: December 1, 2005, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council.

DATE AND TIME: December 1, 2005, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Quality Inn and Conference Center, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing ncfrpc@ncfrpc.org or writing to: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Northeast Florida Regional Council Planning** and Growth Management Policy Committee announces the following public meeting to which all persons are invited:

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

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, December 8, 2005, 9:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, December 8, 2005, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, (800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Tampa Bay Local Emergency Planning Committee**, (LEPC) District VIII, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 30, 2005, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136; (727)570-5151, Ext 33.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, within three working days of the meeting.

The **Southwest Florida Regional Planning Council** announces that its Affordable Housing Committee will be meeting:

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

PLACE: SWFRPC Offices – 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFRPC Affordable Housing Meeting.

The Region IX – **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited:

DATE AND TIME: December 2, 2005, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right To Know Act.

A copy of the Agenda may be obtained by contacting: Executive Director David Y. Burr, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 5, 2005, 10:30 a.m.

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

GENERAL SUBJECT TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Doral; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

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

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** will hold a meeting:

DATE AND TIME: November 29, 2005, 9:30 a.m.

PLACE: Main Conference Room, SFRTA's Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: To amend the existing Lease Agreement No. 98-391 between South Florida Regional Transportation Authority and ProLogis Trust, to lease additional space adjacent to the existing office at 800 N. W. 33 Street, Pompano Beach, FL 33064.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following public meetings to which all persons are invited.

PROJECTS AND LAND COMMITTEE

DATES AND TIMES: Thursday, December 8, 2005, 4:00 p.m., business meeting followed by 6:00 p.m. public meeting forum; Friday, December 9, 2005, 8:00 a.m., a tour of District projects in Upper St. Johns River Basin.

PLACE: Orange County Utilities Administration Building, 9150 Curry Ford Road, Orlando, FL 32825

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting: discussion of Projects and Land Committee agenda items for recommendations to full Board at next scheduled Governing Board meeting. Public meeting forum: briefing on District projects in Upper St. Johns River Basin.

An agenda can be obtained at St. Johns River Water Management District website www.sjrwmd.com or by calling Dina Hutchens, Water Resources Department, (386)329-4239.

NOTE: In the event that a quorum of the Committee is not available for the business meeting on date, time, and location set forth above, the Committee shall meet on the following Tuesday, December 13, 2005 at 8:00 a.m. at the St. Johns River Water Management District office located on Highway 100 West, 4049 Reid Street, Palatka, FL. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, December 13, 2005, 8:30 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE & ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, December 13, 2005, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance & Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff may recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, December 13, 2005, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING INCLUDING PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, December 13, 2005, 1:00 p.m.*

*This meeting may continue on the next consecutive day (Wednesday) at 8:00 a.m. if necessary to finish regulatory and administrative agendas.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at the St. Johns River Water Management District website www.sjrwmd.com or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours in advance. If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** will reconvene the final Rule Adoption Public Hearing, which was continued on the record at the November 8, 2005, Governing Board meeting, on revisions to Chapter 40C-2, F.A.C., which was published in the Florida Administrative Weekly on September 2, 2005. The public hearing will be held on the date, time and place listed below:

DATE AND TIME: December 13, 2005, following the regularly scheduled Governing Board/Regulatory Meeting, which begins at 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final adoption of rule revisions to Chapter 40C-2, F.A.C., regarding Water Conservation/Landscape Irrigation.

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

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

The **Southwest Florida Water Management District (SWFWMD)** announces the following public meetings to which all interested persons are invited:

GOVERNING BOARD DINNER

DATE AND TIME: Tuesday, November 29, 2005, 6:30 p.m.

PLACE: 4600 Camino Real, Sarasota or The Field Club, 1400 Field Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the District's Governing Board will gather socially for dinner. No District business will be discussed and no District funds will be expended.

NOVEMBER GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Wednesday, November 30, 2005, 9:00 a.m.

PLACE: Sarasota County Administration Building, 1660 Ringling Boulevard, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing

GOVERNING BOARD DINNER

DATE AND TIME: Wednesday, November 30, 2005, 6:00 p.m.

PLACE: 2742 Highway 31 South, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the District's Governing Board and Basin Board will gather socially for dinner. No District business will be discussed and no District funds will be expended.

DECEMBER GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting.)

DATE AND TIME: Thursday, December 1, 2005, 9:00 a.m.

PLACE: Turner Agri-Civic Center Exhibition Hall, 2250 N.E. Roan Street, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact (800)423-1476 (Florida only), extension 4609; TDD only (800)231-6103 (Florida only); FAX (352)754-6874.

The **Southwest Florida Water Management District (SWFWMD)** announces the following public meetings to which all interested persons are invited:

MANATEE CHAMBER WATER ALTERNATIVES COMMITTEE

DATE AND TIME: Friday, December 2, 2005, 8:00 a.m.

PLACE: Manatee Chamber Building, 222 10th Street, West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact (800)423-1476 (Florida only), extension 4609; TDD only (800)231-6103 (Florida only); FAX (352)754-6874.

The **Southwest Florida Water Management District (SWFWMD)** announces the following public meetings to which all interested persons are invited:

COASTAL RIVERS BASIN BOARD MEETING (Note: This is a change of time and location from what was originally published in the year-long calendar.)

DATE AND TIME: Tuesday, December 6, 2005, 1:30 p.m.

PLACE: Springs Coast Environmental Education Center, 9170 Cortez Blvd., Weeki Wachee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business, followed by a canoe trip on the Weeki Wachee River.

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING

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

PLACE: Pinellas County Courthouse, 315 Court Street, Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

ALAFIA RIVER BASIN BOARD MEETING

DATE AND TIME: Thursday, December 8, 2005, 9:30 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING

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

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

PEACE RIVER BASIN BOARD MEETING

DATE AND TIME: Friday, December 9, 2005, 9:30 a.m.

PLACE: SWFWMD Bartow Service Office, 170 Century Blvd., Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

These are public meetings and agendas are available by contacting the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact (800)423-1476 (Florida only), extension 4609; TDD only (800)231-6103 (Florida only); FAX (352)754-6874.

The **Southwest Florida Water Management District** announces a public meeting:

DATE AND TIME: Tuesday, December 6, 2005, 5:00 p.m. – 7:30 p.m.

PLACE: City of Wildwood Community Center, 6500 C.R. 139, Wildwood, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The District is holding an open house inviting interested persons to review information and discuss with District staff the proposed minimum and guidance levels for Lakes Panasoffkee, Miona, Deaton and Okahumpka and Big Gant Lake in Sumter County, Florida.

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899 or by calling the Southwest Florida Water Management District at (352)796-7211, extension 4268 or (800)231-6103, TDD only (800)231-6103.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Pursuant to the provisions of the American 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 Dianne Lee at (352)796-7211 or (800)423-1476, extension 4657; TDD only (800)231-6103; Fax (352)754-6878.

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

DATE AND TIME: December 5, 2005, 10:00 a.m.

PLACE: Bonita Springs City Hall, Council Chambers, 9101 Bonita Beach Road, Bonita Springs, FL 34135

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Lower West 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, (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: December 6, 2005, 10:00 a.m.

PLACE: Kissimmee Civic Center, 201 East Dakin Avenue, Kissimmee, FL 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Kissimmee Basin 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, (561)682-6517 or visit the website at <http://www.sfwmd.gov/gover/wrac/agendas.html>.

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

DATE AND TIMES: 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: District Website (www.sfwmd.gov/gover/GovBoard/webpage/agenda.html) or 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, at (561)682-6371. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

NOTICE OF CANCELLATION – 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: District Website http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_schema=PORTAL or 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, at (561)682-6371. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

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

DATE AND TIME: December 12, 2005, 9:30 a.m.
 PLACE: Indian River Community College (IRCC), Wolf High Technology Center, Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Upper East Coast 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, (561)682-6517 or visit the website at <http://www.sfwmd.gov/gover/wrac/agendas.html>.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, December 14, 2005, 9:00 a.m. – completed

PLACE: Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, Florida 33037. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001), F.S., to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District, et al.* United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, K. Burns, S. Glazier, S. Nall.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained: District Website (<http://www.sfwmd.gov/agenda.html>) or by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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 14, 2005, 9:00 a.m.

PLACE: The South Florida Water Management District, Florida B-1 Auditorium in Building B-1, 3301 Gun Club Road, West Palm Beach, Florida. NEW PLACE: Ocean Reef Club, 35 Ocean Reef Drive, Key Largo, FL 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Governing Board of the South Florida Water Management District to adopt the Florida Forever Work Plan, 2006 Annual Update, included as Chapter 6; Volume II of the South Florida Environmental Report.

A copy of the agenda may be obtained seven days prior to the meeting: District website: http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_schema=PORTAL or by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680. Persons with disabilities who need assistance may contact the District Clerk, at (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Wanda Caffie Simpson in the Land Resources Department, Phone Number (561)682-6445, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7350, West Palm Beach, FL 33406.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Nominating Committee Meeting to which all persons are invited.

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

PLACE: Deauville Beach Resort, 6701 Collins Avenue, Miami Beach, Florida 33141, (305)865-8511. Conference Call Number: (850)410-0967, SunCom 210-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the 2005 Chairperson and Vice-Chairperson submitted ballot summaries, make a recommendation to the full Commission for the positions of Chairperson and Vice-Chairperson, and to conduct other committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact Niki Branch at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or (800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Legislative Workshop to which all persons are invited.

DATE AND TIME: Friday, December 9, 2005, 10:00 a.m. – until completion

PLACE: Deauville Beach Resort, 6701 Collins Avenue, Miami Beach, Florida 33141, (305)865-8511. Conference Call Number: (850)410-0967, SunCom 210-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss possible changes to Chapter 427 and other items.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact Niki Branch at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or (800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Friday, December 9, 2005, 1:00 p.m. – until completion

PLACE: Deauville Beach Resort, 6701 Collins Avenue, Miami Beach, Florida 33141, (305)865-8511. Conference Call Number: (850)410-0967, SunCom 210-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact Niki Branch at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or (800)983-2435. The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following Board of Directors meeting to which the public is invited.

DATE AND TIME: Wednesday, December 7, 2005, 10:00 a.m.

PLACE: Charlotte County Administration Center, 18500 Murdock Circle, Port Charlotte, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240. Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776 at least two business days in advance to make appropriate arrangements.

