

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Reporting Requirements for Campaign Treasurer's Reports

RULE NO.: 1S-2.017

PURPOSE AND EFFECT: The purpose of amendments is to update the proposed rule to reflect practices and procedures governing the completion and submission of campaign treasurer's reports.

SUBJECT AREA TO BE ADDRESSED: Campaign treasurer's reports.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 106.35(1), (5), 106.0706, 106.22 FS.

LAW IMPLEMENTED: 106.04, 106.07, 106.22, 106.29, 106.30-.36 FS.

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

TIME AND DATE: 10:30 a.m., Monday, April 3, 2006

PLACE: Florida Heritage Hall, 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 development workshop should contact the Department of State, 1(850)245-6500, no later than March 29, 2006. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Certification and Revocation of Certification for Committees of Continuous Existence

RULE NO.: 1S-2.020

PURPOSE AND EFFECT: The purpose of the amendments is to update the rule to reflect the practices and procedures associated with the certification and revocation of certification for committees of continuous existence under Chapter 106, F.S., and to implement uniformly the requirements by providing standardized forms to be used for certification and revocation.

SUBJECT AREA TO BE ADDRESSED: Committees of Continuous Existence.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 106.04(7), 106.22 FS.

LAW IMPLEMENTED: 106.04(7) FS.

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

TIME AND DATE: 10:30 a.m., Monday, April 3, 2006

PLACE: Florida Heritage Hall, 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 development workshop should contact the Department of State, 1(850)245-6500, no later than March 29, 2006. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

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

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Registration and Revocation of Registration of Political Committees and Electioneering Communications Organizations

RULE NO.: 1S-2.021

PURPOSE AND EFFECT: The purpose of the amendments is to update the rule to reflect the practices and procedures associated with the registration and revocation of registration of political committees and electioneering communication organizations under Chapter 106, F.S., and to implement uniformly the requirements by providing standardized forms to be used by these entities.

SUBJECT AREA TO BE ADDRESSED: Political committees and electioneering communication organizations.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 106.03(7), 106.22 FS.

LAW IMPLEMENTED: 106.03(7) FS.

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

TIME AND DATE: 10:30 a.m., Monday, April 3, 2006

PLACE: Florida Heritage Hall, 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 development workshop should

contact the Department of State, 1(850)245-6500, no later than March 29, 2006. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE: Candidate Petition Process  
PURPOSE AND EFFECT: The purpose of this proposed rule is to implement the provisions of Section 99.095, F.S., as amended in Section 14 of Chapter 2005-277, Laws of Florida, relating to the candidate petition process.  
SUBJECT AREA TO BE ADDRESSED: Candidate petition process.  
SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 99.095 FS.  
LAW IMPLEMENTED: 99.095 FS.

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

TIME AND DATE: 10:30 a.m., Monday, April 3, 2006  
PLACE: Florida Heritage Hall, 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 development workshop should contact the Department of State, 1(850)245-6500 no later than March 29, 2006. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kristi Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

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

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE TITLE: Division of Cultural Affairs  
RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent eligibility and evaluation criteria, and new administrative requirements for managing a Cultural Facilities Program grant award.

SUBJECT AREA TO BE ADDRESSED: Cultural Facilities Program eligibility and evaluation criteria, and grant administration requirements.

SPECIFIC AUTHORITY: 265.284(5)(d), 265.285(1)(c), 265.286(1), 265.701(4) FS.

LAW IMPLEMENTED: 215.97, 265.284, 265, 285, 265.286, 265.701, 286.011, 286.012, 286.25 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., Monday, March 13, 2006  
PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Morgan Barr, (850)245-6456.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandy Shaughnessy, Director, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Incorporation by Reference  
RULE TITLE: Toll Facilities Description and Toll Rate Schedule  
RULE CHAPTER NO.: 14-15  
RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this notice of rule development is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the proposed construction of the Sand Lake Road/Florida's Turnpike interchange. Section 338.155(1), F.S., does not permit the use of the State's toll facilities without paying a toll.

SUBJECT AREA TO BE ADDRESSED: The Florida Department of Transportation, Florida's Turnpike Enterprise is proposing to construct a SunPass-Only interchange in the area near Sand Lake Road and Florida's Turnpike interchange. The project is located in Orange County. Tolls are proposed to be

collected from vehicles accessing to and from the north. This interchange is approximately 21 miles north of the Three Lakes Toll Plaza.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 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:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, and February 5, 2006, and \_\_\_\_\_ is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History--New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06,\_\_\_\_\_.