SPACEPORT FLORIDA AUTHORITY

The **Florida Space Authority** announces a Pioneer Cup Committee meeting to which the public is invited.

DATE AND TIME: December 5, 2005, 9:00 a.m. – 12:00 noon, EST

PLACE: Florida Space Authority Conference Room, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will discuss the status of the Pioneer Cup program, including milestones and range safety requirements.

For more information, contact Glenn Vera, (321)730-5301 ext. 244. To obtain a copy of the agenda, write: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003 or visit their website at www.floridaspaceauthority.com.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Pioneer Cup Committee with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The **Mid-Florida Area Agency on Aging, Inc. (MFAAA)** announces a public meeting to which all persons are invited to attend.

DATE AND TIME: November 30, 2005, 10:00 a.m.

PLACE: MFAAA Board Room, 5700 S.W. 34th Street, Suite 222, (Florida Farm Bureau Building), Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled meeting of the Grant Review Committee of the MFAAA Board of Directors. The Grant Review Committee will review and discuss applications submitted by qualified organizations to provide services under the Older Americans Act for the program period January 1, 2006 through December 31, 2006. Based upon its review and discussion of applications, the Committee will make funding recommendations for consideration by the full Board of Directors during the December 13, 2005 Board Meeting beginning at 10:00 a.m.

Should any person wish to appeal any decision with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review.

Persons with disabilities should contact the MFAAA at least 48 hours prior to the meeting in order to request any special assistance.

The Florida **Department of Elder Affairs** announces a telephonic meeting of the Direct Support Organization (DSO) of the Statewide Public Guardianship Office to which all persons are invited.

DATE AND TIME: November 30, 2005, 8:00 a.m. – 10:00 a.m.

PLACE: Callers within Tallahassee: (850)413-9245

Callers outside Tallahassee: Toll Free (877)651-3473; Suncom callers: 293-9245

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be general business meeting of the DSO. Any person requiring special accommodations to participate in this meeting is asked to advise the Statewide Public Guardianship Office at least 48 hours before the meeting by contacting Ms. Frankie D. Leland at (850)414-2381. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Health Care Facility Website/Ambulatory Surgery Data Technical Workgroup, to which all interested parties are invited.

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

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor Conference Rooms, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Health Care Facility Website/Ambulatory Surgery Data Technical Workgroup to discuss reporting health care data on the AHCA web site.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Adrienne Henderson, (850)922-0594, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Adrienne Henderson, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at http://ahca.myflorida.com/SCHS/chistwg_hcfw.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: Barkers CD at Florida Hospital, 601 East Rollins Street, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need Interventional Cardiology Advisory Group Meeting

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail at ehlerst@ahca.myflorida.com. To be included in e-mail notices of the interventional cardiology advisory group, please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 7, 2005, 1:00 p.m. – 3:00 p.m.

PLACE: 400 West Robinson Street, Hurston Building, Conference Room B/C, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Area Seven Managed Care Behavioral Health Advisory Group will hold its quarterly meeting.

The purpose of the meeting is to provide a forum for the community to discuss issues surrounding managed behavioral health care services with representatives from the managed care plans, the Agency, and the Department of Children and Families.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jennifer Gallman, (813)871-7600 x133, at least five calendar days prior to the meeting.

For additional information contact: Jennifer Gallman, Agency for Health Care Administration, 6800 North Dale Mabry Highway, Suite 200, Tampa, FL, 33607; gallmanj@ahca.myflorida.com

DEPARTMENT OF MANAGEMENT SERVICES

The **DMS – Enterprise Information Technology Services**, Wireless 911 Board announces the following meeting schedule information:

DATE AND TIME: December 6, 2005, 2:00 p.m. – 5:00 p.m.

Wireless 911 Board Rural County Grant/Medium County Loan Program Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee to meet to review applications received due to the Rural County Grant/Medium County Loan Program re-open process.

PLACE: Walt Disney Dolphin Hotel, Orlando, Florida

If accommodation due to disability is needed in order to participate, please notify the office in writing at least five (5) days in advance: DMS – Enterprise Information Technology Services Office/Wireless 911 Board, 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

The **Florida Black Business Investment Board**, Inc. (FBBIB) announces its regular and committee meetings of its board of directors to which all interested persons are invited.

DATE AND TIME: Thursday, December 8, 2005, 10:00 a.m.

PLACE: Tallahassee Capital Courtyard by Marriott, 1018 Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further discuss the Board's operations, to identify areas for future Board priorities, loan, audit, and development committees, discussion/review/approval of related issues, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, telephone (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB office, (850)487-4850 at least seven (7) days prior to the meeting.

The **Division of Enterprise Information Technology Services** announces a Telephone Conference of the Florida Region 9 Committee.

DATE AND TIME: December 8, 2005, 1:00 p.m. (EST)

PLACE: Please Contact the Region Chairman Listed for the Telephone Access

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss membership in NARPC and the status of the current Subregion Chairmanship.

For more information contact: Ray Carlson, Chairman, Florida Region 9 Committee, 3228 Gun Club Road, West Palm Beach, Florida 33406, (561)688-3551 or carlsonr@pbso.org.

If you are hearing- or speech- impairment, please contact: Ray Carlson using the Florida Relay Service which can be reached at (800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Board of Auctioneers** announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 14, 2005, 10:00 a.m. (EST) or soon thereafter.

PLACE: The Crown Plaza Hotel, 5555 Hazeltine National Drive, Orlando, Florida 32812.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business meeting of the Board.

A copy of the agenda may be obtained by writing: The Department of Business and Professional Regulation, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting the board office at (850)922-5012. If you are hearing and speech impaired, please contact the agency by calling (800)955-8771 (TDD).

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

For further information, contact: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399.

The **Construction Industry Licensing Board** and the Florida Homeowners' Construction Recovery Fund Committee announces a meeting.

DATE AND TIME: December 15, 2005, 8:00 a.m. or soon thereafter

PLACE: Division of Real Estate, 400 West Robinson Street, Suite N901, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review claims. and disciplinary action.

A copy of the public portion of the agenda may be obtained by writing: Valeria Singleton, Regulatory Supervisor, Florida Homeowners' Construction Recovery Fund, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Tallahassee, Florida 32399, Telephone: (850)921-6593

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Florida Homeowners' Construction Recovery Fund no later than forty-eight hours prior to the proceeding or meeting at which such special

accommodation is required. The Florida Homeowners' Construction Recovery Fund may be contacted at the address and phone number listed above.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: December 6, 2005, 9:00 a.m. and 10:00 a.m.

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone (850)488-0062

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 21, 2005, 10:00 a.m. or soon thereafter.

PLACE: Via telephone conference. To connect, dial (850)410-0960, Suncom 210-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing to the Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771(TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made,

which record will include the testimony and evidence upon which the appeal is to be based. For further information, contact the Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Florida Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees to which all persons are invited.

DATES AND TIMES: Tuesday, December 6, 2005, 1:00 p.m. and continuing on Wednesday, December 7, 2005, 8:00 a.m. if the business of the Committee is not concluded.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin, (850)521-0500.

The Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting.

DATE AND TIME: December 15, 2005. Beginning at approximately 9:30 a.m. or soon thereafter.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

PURPOSE: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Jessica Leigh, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, or by phone (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or

meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, December 12, 2005, 2:00 p.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached, (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

DATES and TIMES: Tuesday, December 13, 2005, 8:30 a.m.; meeting will reconvene on Wednesday, December 14, 2005, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

If a person decides to appeal a decision made by the Commission, 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.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

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)245-0800, 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).

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Tuesday, December 6, 2005, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 33760

GENERAL SUBJECT TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

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 Mandy Lemons at (888)862-7010.

Additional information may be obtained by contacting: Mandy Lemons, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, (888)862-7010.

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."

The Florida **Department of Environmental Protection** (South District) announces a meeting of the Manchester Lock Ecosystem Team Permitting (ETP) process.

Small Circle Meeting

DATE AND TIME: December 15, 2005, 2:00 p.m. – 3:00 p.m., E.S.T.

PLACE: Charlotte County Public Works, 7000 Florida Street, Punta Gorda, FL 33950

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will include the status of the permit required for the Ecosystem Team Permit.

A copy of the permit application and draft agency action will be available for inspection at the meeting. The Department will also take public comment on the draft agency action.

For any questions, please contact: Calvin Alvarez, Environmental Manager, FDEP South District offices, 2295 Victoria Avenue, Suite 364, P. O. Box 2549 Fort Myers, FL 33902, or by calling (239)332-6975 ext. 144 or by e-mailing calvin.alvarez@dep.state.fl.us. Meeting notice is also provided on the Public Works page of the Charlotte County web site www.charlottecountyfl.com.

DEPARTMENT OF HEALTH

The **Board of Clinical Laboratory Personnel** will hold a duly noticed telephone conference call, to which all persons are invited to attend.

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

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee, FL, at Meet Me Number (850)487-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B3, Florida Administrative Code and any other General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (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 to: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/ClinLab/clp_home.html

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**, announces a telephone conference call in which reconsiderations will be heard.

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

TELEPHONE NUMBER: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System, (800)955-8770 (voice) and (800)955-8771 (TDD).

The **Department of Health, Board of Dentistry**, announces a meeting of the Dental Hygiene Council, an official meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: December 5, 2005, 5:30 p.m.

TELEPHONE NUMBER: (850)410-0966

GENERAL SUBJECT TO BE CONSIDERED: To discuss Dental Hygiene issues.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, (800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474.

The **Department of Health, Board of Dentistry**, announces a meeting of the Rules Committee, an official meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: December 6, 2005, 5:30 p.m.

TELEPHONE NUMBER: (850)410-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed rule changes.

A copy of the agenda may be obtained by writing to Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258. 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. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at

(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

The **Department of Health, Board of Dentistry**, will hold a Probable Cause Panel meeting where reconsiderations will be heard:

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

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT TO BE CONSIDERED: To review reconsideration cases

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System which can be reached, (800)955-8770 (Voice) and (800)955-8771 (TDD).

The Florida **Board of Medicine's** Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, December 1, 2005, 6:00 p.m. – 9:00 p.m.

PLACE: Sheraton Airport Hotel, 1825 Griffin Road, Dania Beach, FL 33004, (954)920-3500 or (800) 947-8527

GENERAL SUBJECT TO BE CONSIDERED: To conduct general business of the committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine at (850)245-4131 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached, (800)955-8770 (Voice) and (800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is

to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine's**, Probable Cause Panel (South), announces a telephone conference call to be held via meet me number.

DATE AND TIME: December 9, 2005, 2:00 p.m.

PLACE: Meet Me Number: (850)922-2903, Suncom Number: 292-2903

Toll Free Number: (800)416-4254

GENERAL SUBJECT TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

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

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted: P. O. Box 14229, Tallahassee, Florida 322317-4229; Telephone (850)922-2414; (800)955-8771(TDD) or (800)955-8770(VOICE) via Florida Relay Service.

The **Board of Nursing** announces a rules workshop to which all persons are invited to attend.

DATE AND TIME: December 1, 2005, 5:30 p.m.

PLACE: Wyndham Fort Lauderdale Airport, 1870 Griffin Road, Dania Beach, FL 33004, (954)926-8501

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed changes to disciplinary rules for nurses (Chapter 64B9-8, F.A.C.) and Certified Nursing Assistants (Chapter 64B9-15, F.A.C.) and proposed Rule 64B9-17, F.A.C. Role of the Nurse in Conscious Sedation.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, (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: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

The **Board of Nursing North Probable Cause Panel** will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: December 12, 2005, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-6433.

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

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board at (850)245-4125 at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System 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 to: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Pharmacy**, announces a public meeting to which all persons are invited.

DATES AND TIME: December 7-8, 2005, 8:00 a.m.

PLACE: Bahia Mar Beach Resort, 801 Seabreeze Blvd., Ft. Lauderdale, FL 33316, (954)764-2233

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing to Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD). If a person decides to appeal any decision made by the Board with respect to any matter

considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy**, Permit committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 2005, 3:00 p.m.

PLACE: Bahia Mar Beach Resort, 801 Seabreeze Blvd., Ft. Lauderdale, FL 33316, (954)764-2233

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct general business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing to Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD). If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy**, Community Technology Committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 2005, 5:00 p.m.

PLACE: Bahia Mar Beach Resort, 801 Seabreeze Blvd., Ft. Lauderdale, FL 33316, (954)764-2233

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct general business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing to Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD). If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Pharmacy**, Public and Professional Affairs committee announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 2005, 1:00 p.m.

PLACE: Bahia Mar Beach Resort, 801 Seabreeze Blvd., Ft. Lauderdale, FL 33316, (954)764-2233

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct general business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing to Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD). If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Athletic Training**, announces an official Board Meeting to be held via telephone conference call. All interested parties are invited to attend at the address below, which is open to the public.

DATE AND TIME: December 6, 2005, 9:00 a.m.

TELEPHONE NUMBER: (850)245-4474 to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Discussion.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Athletic Training, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258. If a person decided 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 the evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, (800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474 by Monday, July 23, 2001.

The Probable Cause Panel of the **Bureau of Emergency Medical Services** announces a meeting

DATE AND TIME: December 19, 2005, 2:00 p.m.

PLACE: Bureau of Emergency Medical Services, 4025 Esplanade Way, 3rd Floor, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the public portion of the agenda may be obtained by writing: Emily Hauge, Section Administrator of Investigations, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, C-18, Tallahassee, Florida 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Bureau of Emergency Medical Services, (850)245-4440, 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, (800)955-8770 (Voice) and (800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend:

DATES AND TIMES: 2:30 p.m., Eastern Daylight Time, Tuesday, December 6, 2005, 2:00 p.m., Eastern Daylight Time, Wednesday, December 14, 2005, and 2:00 p.m., Eastern Daylight Time, Tuesday, December 20, 2005

PLACE: The December 6th and December 20th meetings will be held in the Formal Conference Room, Suite 5000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329. On December 14, 2005 the meeting will be held in the Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329.

GENERAL SUBJECT MATTER TO BE CONSIDERED: On December 6th and 20th the Review Committee will discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2005-06 for Affordable Housing Locator Services. On December 14, 2005 the Review Committee will observe presentations by the Offerors followed by a question and answer period. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a

verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: December 6, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Huntington Reserve Apartments, a 168-unit multifamily residential rental development located 2000 Rosecliff Circle, Sanford, Seminole County, FL 32771. The owner and operator of the development is Huntington Reserve Associates, Ltd., 9777 Wilshire Blvd., Suite 704, Beverly Hills, California 90212, or such successor in interest in which Enhanced Affordable Development Company, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Leland Enterprises, Inc., 1637 East Vine Street, Suite E, Kissimmee, Florida 34744. The total tax-exempt bond amount is not to exceed \$6,518,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00pm (Tallahassee local time), December 5, 2005, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing impaired, please

contact the Florida Housing using the Dual Party Relay System that can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: December 6, 2005, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Fox Hollow Apartments, a 156-unit multifamily residential rental development located 3536 Prarie Fox Lane, Orlando, Orange County, FL 32801. The owner and operator of the development is Fox Hollow Associates, Ltd., 9777 Wilshire Blvd., Suite 704, Beverly Hills, California 90212, or such successor in interest in which Enhanced Affordable Development Company, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Leland Enterprises, Inc., 1637 East Vine Street, Suite E, Kissimmee, Florida 34744. The total tax-exempt bond amount is not to exceed \$6,635,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), December 5, 2005, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

The **Florida Housing Finance Corporation** announces a public meeting to which all interested persons are invited:

DATE AND TIME: December 13, 2005, 1:00 p.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To engage in discussion relative to how Florida Housing and the development community can better serve the rental housing needs of extremely low income persons through the Universal Application cycle process.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

The **Florida Housing Finance Corporation** will hold a public meeting to discuss future homeownership programs. Access to the meeting will also be available via teleconferencing.

THE PUBLIC MEETING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, December 13, 2005; 2:00 p.m. – 4:00 p.m.

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room 227, North Bronough Street, Tallahassee, FL 32301, Teleconference Number: (800)416-4254

THE PERSON TO BE CONTACTED REGARDING THE MEETING IS: Bridget Warring, Homeownership Loan Program Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197. Any person requiring special accommodation because of a disability or physical impairment should contact Bridget Warring at the above address. If you are hearing or

speech impaired, please use the Florida Dual Party Relay system, which can be reached at (800)955-8770 (Voice) or (800)955-9771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Fish and Wildlife Conservation Commission (FWC)** announces the first of a series of regional Blue Crab Limited Entry Endorsement appeal hearings for the blue crab fishery.

DATE AND TIME: 1:30 – 4:00 p.m. (CST), December 5, 2005
PLACE: FWC Northwest Regional Service Center, 3911 Highway 2321, Regional Conference Room, Panama City, Florida 32409

DATE AND TIME: December 6, 2005, 12:30 p.m. – 4:30 p.m. (EST)

PLACE: Department of Environmental Protection's Apalachicola Reserve Office, 261 7th Street, Apalachicola, Florida 32320

DATE AND TIME: December 7, 2005, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Koger Executive Center, FWC Berkeley Building, 2590 Executive Center Circle, East, Suite 100R, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these regional proceedings is to hear individual appeals by blue crab fishery participants who have been denied a Blue Crab Limited Entry Endorsement. The hearings will allow these participants the opportunity to establish requisite blue crab landings or present extenuating circumstances that would qualify them for the endorsement, before the Blue Crab Appeals Board.

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

For further information, contact: Jasmine MacPherson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)922-4340.

TRANSPORTATION AND EXPRESSWAY AUTHORITY MEMBERSHIP

The **Transportation and Expressway Authority Membership** of Florida (TEAMFL)/Joint Annual Meeting with The Florida Transportation Commission announces a public meeting to which all persons are invited:

DATES AND TIMES: Tuesday, January 3, 2006, 2:00 p.m. – 5:15 p.m.; Wednesday, January 4, 2006, 9:00 a.m. – 12:00 noon

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual General Meeting. 1. Public-Private Partnerships (PPP). 2. A Growing Movement Towards PPP's. 3. Structuring a PPP. Wednesday, January 4, 2006 9:00 a.m. – 12:00 noon, Annual General Meeting. General Subject Matter; 1. Setting the Stage for PPP's. 2. Privatization and Best Value-Synonymous. 3. Experiences with PPP's. 4. Indiana's Vision for Transportation. Additional information can be obtained at: www.teamfl.org or from Robert C. Hartnett, 2121 Camden Road, Suite B, Orlando, Florida 32803, telephone (407)896-0035, Fax (407)897-7012

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC. (FWCJUA)

The **FWCJUA** announces an Executive Compensation Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: December 6, 2005, 9:30 a.m.

PLACE: To participate in the teleconference meeting, please dial (888)632-5950 and ask to be connected to the Laura Torrence conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include approval of minutes; 2005 At Risk Compensation; 2005 Special Project Bonus for the development and implementation of web-based application submission and producer authorization processes; and Executive Staff Compensation Plan.

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

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

DATE AND TIME: December 9, 2005, 10:30 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include approval of minutes and the Executive Director's decision to revoke a producer's authorization to submit business to the FWCJUA.

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

The **FWCJUA** announces an Annual Membership meeting as well as a Board of Governors meeting to which all interested parties are invited to attend.

DATE AND TIME: December 13, 2005, 9:30 a.m.

PLACE: FWCJUA, 6003 Honore Avenue, Suite 204, Sarasota, Florida 34238

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics shall include a 2004 overview, approval of minutes; legislative report; Bylaws revisions; cause, frequency and severity analysis; TOSSS implementation; loss control and safety performances standards; 2006 reinsurance program; liability transfer product; Milliman's contract extension; tier rates; 2006 Business Plan & Forecast; Employee Leasing; Operations Manual revisions; Collections RFP; MAP Partnership Program; assessment collection methodology; Audit Committee Charter Procedures Checklist; Producer Appeals Committee report; Executive Compensation Committee report on executive compensation plan, at risk compensation and special project bonus for the development and implementation of web-based application submission and producer authorization processes; and staff reports on operations and finances.

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

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

The **Florida Developmental Disabilities Council, Inc.** announces it's regularly scheduled business meeting.