**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**

**South Florida Water Management District**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Scope of Part I	40E-61.020
Implementation	40E-61.031
General Permits for Use of Works of the District	
Within the Lake Okeechobee Basin	40E-61.042
Duration of Permits	40E-61.321
Limiting Conditions	40E-61.381

**PURPOSE AND EFFECT:** The proposed amendments incorporate provisions to allow delivery and receipt of documents through electronic media.

**SUBJECT AREA TO BE ADDRESSED:** Rules currently providing for delivery and/or receipt of documents.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.118 FS.

**LAW IMPLEMENTED:** 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 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.

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ronda Wise, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6500 or (561)682-6500 (internet: [rwise@sfwmd.gov](mailto:rwise@sfwmd.gov)).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 40E-61.020 Scope of Part I.
- (1) through (4) No change.
- (5) In this rule chapter the "Works Of The District Within The Lake Okeechobee Drainage Basin" are specifically named. These include canals, water control structures, rights-of-way, lakes and streams and other water resources which the South Florida Water Management District owns, has accepted responsibility for, or has specifically named. All lands within the Lake Okeechobee Drainage basin are presumed to be users of the Works Of The District Within The Lake Okeechobee Drainage Basin, and as such, must comply with the provisions of this rule chapter. Any owner of a parcel of land in the Basin,

unless exempt, must obtain a General Permit or an Individual Permit, and comply with applicable water quality performance limitations.

(a) The District reserves the right to modify the limitations (including assimilative coefficient) in this rule as applied to one or more parcels of land if the District obtains or is presented with evidence that the limitations applicable to the parcels are insufficient to properly control the discharge of phosphorus to Lake Okeechobee, so that the District's ability to fulfill its responsibility to improve and protect the water quality of Lake Okeechobee is threatened. If the District obtains or is presented evidence that the soil types and other factors influencing an assimilative coefficient are generally the same within the southern portion of the East Caloosahatchee Basin tributary to S-77, the Board may extend the assimilative coefficient to all areas of the Basin with common soil types and other factors influencing assimilative capacity. Modifications shall be based upon competent substantial evidence. Affected landowners shall be notified of any proposed modifications by publication of Notice of Rulemaking, by electronic mail, or in writing by certified mail and be provided an opportunity to request a proceeding pursuant to section 120.57, Florida Statutes.

(b) No change.

(6) through (7) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS. History—New 11-1-89, Amended.

40E-61.031 Implementation.

(1) through (2) No change.

(3) The District shall adjust the dates specified in subsection (2) above when monitoring data or other circumstances indicate that other specific action may be necessary to protect the water quality of Lake Okeechobee. The District shall provide notice of adjusted application dates, by electronic mail, or in writing, by certified mail to the affected parcel owners.

(4) through (6) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086, 373.451, 373.453, 373.4595 FS. History—New 11-1-89, Amended.

40E-61.042 General Permits for Use of Works of the District Within the Lake Okeechobee Basin.

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

(c) No Notice of Intent is required unless the District's monitoring program or other data indicates that discharge from a parcel or sub-basin is not in compliance with the applicable discharge concentration limitation. The total phosphorus concentration exceedance values specified in Table 40E-61-2 and procedures described in paragraph 40E-61.381(2)(b), F.A.C., shall be used in evaluating whether the discharge from a parcel or sub-basin exceeds the allowable concentration. A Notice of Intent pursuant to paragraph 40E-61.042(2)(b),

F.A.C., below or an application for an Individual Permit pursuant to paragraph 40E-61.041(2)(a), F.A.C., shall be required for parcels or sub-basins not in compliance. Notice of the requirements shall be provided to sub-basins by Notice of Rulemaking or to individual parcel owners by electronic mail or in writing by certified mail.

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

(d) Limiting Conditions:

1. If requested by the District by electronic mail or in writing by certified mail, the permittee shall provide the monitoring data described in paragraph 40E-61.381(2)(a), F.A.C.

2. through 3. No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS. History—New 11-1-89, Amended.

40E-61.321 Duration of Permits.

(1) Unless revoked or otherwise modified, the duration of an individual permit or general permit issued pursuant to this chapter is three years from the date of issuance. These permits are extended automatically for another three year period, unless the District advises the permittee by electronic mail or in writing at least 90 days prior to the expiration date that the permit will not be automatically extended. Permits not automatically extended expire three years from the date of issuance unless an application for a renewal is filed (Rule 40E-61.101, F.A.C.).