DATES AND TIMES: December 8-9, 2005; Thursday, December 8, 2005, Committee Meetings; 8:30 a.m. – 5:30 p.m.; Friday, December 9, 2005; Full Council Meeting 8:30 a.m. – 2:30 p.m. Meeting times are subject to change.

PLACE: Clearwater Hilton Beach Resort, 400 Mandalay Avenue, Clearwater Beach, FL 33767

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled business meeting

To receive a copy of the agenda, or request special accommodations for participation in the meeting, please contact: Debra Dowds, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981, or call toll free (800)580-7801; local (850)488-4180, or TDD toll free (888)488-8633.

PALM BEACH COMMUNITY COLLEGE

The **Region XII Training Council and Assessment Center** Board of Directors announce a public meeting to which all interested persons are invited:

DATE AND TIME: Wednesday, December 7, 2005, 10:00 a.m.

PLACE: Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth, FL 33461

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute at Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, telephone number (561)868-3403.

FLORIDA ASSOCIATION OF COURT CLERKS

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2005, 12:00 noon

PLACE: Nabors, Giblin & Nickerson P.A., 2502 Rockypoint Drive, Suite 1060, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting the Trust's Administrator, FACC Service Corporation, (850)921-0808.

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission**, will hold a public hearing/meeting and all persons who may be interested will be given an opportunity to be heard.

DATE AND TIME: December 8, 2005, 9:00 a.m. (or as soon thereafter as the same may be heard)

PLACE: Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: With respect to the issuance by the Florida Local Government Finance Commission (the "Issuer") of its Florida Local Government Finance Commission Pooled Commercial Paper Notes, Series B (the "Notes") in the aggregate principal amount of not exceeding \$11,000,000 and the loan of the proceeds thereof (the "Port Loan") to the Manatee County Port Authority (the "Port Authority"). The Hearing will be conducted by Counsel to the Issuer.

A portion of the proceeds of the Notes in the amount of approximately \$6,000,000 will be loaned to the Port Authority and applied to refinance or reimburse payments made to repay certain existing debt of the Port Authority, the proceeds of which were used to finance a portion of the cost of any of the following capital improvements:

Berth 5 Improvements. The existing Berth 5 with an adjacent dredged depth of approximately 18 feet is being dredged to a depth of approximately 40 feet and the dock and structure of said berth are being renovated to accommodate increased depth of the adjacent waters.

Berth 12 Improvements. The existing Berth 12 which accommodates only shallow draft barges and other similar vessels is being enlarged and the adjacent waters are being dredged to a depth of approximately 40 feet to accommodate larger deep draft vessels.

Warehouse Intermodal Office Complex. A 3-story facility of 45,000 square feet, of which the first floor contains approximately 12,000 square feet of usable warehouse space, the second and third floors provide approximately 24,000 square feet of usable office space was constructed. Site work, including road access, utilities, drainage and parking was included.

Intermodal Transit Warehouse at Berth 9. An intermodal transit warehouse at Berth 9 of approximately 150,000 square feet with approximately 5,000 square feet of office space, approximately 20,000 square feet of truck loading dock area and extension of rail siding to the facility was constructed.

Intermodal Access and Improvements to Newly Acquired Port Property. These improvements involve access and basic initial improvements to a newly acquired property. There are four aspects: (1) immediate road access; (2) extension of utilities; (3) road and infrastructure; and (4) rail bridge access.

Railroad Interchange Trackage. Expansion of the railroad interchange trackage between Port Manatee's switching railroad and the CSX Transportation System. This trackage system parallels U.S. Highway 41 by the entrance to Port Manatee.

Cold Storage Warehouse. A 65,340 square foot warehouse, of which 49,500 square feet would be chilled space and the balance would be vestibules and truck loading dock areas in the vicinity of Berth 11.

The remaining portion of the Notes in the amount not to exceed \$5,000,000 will be loaned to the Port Authority and applied to finance the labor, materials and equipment to construct a dry storage intermodal transit warehouse commonly referred to as Warehouse 11. The Warehouse 11 is located on the south side of Del Monte Way, across from the Regal Cruise Terminal.

The Port Authority now owns, operates and maintains a navigable port of entry known as the "Port Manatee" including storage, dockage and terminal facilities, an administrative building, warehouses, docks, jetties, quaywalls, slips, roadways and parkways and other facilities, by means of which general import and export, storage and passenger cruise line businesses are conducted (herein collectively, the "Port Facilities"). The Port Facilities are located in the northwestern portion of the County at Port Manatee whose headquarters are located at 300 Regal Cruise Way, Suite 1, Palmetto, Florida 34221, on approximately 1,150 acres of land being bounded on the East by CSX railroad tracks, on the West by the Gulf of Mexico, on the South by State owned land, and on the North by the Hillsborough County line. The Port Authority will own all improvements to the Port Facilities financed with the Note.

The Notes do not constitute a general indebtedness or obligation of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be generally payable from and secured by the loan repayments made by the Port Authority to the Issuer pursuant to the Port Loan. The Port Loan is payable from and secured by revenues

of the Port Authority and will also be secured by a covenant of the County to budget and appropriate non-ad valorem revenues whenever the other sources are insufficient or unavailable. The Port Loan will not be or constitute an indebtedness of the Port Authority, the County, the State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same.

Written comments may also be submitted: John Yonkosky, Chairman, Florida Local Government Finance Commission, c/o Collier County Department of Revenue, 2802 North Horseshoe Drive, Naples, Florida 34112 and Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, prior to the hearing.

All persons for or against said proposal can be heard at said time and place.

If a person decides to appeal any decision made by the issuer with respect to such hearing or meeting, (s)he will need to ensure that a verbatim record of such hearing or meeting is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact: Steven E. Miller, Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, telephone (813)281-2222, no later than seven days prior to the proceeding at the address given in this notice.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION, INC.

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

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

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, Executive Director, (850)222-1882.

WORKFORCE FLORIDA

Workforce Florida announces their quarterly Board of Directors' and related meetings to which all persons are invited.

DATES AND TIMES: Partners' Meeting, November 30, 2005, 1:00 p.m. – 4:00 p.m.; Council & Committee Meetings, December 1, 2005, 10:00 a.m. – 12:00 p.m. Board of Directors' meeting, December 1, 2005, 1:00 p.m. – 4:00 p.m.

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida 32303, (850)386-1027

For more information contact: Peggy Dransfield, (850)921-1119.

ADVOCACY CENTER, INC.,

The **Advocacy Center, Inc.**, Florida's Protection and Advocacy Programs will be holding their rescheduled Annual/Quarterly Board of Directors meeting jointly with the Protection and Advocacy for Individuals with Mental Illness Advisory Council (PAIMI Council)

DATES AND TIMES: December 1-3, 2005, (Thursday) 6:30 p.m. – 8:30 p.m. (Friday) 9:00 a.m. – 5:00 p.m. (Saturday) 9:00 a.m. – 11:30 a.m.

PLACE: Caribe Royale All Suites Resort & Convention Center, 8101 World Center Drive, Orlando, Florida 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual/Quarterly joint business meeting of the Board of Directors and the Protection and Advocacy for Individuals with Mental Illness Advisory Council (PAIMI Council); The Annual Board of Directors Election of Officers.

For additional information, please contact Sonia Rodriguez, (813)233-2920 or Joanne Burgess at (850)488-9071.

FLORIDA PORTS FINANCING COMMISSION

The **Florida Ports Financing Commission** announces a teleconference in which all interested persons are invited to participate.

DATE AND TIME: November 29, 2005, 10:00 a.m. – 12:00 noon

CALL IN NUMBER: (877)232-4392

PARTICIPANT CODE: 962988

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

CRIMINAL JUSTICE TRAINING COUNCIL

The **Region I Criminal Justice Training Council** announces a public meeting to which all interested persons are invited:

DATE AND TIME: Wednesday, December 7, 2005, 10:00 a.m.

PLACE: George Stone Criminal Justice Training Center, 2400 Longleaf Drive, Room 104, Pensacola, Florida 32526-8922

GENERAL SUBJECT MATTER TO BE CONSIDERED:

A. George Stone Criminal Justice Training Issues Basic Training/Advanced Courses

B. Driving Range Update

C. Approve Trust Fund Budget

D. Criminal Justice Standards and Training Commission Meeting Update

E. Open Discussion

A copy of the agenda may be obtained by contacting: W.R. Pentecost, Chairman, Region I Training Council, 2400 Longleaf Drive, Pensacola, FL 32526-8922

operating revenue account by the Club. Payment of this fee does not entitle any member to use of the facilities, and the assessments are not intended only for use of the capital project. This assessment does not have any impact on other fees, as it is in addition to all other fees, and the money is not used for operating expenses of the Club. The Declaratory Statement concludes that the \$60 per month payments in question are "capital assessments" pursuant to sub-subparagraph 12A-1.005(4)(a)1.c., F.A.C., as defined in subparagraph 12A-1.005(4)(b)2., F.A.C., therefore, not subject to the tax imposed under Section 212.04, F.S.

A copy of the Declaratory Statement may be obtained by contacting: Nancy Purvis, Agency Clerk, Office of General Counsel, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)488-0712.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF REVENUE

NOTICE IS HEREBY GIVEN that the Florida Department of Revenue has issued a Declaratory Statement to the Pass-a-Grille Yacht Club regarding the application of Section 212.04, F.S., and subsection 12A-1.005(4), F.A.C., to determine whether \$60 monthly payments imposed upon the club's members for building a new clubhouse qualify as "capital contributions or additional paid in capital" or "capital assessments" pursuant to subparagraph 12A-1.005(4)(b)2., F.A.C., thereby exempting the payments from the tax imposed under Section 212.04, F.S. Petitioner, Pass-a-Grille Yacht Club ("Club"), is a not-for-profit entity. It owns land, a clubhouse building, dock, and other amenities. The Club operates as a private membership club in St. Petersburg Beach for the benefit of its members and their guests. Members of the Club are allowed to use the facilities in exchange for the payment of monthly dues and the related charges. Members do not receive a certificate or bond stating an equitable interest. The Club's governing documents, however, provide that in the event of liquidation or dissolution of the corporation, all properties and assets of the corporation remaining after paying or providing for payment of all debts and obligations shall be distributed and paid over pro rata to the members of the corporation entitled to vote. The Club's Board of Directors ("Board") has approved the construction of a new clubhouse. To pay for the clubhouse, the Board approved a \$60 capital assessment fee to be paid by the members monthly. Currently, members are also paying sales tax associated with this assessment fee. Once the project has been completed and paid in full, the assessments will cease. The capital assessments are stated separately on the members' invoices as capital assessment fees. These fees are kept in a separate bank account, and are not included in an

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT the Public Employees Relations Commission has issued an order disposing of the petition for declaratory statement filed by the Transport Workers Union of America, Local 291, AFL-CIO on November 9, 2005, in Case No. DS-2005-003. The following is a summary of the Commission's disposition of the petition: The petition was denied because the questions posed were not appropriate for resolution in a proceeding seeking a declaratory statement. The petition inappropriately inquired into a current dispute rather than sought guidance for future actions and requested that the Commission rule upon the conduct of persons other than the petitioner.

A copy of the order may be obtained by writing: Clerk, Public Employees Relations Commission, 4050 Esplanade Way, Suite 150, Tallahassee, FL 32399-0950.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, issued a Notice of Scrivener's Error in regard to Declaratory Statement Number 2005-004, Circle K Stores, c/o Patrick Riha on November 8, 2005. The scrivener's error pertains to the Conclusion of Law 5.

A copy of the Notice of Scrivener's Error, Docket Number DS 2005-004, may be obtained from: Sarah Wachman, Agency Clerk, Florida Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, issued a Notice of Scrivener's Error in regard to Declaratory Statement Number 2005-030, Midway Lounge, c/o Morgan Howard, Docket Number 2005-030, on November 8, 2005. The scrivener's error pertains to the Conclusion of Law 5 and Conclusions A.

A copy of the Notice of Scrivener's Error, Docket Number DS 2005-030, may be obtained from: Sarah Wachman, Agency Clerk, Florida Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Jerry L. Robertson, Unit Owner, Cortez Villas Property Association, Inc.; Docket No. 2005056839.

Whether Section 718.112(2)(k), F.S., requiring condominium association bylaws to include nonbinding arbitration, applies to the 1973 declaration of covenants and restrictions for Cortez Villas Property Association, and, if so, whether the property association must adopt a bylaw to include a provision for condominium arbitration.

A copy of the Petition for Declaratory Statement, Docket Number 2005056839, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Frank J. Dumont, Unit Owner, Lake Howell Arms Condominium Association, Inc.; Docket No. 2005056081.

Whether the provision in Lake Howell Arms Condominium's declaration stating that any violation of the covenants, restrictions or provisions of the declaration may through judicial process result in a sale of the unit is consistent with Section 718.303(3), F.S., and whether a provision in the declaration stating that the association may require unit owners to pay for or provide all or part of the maintenance for any of the limited common elements violates Section 718.113(1), F.S. A copy of the Petition for Declaratory Statement, Docket Number 2005056081, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Florida Real Estate Appraisal Board hereby gives notice that it has issued an Order on the Petition for Declaratory Statement filed by Todd Wallace. The Notice of Petition for Declaratory Statement was published on August 5, 2005, in Vol. 31, No. 31 of the Florida Administrative Weekly. The Board considered the Petition at its meeting held on October 3, 2005, in Orlando, Florida. The Board's Order, filed November 2, 2005, declined to issue a declaratory statement as Mr. Wallace stated in his Petition for Declaratory Statement that the rules are clear and self-explanatory. Therefore, the Board declined to issue a declaratory statement in response to this petition, and the petition is hereby dismissed.

A copy of the Board's Order may be obtained by contacting the Florida Real Estate Appraisal, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801.

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

NOTICE IS HEREBY GIVEN that the Department of Health has DENIED the Petition for Declaratory Statement received from L. Kirstin Heads. The Final Order Declaratory Statement was filed on November 8, 2005. The Petition was noticed in the Florida Administrative Weekly on June 10, 2005, Volume 31, Page 23. No comments were received from the public.

Petitioner requested the declaratory statement, with regard to subsections 485.002(1), 485.003(2), and 485.003(3), F.S., and asked the Department to opine on whether Petitioner should be allowed to employ/utilize hypnosis as an adjunctive therapeutic technique within [her] scope of practice.

A copy of the Petition for Declaratory Statement and Final Order may be obtained by writing: Amy Caraway, Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Financial Services Commission, Office of Insurance Regulation has issued an order disposing of the Petition for Declaratory Statement filed by Lee Huszagh, Esquire, on behalf of Florida Land Title Association, Inc., dated September 1, 2005. The following is a summary of the agency’s disposition of the petition: The Petition for Declaratory Statement was dismissed due to Petitioner not stating with particularity a set of specific circumstances as required by the Florida Statutes.

**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 DESIGN/BUILDER:

The University of Florida Board of Trustees, announces that design/build services will be required for the project listed below:

Project No.: UF-288, Graham Center for Public Service at Pugh Hall (Gainesville, FL)

The project consists of classrooms, office, meeting, and support space for the Graham Center and (3) existing academic programs within the College of Liberal Arts & Sciences. The new building must fit contextually with adjacent facilities – including historic Newell Hall – while also conveying a prominent sense of arrival. Physical connection to Newell Hall in the future is envisioned, so the design shall incorporate provisions therefore. Adjacent Union Road shall be converted to a limited access corridor, and the surrounding site shall be improved and beautified. The University’s conceptual program estimates a total volume of 32,300 GSF, but the design/build team shall thoroughly and immediately confirm and adjust this program through conceptual studies, cost modeling, and interactive workshops with users and other stakeholders. The total project budget is \$11,148,000, including site and access improvements, underground utilities, fees, surveys and tests, independent total building commissioning, and contingencies. Construction shall be “fast-tracked” to begin by August 2006.

The contract for design/build services will consist of two parts. Part one services include design, construction administration, value engineering, constructability analyses, development of a cost model, estimating, and the development of two or more Guaranteed Maximum Price (GMP) proposals for which the design/builder will be paid a fixed fee. Additionally, the design/builder will conduct an existing conditions survey and develop programmatic concepts for the renovation of adjacent

Newell Hall. The GMP proposal for construction of the building itself will be based on 100% Construction Documents. The plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, F.S. Blanket design professional liability insurance will be required for this project in the amount of \$1,500,000, and will be provided as a part of Basic Services.

Pending a State match of private monies for construction, and if the GMP(s) are accepted, part two, the construction phase, will be implemented. In part two of the contract, the design/builder becomes the single point of responsibility for completion of the construction documents, performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for part 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 design/builder's contract.

Selection of finalists for interviews will be made on the basis of design/builder qualifications, including construction and design ability; past experience, bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualification of the firm's personnel, staff and consultants. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide design/build services for the project shall submit a letter of application and a completed project specific "Design/Builder Qualifications Supplement," which is available on the UF Facilities Planning and Construction website, along with the conceptual facilities program, the UF Design Services Guide, the UF Construction Standards, and other project and process information. Finalists will be provided with supplemental interview requirements and a copy of the standard University of Florida Owner-Design/Builder agreement.

Proposals must not exceed sixty (60) pages, including the Design/Builder 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. At the time of application, all applicants must be licensed to practice as general contractors in the State of Florida; must possess current Design Professional Registration Certificate from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, F.S., an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected design/builder 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 Design/Builder Qualifications Supplement forms, the Design/Build Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning & Construction website.

Five (5) bound copies of the required proposal must be received in the Facilities Planning & Construction office by 3:00 p.m. local time on Friday, December 16, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning & Construction

232 Stadium / P. O. Box 115050

Gainesville, FL 32611-5050

Telephone: (352)392-1256

FAX: (352)392-6378

Internet: www.facilities.ufl.edu

Interviews will be conducted immediately after the holidays.

REQUEST FOR BID

The University of Florida, Purchasing & Disbursement Services will receive sealed bids for the following: ITB06MW-40, Mallory Hall Fire Sprinkler/Fire Alarm Upgrade, estimated budget: \$320,000-\$340,000 to be opened December 15, 2005, 3:00 p.m., Local Time.

Scope of work:

1. Install NFPA 13 Fire Sprinkler and Standpipe System,
 2. Upgrade of existing fire alarm system,
 3. Seal Penetrations made through fire and smoke walls as to the work of this project,
 4. Installation of fire water piping into building,
 5. Installation of new attic access,
 6. Installation of new self-closing door at top of elevator shaft.
- Specifications and Plans will be available at Pre-Bid. Mandatory Pre-Bid Meeting will be held December 6, 2005, 10:00 a.m., in the Mallory Hall Library, SW 13th St./Inner Rd., Gainesville, FL.

All questions should be directed to Mary Ann Whitley, UF Purchasing, (352)392-1331. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following: ITB06MW-37, Replacement of Medium Voltage Cables, Ph 3 & 4, estimated budget: \$175,000-\$225,000 to be opened December 20, 2005, 2:00 p.m., Local Time.

Scope of work: Work includes labor, supervision, material, equipment, and field services required to remove and replace medium voltage cables within the University of Florida's underground electrical system. Specifications and Plans are available in Purchasing & Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611, telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held December 7, 2005, 2:00 p.m., in the Physical Plant Architecture/Engineering Conference Room, Bldg. 700, Radio Road, Gainesville, FL.

All questions should be directed to Mary Ann Whitley, UF Purchasing (352)392-1331. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

NOTICE TO DESIGN BUILD TEAMS

The University of South Florida, announces that Qualifications Based Design/Build Services (QB/DB), for the design and construction of the Holly Apartment Buildings Renovation, will be required for the project listed below.

PROJECT NUMBER: 583

PROJECT AND LOCATION: Holly Apartment Buildings Renovation, University of South Florida, Tampa Campus, Tampa, Florida.