(2) General permits remain effective until this rule section is amended or the District notifies a permittee by electronic mail or in writing by certified mail pursuant to paragraph 40E-61.042(1)(c) or subparagraph 40E-61.042(2)(d)2., F.A.C., that the permit is revoked.

(3) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.451, 373.453, 373.4595 FS. History—New 11-1-89, Amended 1-1-97.

40E-61.381 Limiting Conditions.

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

(b) Off-site phosphorus discharge shall not exceed the applicable Off-site Total Phosphorus Discharge Concentration or other limitation specified in the permit.

1. The District may use the criteria in Table 40E-61-2, in addition to other available information and data, to evaluate whether the off-site phosphorus discharge from the parcel exceeds the limitation specified in the permit. If the offsite discharge from the parcel exceeds the criteria specified in Table 40E-61-2, there is greater than a 50% probability that the applicable annual off-site phosphorus concentration limitation will be exceeded. If the limitations on Table 40E-61-2 are exceeded, the District shall immediately notify the permittee by electronic mail or in writing and request that additional measures be taken to ensure that compliance with limitations is maintained.

2. Permittees shall be allowed a reasonable period of time to institute the additional measures. The District shall determine the additional time allowed to institute the measures and demonstrate compliance by electronic mail or in writing as an addendum to the permit.

3. No change.

(c) through (d) No change.

(e) The permittee shall notify the District by electronic mail at the District's ePermitting website or in writing when any significant change in land use is made on the permitted parcel. The discharge from the parcel shall comply with the applicable Off-site Total Phosphorus Discharge Concentration or other limitation specified in the permit notwithstanding any change in land use.

(f) through (j) No change.

(k) The drainage and monitoring systems must be effectively operated and maintained, and any changes in drainage, land use or operations that could affect validity or interpretation of monitoring data must be reported by electronic mail at the District's ePermitting website or in writing to the District.

(l) through (o) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595 FS. History--New 11-1-89, Amended

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Hawk's Haven Community Development District**

RULE CHAPTER TITLE: River Hall Community Development District

RULE TITLES: Boundary

PURPOSE AND EFFECT: The Petition, as amended, was filed by the River Hall Community Development District with its registered office located at 2401 River Hall Parkway, Alva, Florida 33920. The Petition, as amended, proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 30 acres of property adjacent to the District. The District currently covers approximately 1,926.03 acres of land and after expansion the District will encompass approximately 1,958.43 acres. Petitioner has written consent to expand the District from the owners of the real property to be added to the District. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as amended, for expansion by the District Board of Supervisors constitutes consent of the landowners.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundaries of the River Hall Community Development District.

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

TIME AND DATE: 10:00 a.m. – Noon, Wednesday, March 15, 2006

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy J. Robin or Mark K. Straley, Straley Robin & Williams, 100 East Madison Street, Suite 300, Tampa, Florida 33602, telephone (813)223-9400, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid**

RULE TITLE: Prescribed Drug Services

RULE NO.: 59G-4.250

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage, Limitations and Reimbursement Handbook, June 2006. The handbook incorporates statutory changes making the Preferred Drug List mandatory and removes the four brand cap limit. It also removes the 34-day supply limit for some maintenance drugs when identified by the P&T committee; eliminates the Silver Saver program; moves coverage of certain supplies and nutritional items to the Durable Medical Equipment program; defines the process for approval of a brand name drug when generic equivalent products are available; removes coverage for erectile dysfunction; adopts statutory ingredient cost reimbursement levels; and specifies a \$7.50 dispensing fee for providers using 340b purchasing contracts. The effect will be to incorporate by reference in the rule the current Florida Medicaid Physician Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Prescribed Drug Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, March 14, 2006  
 PLACE: Agency for Health Care Administration, Building 3, Conference Room B, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT IS: Connie Barnes, Bureau of Pharmacy Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-5633

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.250 Prescribed Drug Services.