The objectives of the project are to enclose the open corridor/core areas on each floor of the seven-building complex, known as the Holly Apartments. The total number of such areas totals approximately fifty (50) spaces. The enclosed areas shall be made watertight, and the spaces shall receive new HVAC units. Upgrade of light, power and interior finishes suitable for indoor common "living rooms" shall be included. It is anticipated that the enclosed spaces will require fire sprinklers and alarms. Furnishing of these spaces will be provided by the Owner and is not a part of the DCST scope of services. The project is anticipated to be designed and construction to be completed for occupancy by December 2006. The Design/Build Team (Design and Construction Services Team/DCST) shall be responsible for the management of the process and project to meet project scope, budget and schedule requirements. The management of the process and project by the Design Build Team shall facilitate the USF Residence Life Program needs, and accomplishing those needs within the mandatory project schedule and budget for occupancy requirements. The Design/Build Services contract shall be in compliance with the qualifications based Design/Build selection provisions in Section 287.055, F.S. and Rule 6C-14.007, F.A.C., including pre-construction fees, construction related service costs and a guaranteed maximum price. It is the University's responsibility to negotiate a fair, competitive, and reasonable compensation per Section 287.055, F.S. A fair, competitive and reasonable compensation

shall be evaluated based upon the following information: (1) Compensation on similar projects, (2) other compensation reference data; and (3) after approval of the ranking, proposals requested from the short listed firms based upon a scope of services document to be provided at the time of negotiations. The University will contract with a single contract entity whose Design/Build Team shall provide all services including, but not necessarily limited to professional services, budgeting, construction services, labor, materials, and equipment required to design and construct the project. The selected team will be required to provide computer drawings according to the standards of the University of South Florida, including computer record drawings reflecting as-built conditions. Blanket professional design liability insurance will be required for this project in the amount of \$250,000 and will be provided as a part of Basic Services. The proposed contractual value of this project is approximately \$2,500,000. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best rating of A, Class VII. Project development including professional services is contingent upon availability of funds.

INSTRUCTIONS:

Teams desiring to apply for consideration shall submit a Request for Qualifications submittal including a letter of interest, a completed "Design and Construction Services Qualification Supplement form (DCSQS), dated November 2005" with attachments, and additional information required within the proposal limits as described in the Request for Qualifications dated November 2005. Applications submitted in any other format may not be considered. The Request for Qualifications dated November 2005 and the Design and Construction Services Qualifications Instructions and Supplement form dated November 2005, which includes project information and selection criteria, may be obtained by contacting: Kathy Bennett, Contracts Administrator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue FPC110, Tampa, Florida 33620-7550, via e-mail: kbennett@admin.usf.edu, phone (813)974-3098, Fax (813)974-3542. All teams must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, or a joint venture, it must be registered by the Department of State to do business in the State of Florida at the time of application. If the applicant is the contract entity and has a consultant to perform the design or construction services, the contract entity and consultant must have an agreement at the time of application to formally contract for consulting services. Firms applying as "Associations" without a registered joint venture agreement or a contract entity and consultant without an agreement will not be considered. Selection of finalists for interview will be made on the basis of qualifications of the proposed design/build team, including team qualifications, team experience and ability to provide service in meeting the project requirements and the goals and objectives of the University's Strategic Plan.

As part of the University of South Florida's strategic plan, USF made a commitment to foster collaboration, open and timely communication, mutual respect, trust and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction related services. Applications that do not comply with the above instructions may be disqualified. Submittals are part of the public record and no submittal material will be returned. The plans and specifications for The University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, F.S. As required by Section 287.133, F.S., a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Interested teams are invited and encouraged to attend a Pre-Submittal meeting at the University of South Florida, Phyllis P. Marshall Center, to be held at 10:00 a.m., Eastern Time, on Tuesday, December 6, 2005, Room 271, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the applicants and the University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the RFQ and DCSQS. Requests for any additional information or clarification at any other time than above must be in accordance with the RFQ. Five (5) copies of the required information shall be submitted to the attention of the Project Manager, Joseph P. D'Azzo, R.A., Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550 by 2:00 p.m., Eastern Time, Wednesday, December 21, 2005. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of Design/Build proposals without obligation to the respondent. The award of this contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo,

Florida until 2:00 p.m. local time, on January 10, 2006 for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

Walter Pownall Service Center – Bid # 06-968-554
 11111 South Belcher Road
 Largo, FL 33773

Provide all labor, tools, materials and equipment for the complete installation of a grounding and bonding lightning protection transient voltage surge suppression (TVSS) system as per plans and specifications. This project requires bonding.

A Pre-Bid Conference will be held at the project site on November 29, 2005, 10:00 a.m. ATTENDANCE IS MANDATORY.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department
 Walter Pownall Service Center
 11111 South Belcher Road
 Largo, FL 33773

Bonding and insurance are required for this project. The Owner reserves the right to reject all bids.

**BY ORDER OF THE SCHOOL BOARD OF
 PINELLAS COUNTY, FLORIDA**

DR. CLAYTON WILCOX	NANCY N. BOSTOCK
SUPERINTENDENT OF SCHOOLS	CHAIRMAN
AND EX-OFFICIO SECRETARY	
TO THE SCHOOL BOARD	MARK C. LINDEMANN
	DIRECTOR, PURCHASING

DEPARTMENT OF TRANSPORTATION

INVITATION TO BID

Sealed bids will be received by the Florida Department of Transportation, District Three, in the Administration Building, Procurement Services Conference Room of the District Office Complex, Department of Transportation, 1074 Highway 90, Chipley, Florida. Bids will be publicly opened and read aloud on:

DATE AND TIME: Thursday, December 22, 2005, 1:30 p.m. (Local Time)

PLACE: Department of Transportation, Procurement Services Conference Room, Room 230, District Office Complex, 1074 Highway 90, Chipley, Florida 32428

FINANCIAL ITEM NO.: 416009 5 52 01, 417933 1 52 01
 PROJECT NAME AND LOCATION: District Three Marianna Operations Center

The work performed under this contract consists of constructing of an administration building of approximately 3,000 square feet. This structure will consist of 8 inch CMU bearing walls with brick veneer wainscot and EIFS above the

wainscot. Roofing will be standing seam metal roofing over light gauge metal trusses. Interior finishes will include painted gypsum board over metal stud walls; carpet, ceramic tile, and vinyl composition tile flooring; and suspended acoustical tile ceilings. Restrooms will have ceramic tile wainscoting. All walls will include acoustic batt insulation. This project is located in Marianna, FL in Jackson County.

Contract No. E3E88 – 270 calendar days. Approved budget for this project is \$476,018.00

Orders for drawings, specification, and/or bid documents should be directed: Jeremy W. Vaughn, Professional Services Office, 1074 Highway 90, Chipley, Florida 32428, telephone (850)638-0250, ext. 364. There is a charge of \$50.00 for the plans and specifications for this project. Proposal documents will not be issued after 1:30 p.m. (Local Time) on Wednesday, December 21, 2005. Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be examined and obtained from the Professional Services Office.

*New or first time bidders with the Florida Department of Transportation can request a bid process orientation meeting by calling (850)638-0250, ext. 364 or by writing: Florida Department of Transportation, Attention: Jeremy W. Vaughn, 1074 Highway 90, Chipley, Florida 32428.

MINORITY PROGRAM: The Department encourages Minority Business Enterprise (MBE) firms to compete for Department contracts, and also encourages non-MBE firms to use MBE firms as sub-contractors. However, the use of MBE sub-contractors is not mandatory and no goals have been established for MBE participation for this project.

Requirements for the projects noted above:

1. **PREQUALIFICATION:** Each bidder shall submit a current applicable State Contractor's license issued by the State of Florida and, if a Corporation, a copy of the Corporate Charter as prequalification of their eligibility to submit bids prior to the Department releasing the Bid Proposal package. After the bid opening, the lowest responsible bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Bid Proposal package.

2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to the Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or draft in an amount less than five per cent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to the furnished proposal forms.

3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount of the contract is required.

4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notices of Intent will be posted at the Professional Services Office, Florida Department of Transportation, Room 250, 1074 Highway 90, Chipley, Florida 32428, January 5, 2006. In the event that the Summary of Bids and Notice of Intent cannot be posted on this date, then all bidders will be notified by certified United States mail, express delivery, facsimile, or e-mail return receipt requested. Information concerning the posted project can be obtained by calling the Professional Services Office, (850)638-0250, Ext. 364, during the posting period. The right is reserved to reject any or all bids.

5. **BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS:** Any person adversely affected by this Bid Solicitation shall file a notice of protest within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the Summary of Bids. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent.

A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Sections 120.57(3), Florida Statutes, and DOT Chapter 14-25, F.A.C. The required notice of protest and formal protest must each be timely filed with: Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0458, phone number (850)414-5393. Failure to file a protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, F.S.

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**INVITATION TO BID**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: DOH #70402100

SAMAS CODE: BCHD- TF

PROJECT NAME AND LOCATION: Baker County Health Department, New Storage Facility, 480 West Lowder Street, MacClenny, Florida 32063-2698

FOR: State of Florida, Department of Health-Baker County Health Department

PRE-QUALIFICATION: Each bidder whose field is governed by Chapters 399, 455, 489, and 633, F.S., for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of rule requirements is included in the Instruction To Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not do the following:

1. May not submit a bid on a contract to provide any goods or services to a public entity.
2. May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.
3. May not submit bids on leases of real property to a public entity.
4. May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.
5. May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PROJECT DESCRIPTION: The project is to construct a new Records Storage Building located at the Baker County Health Department, 480 West Lowder Street, MacClenny, Florida 32063-2698. The facility contains approximately 2,000 square feet and is designed to match the existing health department building comprised of masonry, stucco and wood roof trusses. The facility is to be environmentally controlled.

PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor Material Payment Bond are not required. If the construction contract award amount is more than \$100,000, a Performance and a Labor and Material Payment Bond SHALL be required.

MINORITY BUSINESS ENTERPRISES: The Department of Health encourages minority businesses to participate in the bidding process including any bidders conferences, pre-solicitation or pre-bid meetings which are scheduled. The Department of Health further encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida, Minority Business Advocacy & Assistance Office, 2012 Capital Circle, S. E., Hartman Building, Suite 100, Tallahassee, Florida 32399-2152. Telephone: (850)487-0915.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Thursday, December 15, 2005, 2:00 p.m. local time

PLACE: Baker County Health Department, 480 West Lowder Street, MacClenny, Florida 32063-2698

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions, and Contractual Conditions, which may be examined and obtained from the following: Junck & Walker Architects/Planners, Inc., Attention Jeni Lassley; E-mail: jlassley@jandwarchitects.com for purchase of documents. Address: 8111 Old Kings Road South, Jacksonville, FL 32217, telephone: (904)731-4033, Fax: (904)737-3429.

The above bidding documents will be available on or about Friday, November 18, 2005

ARCHITECT-ENGINEER: Junck & Walker Architects/Planner, Inc., 8111 Old Kings Road S., Suite 2A, Jacksonville, FL.