(1) No change.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Prescribed Drug Services Coverage, Limitations, and Reimbursement Handbook, June 2006 ~~July 2004~~, which is incorporated by reference, and available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> ~~agent.~~ Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906(29), 409.908, 409.912 FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-20-00, 1-29-01, 4-24-01, 10-6-02,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: Continuing Education Renewal Requirements RULE NO.: 61-20.508

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify when continuing education must be completed and treatment of null and void licenses.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 455.2123, 468.4315(2), 468.4336, 468.4337, 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.2123, 455.2124, 468.4337, 455.271(6)(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: Anthony Spivey, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 3299-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE CHAPTER TITLE: Florida Elevator Safety Code RULE CHAPTER NO.: 61C-5

RULE TITLE: Fees; Certificates of Competency, Renewal RULE NO.: 61C-5.007

PURPOSE AND EFFECT: The purpose of this rule development is to implement the statutory requirements of Sections 399.01(14), (15), Florida Statutes. This rule amendment provides the insurance requirements for independent certified elevator inspectors and certified elevator technicians.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses insurance requirements for certified elevator inspectors and certified elevator technicians. Copies of the rule may be obtained from John Calpini in the Bureau of Elevator Safety Tallahassee office at (850)488-9098.

SPECIFIC AUTHORITY: 399.001, 399.01(14), (15), 399.10 FS.

LAW IMPLEMENTED: 399.01(14), (15) 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: John Calpini, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)488-9098

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.007 Fees; Certificates of Competency, Renewal.

(1) through (5) No change.

(6) Each elevator company employing a person or persons to construct, install, inspect, maintain, or repair any vertical conveyance regulated by the bureau, must register and have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and the name of at least one employee who holds a current Certificate of Competency issued pursuant to Section 399.01(17)045, Florida Statutes.

(7) No change.

(8) Each certified elevator inspector and each certified elevator technician who, independent of a registered elevator company as defined in Section 399.01(13), Florida Statutes, performs any services on any vertical conveyance regulated by the bureau must have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence prior to performing any services independent of a registered elevator company.

Specific Authority ~~399.001, 399.049, 399.02(5)(d), 399.10, 399.105(2) FS. Law Implemented 399.01(13), 399.01(14), 399.01(15), 399.01(17), 399.01(5)(d) FS. History—New 10-8-81, Amended 11-27-83, 2-19-84, Formerly 7C-5.07, Amended 4-11-91, Formerly 7C-5.007, Amended 2-2-94,\_\_\_\_\_.~~

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE CHAPTER TITLE: **Pari-Mutuel Facility Slot Machine**      RULE CHAPTER NO.: **61D-14**

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: the method of applying for a slot machine license, technical requirements and qualifications for licenses, procedures to test and technically evaluate slot machines, verifying and accounting for revenues, auditing, collection of taxes and fees, procedures for bond, procedures regarding maintenance of records, 85% minimum payout, minimum security standards, approval process for facilities based computer systems, monthly reports, occupational licensing, renewal of occupational licenses, occupational license fees, fingerprint rules, posting of signage, office space requirements, the compulsive gambling program, the impact of slot machines on cardroom operations, or any other rules required for the implementation of Chapter 551, Florida Statutes. The division will receive comments on the issues listed above.

SPECIFIC AUTHORITY: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145, 849.086 FS.

LAW IMPLEMENTED: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145, 849.086 FS.

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

TIMES AND DATES: 8:30 a.m. – 6:00 p.m., March 14, 2006; 9:00 a.m. – 12:00 Noon, March 15, 2006

PLACE: City of Hollywood, City Hall, Commission Chamber, Room 219, 2600 Hollywood Blvd., Hollywood, Florida 33020

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE CHAPTER TITLE: **Pari-Mutuel Facility Slot Machine**      RULE CHAPTER NO.: **61D-15**

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of slot machine activities conducted at a pari-mutuel wagering facility.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are creation of all forms utilized by the division in its rules regulating slot machine operations at a pari-mutuel wagering facility.

SPECIFIC AUTHORITY: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145, 849.086 FS.

LAW IMPLEMENTED: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145, 849.086 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:

TIMES AND DATES: 8:30 a.m. – 6:00 p.m., March 14, 2006; 9:00 a.m. – 12:00 Noon, March 15, 2006

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction  
 RULE NO.: 64B8-52.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to set forth criteria for instructors of laser and light-based hair removal courses.

SUBJECT AREA TO BE ADDRESSED: Training courses for laser and light-based hair removal or reduction.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 478.42(5), 478.43(3), 478.50 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 Love, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-52.004 Requirements for Approval of Training Courses for Laser and Light-Based Hair Removal or Reduction.