DEPOSITS. All contractors, sub-contractors, vendors, manufacturers, etc. can purchase required documents. Full set of Plans and Specifications \$60.00; or Plans Only \$20.00; or Specifications Only \$40.00.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:00 p.m. local time, on Thursday, December 15, 2005 at the bid opening location. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner. The qualified, responsive low bidder

will be required to be registered with MyFloridaMarketPlace before a contract can be executed. However, they will be exempt from the one percent "fee".

FLORIDA HOUSING FINANCE CORPORATION

Re-Published Notice of Availability
Request for Proposals 2005-06
Development and Rehabilitation of
Migrant Farmworker Housing

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to develop and rehabilitate migrant farmworker housing to submit proposals for consideration. Written, sealed proposals shall be accepted at anytime prior to 2:00 p.m., Eastern Time, Tuesday, February 28, 2006 to the attention of Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Proposals received after 2:00 p.m., Eastern Time, Tuesday, February 28, 2006 will not be considered by Florida Housing.

For questions or additional information, please contact Robin Grantham, (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/CurrentSolicitations/RequestForProposals.htm>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

FISH AND WILDLIFE CONSERVATION COMMISSION

ADVERTISEMENT FOR BIDS

BIDS ARE REQUESTED FROM QUALIFIED CERTIFIED/REGISTERED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR:

PROJECT NO: FWC 05/06-64

PROJECT NAME: BATTLE BEND AQUATIC ECOSYSTEM RESTORATION PROJECT

PROJECT LOCATION: LIBERTY COUNTY, FLORIDA

FOR: Work on this proposed Contract comprises removal of accumulated sediment material from the lower arm of Battle Bend (at Navigation Mile 28.8 on the east bank of Apalachicola River) in Liberty County, in order to restore the hydrological connection of important backwater habitat areas to the Apalachicola River main channel. Up to approximately 64,000 cubic yards of excavated sediment material will be transported to an approximately 110-acre site previously managed by the Florida Department of Transportation (FDOT)

as a borrow pit. The proposed disposal site is located on the north side of Highway 98, approximately 1.0 mile east of the intersection with Highway 65 in Franklin County, Florida, as shown on the Drawings.

PRE-BID CONFERENCE: A non-mandatory pre-bid conference has been scheduled for 10:00 a.m., EST, Monday, December 12, 2005, Hickory Landing on Owl Creek boat ramp which is located about 3 miles Southwest of the City of Sumatra, Liberty County, at the end of Apalachicola National Forest Road.

REQUIRED BONDS: Bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

After award of Contract, a 100% Performance Bond and a 100% Labor and Material Payment Bond Will be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: January 4, 2006, 3:00 p.m. EST.

PLACE: Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, telephone (850)488-3428

BID DOCUMENTS: Bid documents shall be obtained from the Commission, upon payment of \$50.00, non-refundable, for one set. The payment envelope MUST be plainly marked on the outside with the bid number. The bid package will be sent overnight upon receiving payment by the above-mentioned Purchasing Office. Provide contact information, phone and fax number, as well as complete return address. DO NOT PROVIDE POST OFFICE BOX FOR RETURN ADDRESS.

CONTACT PERSON:

Direct questions to the Project Director:

Michael Hill

Florida Fish and Wildlife Conservation Commission

Division of Habitat and Species Conservation

1338 Avondale Way

Tallahassee, Florida 32317

Telephone: (850)251-8919

e-mail: michael.hill@myfwc.com

CITY OF FORT LAUDERDALE

NOTICE TO CONTRACTORS

Sealed bids will be received until 2:00 p.m. on Wednesday, December 14, 2005 in the Office of the City Engineer, Public Services Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for PROJECT 10823 – PUMP STATION D-40/D-41 REHABILITATION AND BIRCH ROAD AND VISTA MAR FORCE MAIN REPLACEMENTS.

This project consists of Drawing File No. WS-04-17 consisting of 68 sheets.

The work includes: installation of approximately 6,000 LF of 18” and 130 LF of 24” replacement force mains, and the rehabilitation of two (2) existing dry pit wastewater pump stations. Construction areas will require trench width roadway repair and resurfacing.

Bidding blanks may be obtained at the Office of the City Engineer. Plans and specifications are on file in the Office of the City Engineer.

A pre-bid meeting will be held at 3:00 p.m., Tuesday, November 29, 2005 at the Program Management Team Office, 200 North Andrews Avenue, Suite 300 (third floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended, but not mandatory.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier’s check, bank officer’s check or bid bond for five percent (5%), made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

This project is funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplementary Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line, (954)828-5688. For general inquiries – please call (954)828-5772.

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, 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. Additional information is available on the Authority’s website at www.tampaairport.com; Quick Links, Airport Business, Request for Qualifications/Proposals (RFQ/RFP)

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-1106-004 & BLIVR 1106-002
 DATE RECEIVED: November 7, 2005
 DEVELOPMENT NAME: Atlantic Village
 DEVELOPER/AGENT: Bayard Spector/Paul D’Arelli
 DEVELOPMENT TYPE: 28-24.020, 28-24.036, 28-24.0231, F.A.C.
 LOCAL GOVERNMENT: Broward County

DEPARTMENT OF LAW ENFORCEMENT

Notice of Application for Federal Funds

The State of Florida, Department of Law Enforcement, will be submitting an application to the Bureau of Justice Assistance, United States Department of Justice, for \$20,532,197, in Federal Fiscal Year 2006 funds made available under Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, Section 500 as amended.

A copy of the application will be available for review and comment by the public at the Department of Law Enforcement, Business Support Program, Office of Criminal Justice Grants, Tallahassee, Florida 32308.

Interested parties should contact the Office of Criminal Justice Grants, (850)410-8700 to obtain a copy of the application for review.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, United Motors of America, intends to allow the establishment of Orange City Cycle, as a dealership for the sale of UM motorcycles, 2305 South Volusia Avenue, Orange City (Volusia County), Florida 32763, on or after October 28, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Orange City Cycle are dealer operator(s): Andrew J. Biggar, 2211 Gamewell Court, Deltona, Florida 32725; principal investor(s): Andrew J. Biggar, 2211 Gamewell Court, Deltona, Florida 32725.

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: Juan Villegas, President, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

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

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 IronHorse Motorcycle Company, intends to allow the establishment of Bottom Line Operations, Inc., d/b/a Bucks County Custom Cycles, as a dealership for the sale of American IronHorse motorcycles, at 6501 North Washington Boulevard, Sarasota (Sarasota County), Florida 34243, on or after November 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Bottom Line Operations, Inc., d/b/a Bucks County Custom Cycles are dealer operator(s): Bruce

Shankin, 3094 Comfort Road, New Hope, Pennsylvania 18938; principal investor(s): Jason Heroux, 5307 Avenida Del Mare, Sarasota, Florida 34242; Allan Laird, P. O. Box 94, Stockton, New Jersey 08559; Greg Pappas, 4241 Park Avenue, Slatington, Pennsylvania 18080; and Salvatore Salvagno, 5138 Sugar Hill Court, Doylestown, Pennsylvania 18901.

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: Gary Sipes, Director of Sales, American IronHorse Motorcycle Company, Inc., 4600 Blue Mound Road, Fort Worth, Texas 76106.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that LS MotorSports, LLC, intends to allow the establishment of Pierce Auto Sales, as a dealership for the sale of Diamo motorcycles, 1511 Delaware Avenue, Lynn Haven (Bay County), Florida 32444, on or after December 2, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Pierce Auto Sales are dealer operator(s): Lon H. Pierce, Pierce Auto Sales, 1511 Delaware Avenue, Lynn Haven, Florida 32444; principal investor(s): Lon H. Pierce, Pierce Auto Sales, 1511 Delaware Avenue, Lynn Haven, Florida 32444.

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: Jonathan Solo, VP of Sales, LS MotorSports, LLC, 12505 Reed Road, #145, Sugar Land, Texas 77478.

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

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that LS MotorSports, LLC, intends to allow the establishment of Best Buy Vehicles, Inc., as a dealership for the sale of Diamo motorcycles, 3525 South U.S. 1, Fort Pierce (St. Lucie County), Florida 34982, on or after December 2, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Best Buy Vehicles, Inc., are dealer operator(s): Jim Buchheit, Best Buy Vehicles, Inc., 3525 South U.S. 1, Fort Pierce, Florida 34982; principal investor(s): Jim Buchheit, Best Buy Vehicles, Inc., 3525 South U.S. 1, Fort Pierce, Florida 34982.

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: Jonathan Solo, VP of Sales, LS MotorSports, LLC, 12505 Reed Road, #145, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, LS MotorSports, LLC, intends to allow the establishment of Gasoline Alley, as a dealership for the sale of Diamo motorcycles, at 10 South Scenic Highway, Frostproof (Polk County), Florida 33843, on or after December 2, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Gasoline Alley are dealer operator(s): Bob O'Hara, Gasoline Alley, 10 South Scenic Highway, Frostproof, Florida 33843; principal investor(s): Bob O'Hara, Gasoline Alley, 10 South Scenic Highway, Frostproof, Florida 33843.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jonathan Solo, VP of Sales, LS MotorSports, LLC, 12505 Reed Road, #145, Sugar Land, Texas 77478.

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

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, LS MotorSports, LLC, intends to allow the establishment of Auto Vera, Inc., as a dealership for the sale of Diamo motorcycles, at 7712 East Colonial Drive, Orlando (Orange County), Florida 32807, on or after December 2, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Auto Vera, Inc., are dealer operator(s): Jesus Vera, 7712 East Colonial Drive, Orlando, Florida 32807; principal investor(s): Jesus Vera, 7712 East Colonial Drive, Orlando, Florida 32807.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jonathan Solo, VP of Sales, LS MotorSports, LLC, 12505 Reed Road, #145, Sugar Land, Texas 77478.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that LS MotorSports, LLC, intends to allow the establishment of Southwest MotorSports Corporation of Bradenton, as a dealership for the sale of Diamo motorcycles, 1210 58th Avenue, West, Bradenton (Manatee County), Florida 34207, on or after December 2, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Southwest MotorSports Corporation of Bradenton, are dealer operator(s): Bob MacDougall, Southwest MotorSports Corporation of Bradenton, 1210 58th Avenue, West, Bradenton, Florida 34207; principal investor(s): Bob MacDougall, Southwest MotorSports Corporation of Bradenton, 1210 58th Avenue West, Bradenton, Florida 34207.

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: Jonathan Solo, VP of Sales, LS MotorSports, LLC, 12505 Reed Road, #145, Sugar Land, Texas 77478.

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

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED
EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Dade	District: 11
ID # 0500006	Decision: A Issue Date: 11/4/2005
Facility/Project: South Beach Nursing and Rehabilitation Center	
Applicant: South Beach Nursing and Rehabilitation Center, Inc.	
Project Description: Construct a replacement nursing home within three miles of the existing site	
Proposed Project Cost: \$8,000,000	

CERTIFICATE OF NEED
GRACE PERIOD LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the November 23, 2005 application filing date for Other Beds and Programs batching cycle:

County: Pinellas	District: 5
Date Filed: 11/8/2005	LOI #: N0510016
Facility/Project: VITAS Healthcare Corporation of Florida	
Applicant: VITAS Healthcare Corporation of Florida	

Project Description: Establish a hospice program
 County: Hillsborough District: 6
 Date Filed: 11/8/2005 LOI #: N0510017
 Facility/Project: VITAS Healthcare Corporation of Florida
 Applicant: VITAS Healthcare Corporation of Florida
 Project Description: Establish a hospice program

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after December 28, 2005, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on December 9, 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 JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted a new policy for review and comment on MyFlorida.com at: http://www.djj.state.fl.us/djj/djjservices/administration/policies_procedures/policyreview.shtml. Background Screening (department-wide policy type B) – establishes that background screening shall be conducted by the Department to ensure all DJJ employees, contracted provider employees (including owners, operators, directors, and grant recipients), volunteers, and interns with access to youth meet established statutory requirements of good moral character. This will promote the integrity of DJJ and ensure the proper care, safety, and protection of youth in DJJ care and custody. The Department is cognizant of its status as a criminal justice agency and its special responsibilities in dealing with the youth population and has determined that it is appropriate to establish stringent screening requirements for all criminal justice agency employees. All contracted provider personnel and all DJJ employees will be screened in accordance with Level 2 standards as a condition of employment and retention in those positions. Additionally, all provider and DJJ personnel will be re-screened every five years. This policy is posted for a single 20 working day review and comment period, with the closure date for submission of comments on this policy of December 22, 2005. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

DEPARTMENT OF HEALTH

On November 7, 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 Tamela Starr Eden, L.P.N. license number PN 5164992. 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 8, 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 Ryan Southwell L.P.N. license number PN 5165911. 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 8, 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 Rebecca L.A. Macklin, L.P.N. license number PN 946431. 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 8, 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 Colleen Corey, C.N.A. Certificate number 726****353. 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.

FLORIDA HOUSING FINANCE CORPORATION**HOUSING CREDIT PROGRAM
NOTICE OF CREDIT AVAILABILITY (NOCA)
2006 CYCLE**

The Florida Housing Finance Corporation (Florida Housing) announces an application cycle for the Housing Credit Program. The total 2006 allocation is estimated to be approximately \$32,289,607.00. The amount of housing credit allocation authority available for the 2006 cycle will vary based upon the 2006 per capita population figures, the amount of unused credits from prior years, the amount of binding commitments for 2006 credits, and the amount allocated from the national pool. The amount of the binding commitments for 2006 credits is estimated to be \$798,000, however, this dollar amount is subject to change. Geographic and targeting goals along with any set-asides will be described in the Qualified Allocation Plan approved by the Governor.

For more information on opening and closing dates of the application cycle, or on how to obtain an Application, please access Florida Housing's web site at www.floridahousing.org or contact Jean Salmonsens, (850)488-4197. The Universal Application Package, when available, may be obtained at the Florida Housing web site or by submitting a written request accompanied by a \$50 application package fee: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Jean Salmonsens – Application Request.

If you are hearing or speech impaired please contact Florida Housing using the Dual Party Relay System at (800)955-8770 or (800)955-8771.

All applications must be submitted to the above address in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., the Universal Application Package, and Internal Revenue Code, Section 42.

**HOME INVESTMENT PARTNERSHIPS PROGRAM
(HOME)****NOTICE OF FUNDING AVAILABILITY (NOFA)
2006 HOME RENTAL CYCLE**

The Florida Housing Finance Corporation ("Florida Housing") announces a funding cycle for the HOME Rental Program's allocation of 2006 HOME federal funds from the U.S. Department of Housing and Urban Development (HUD). Based on current estimates, Florida Housing estimates that approximately \$15,000,000 in federal HOME funding for 2006 will be available to eligible rental developments that meet application funding criteria. Funding will be awarded in accordance with Rule Chapter 67-48, F.A.C.

All applications must be submitted to Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., the Universal Application Package, and Federal Regulations 24 CFR Part 92.

For more information on opening and closing dates of the application cycle, or on how to obtain an application, please access Florida Housing's web site at www.floridahousing.org or contact Jean Salmonsens, (850)488-4197. The Universal Application Package, when available, may be obtained at the Florida Housing web site or by submitting a written request accompanied by a \$50 application package fee: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Jean Salmonsens – Application request.

If you are hearing or speech impaired, please contact Florida Housing using the Dual Party Relay System at (800)955-8770 and (800)955-8771.

**STATE APARTMENT INCENTIVE LOAN
(SAIL) PROGRAM****CYCLE XVIII (2006) & SPECIAL
GEOGRAPHIC DISTRIBUTION****NOTICE OF FUNDING AVAILABILITY (NOFA)**

The Florida Housing Finance Corporation (Florida Housing) announces a funding cycle (Cycle XVIII) for the State Apartment Incentive Loan (SAIL) Program, pursuant to Section 420.5087, Florida Statutes, and Chapter 67-48, Florida Administrative Code (F.A.C.).

In accordance with Section 420.5087(1), Florida Statutes, program funds shall be distributed over successive 3-year periods in a manner that meets the need and demand for very low-income housing throughout the state. The need and demand must be determined by using the most recent statewide low-income rental housing market studies available at the beginning of each 3-year period. The percentages over the current 3-year period are as follows: 60% for Large County; 30% for Medium County; and 10% for Small County designation developments. This funding cycle is the second year of a 3-year period. Funding cannot be made at levels that would make it impossible to meet the statutory requirements over the 3-year period.

In accordance with Section 420.5087(3), Florida Statutes, for the six-month period beginning with the publication of this NOFA, program funds shall also be reserved by designated tenant group category at the percentages determined by using the most recent statewide low-income rental housing market studies available.

Program funds shall be distributed during this funding cycle at the following percentages per tenant group: 10% for Commercial Fishing Worker/Farmworker; 9% for Homeless; 24% for Elderly [Note: This amount is subject to a 10% reduction of the 24% set-aside amount, with the funds being made available to applicants for the Elderly Housing Community Loan Program]; and 57% for Family. The

reservation of funds to any demographic category may not be less than 10% of the funds available at that time, except for persons who are homeless which reservation may not be less than 5% of the funds available.

Florida Housing currently anticipates the allocation of approximately \$45,000,000 for Cycle XVIII (associated with funds collected in fiscal year 2005-2006) from funding sources as estimated below:

- \$42,400,000 = DOC Stamp
- \$2,600,000 = SAIL Fund

Geographic distribution will be set based upon an anticipated funding level of \$45,000,000 for Cycle XVIII. This amount is subject to change and is dependent upon documentary stamp tax collections and/or projections and receipts within the SAIL fund. The anticipated geographic funding distribution is as follows:

COUNTY DESIGNATION	FUNDING TARGET
Large	\$27,000,000
Medium	\$13,500,000
Small	\$4,500,000

For more information on opening and closing dates of the application cycle, or on how to obtain an Application, please access Florida Housing's Website at www.floridahousing.org or contact Jean Salmonsens, (850)488-4197. The Universal Application Package, when available, may be obtained at the Florida Housing web site or by submitting a written request accompanied by a \$50 application package fee: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, ATTN: Jean Salmonsens – Application Request.

If you are hearing or speech impaired please contact Florida Housing using the Dual Party Relay System, (800)955-8770 or (800)955-8771.

All applications must be submitted: Florida Housing Finance Corporation, City Centre Building, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 in accordance with the provisions of all applicable Florida Statutes, Chapter 67-48, F.A.C., and the application package.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Financial Service Commission
Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., December 14, 2005):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: First Florida Bank (Banking Corporation of Florida), Naples, Florida
Proposed Acquirer: Synovus Financial Corporation
Received: November 10, 2005

Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at http://www.fldfs.com/ofir/banking/cu_expansion.htm.

Name and Address of Applicant: Sarasota Coastal Credit Union, Post Office Box 15407, Sarasota, Florida 34277-1407
Expansion Includes: Geographic area
Received: November 3, 2005

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN November 7, 2005
 and November 10, 2005

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

1S-2.040	11/9/05	11/29/05	31/40	
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ADMINISTRATION COMMISSION

28-18.100	11/8/05	11/28/05	31/33	
28-18.200	11/8/05	11/28/05	31/33	

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

59B-15.001	11/7/05	11/27/05	31/10	
59B-15.002	11/7/05	11/27/05	31/10	
59B-15.003	11/7/05	11/27/05	31/10	
59B-15.004	11/7/05	11/27/05	31/10	
59B-15.005	11/7/05	11/27/05	31/10	
59B-15.006	11/7/05	11/27/05	31/10	
59B-15.007	11/7/05	11/27/05	31/10	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Medicaid Program Office

59G-4.002	11/10/05	11/30/05	31/32	
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DEPARTMENT OF HEALTH

Board of Chiropractic

64B2-15.001	11/7/05	11/27/05	31/40	
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Board of Medicine

64B8-30.016	11/10/05	11/30/05	31/36	
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Board of Osteopathic Medicine

64B15-6.014	11/10/05	11/30/05	31/36	
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Board of Podiatric Medicine

64B18-12.010	11/7/05	11/27/05	31/34	
64B18-14.0072	11/7/05	4/1/06	31/34	
64B18-16.002	11/7/05	11/27/05	31/34	
64B18-16.005	11/7/05	11/27/05	31/34	
64B18-17.001	11/7/05	11/27/05	31/34	