The Electrolysis Council will approve laser and light-based hair removal or reduction continuing education training courses upon application if the following requirements are met:

- (1) Continuing education providers seeking initial approval by the Council shall pay a fee of \$250, and shall complete and submit to the Council the application form entitled “Application for Laser and Light Based Hair Removal or Reduction Continuing Education Provider”, form DOH/MQA/EO/LASER/CEU/07/23/01, which is hereby

incorporated by reference and became effective July 23, 2001, copies of which may be obtained from the Council office at 4052 Bald Cypress Way, BIN C-05, Tallahassee, Florida 32399-3255. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Council approval, a continuing education program:

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

(3) The instructors of each laser and light-based hair removal course have two years of post-certification experience. Verifiable documentation of this experience must be submitted to the Council with the application.

Specific Authority 478.43 FS. Law Implemented 478.42(5), 478.43(3), 478.50 FS History--New 10-3-00, Amended 12-24-01, 12-26-02, 8-17-04, \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Developmental Services Program**

RULE TITLES:	RULE NOS.:
Definitions	65B-6.001
License Application and Renewal	65B-6.0015
Licensed Capacity and Clients Served	65B-6.002
License Denial, Suspension or Revocation	65B-6.003
License Violations	65B-6.004
Types of Licenses	65B-6.005
Other Licenses	65B-6.007
General Standards	65B-6.008
Staffing Requirements	65B-6.0081
Client Care and Supervision	65B-6.0082
Fire and Emergency Procedures	65B-6.0083
Foster Care Facility Standards	65B-6.009
Group Home Facility Standards	65B-6.010
Residential Habilitation Center Standards	65B-6.011
Comprehensive Transitional Education	
Program Standards	65B-6.013
Facility Siting	65B-6.014

PURPOSE AND EFFECT: This revision to the licensure of residential facilities rule is necessary in order to reflect the 2004 divestiture of the Agency for Persons with Disabilities from the Department of Children and Families. In addition to those requisite technical and conforming changes, a number of substantive revisions to this administrative rule have been made in order to effectuate policies and procedures regarding the licensure of residential facilities which serve persons with developmental disabilities.

SUBJECT AREA TO BE ADDRESSED: This rule revision delineates the requirements for the licensure of foster care facilities, group home facilities, residential habilitation centers, and comprehensive transitional education programs as well as the siting of such facilities on single parcels and adjacent parcels of land.

SPECIFIC AUTHORITY: 393.501(1), (2) FS.

LAW IMPLEMENTED: 393.067, 393.501(1), (2) FS.



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

TIME AND DATE: 10:00 a.m., March 14, 2006

PLACE: 4030 Esplanade Way, Conference Room 370A, Tallahassee, Florida 32399

TIME AND DATE: 1:00 p.m., March 15, 2006

PLACE: 400 West Robinson Street, South Tower, Conference Room B, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Rice, Operations Review Specialist, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)414-7649, e-mail: tom\_rice@apd.state.fl.us

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE TITLE:

RULE NO.:

Alternative Procedures for Resolution of Disputed Commercial Lines Residential Insurance Claims Arising from Hurricane and Tropical Storm Damage

69J-2.002

PURPOSE AND EFFECT: The rule establishes a mediation program for the resolution of disputed commercial residential insurance claims resulting from the 2004 and 2005 hurricanes and tropical storms that hit the State of Florida.

SUBJECT AREA TO BE ADDRESSED: The rule requires insurers to notify commercial residential policyholders of their right to request mediation of their disputed claims. The rule creates procedures for a notice of the right to mediation, requesting mediation, assignment of mediators, payment for mediation, scheduling mediation conferences, and the conduct of the mediation conference.

SPECIFIC AUTHORITY: 624.308, 626.9611, 627.7015(4) FS.

LAW IMPLEMENTED: 624.307(1),(2),(4),(5), 624.316, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a),(e), (i),(u), 626.9561, 626.9641(1)(g), 627.7015 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., March 13, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5802

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69J-2.002 Alternative Procedures for Resolution of Disputed Commercial Lines Residential Insurance Claims Arising from Hurricane and Tropical Storm Damage.

(1) Purpose and Scope. This rule implements Section 627.7015, F.S., by setting forth a mediation procedure prompted by the critical need for effective, fair, and timely handling of commercial lines residential insurance claims arising out of damages, caused by hurricanes and tropical storms during the 2004 and 2005 hurricane seasons (June 1 to November 30 of each year), to property insured by a commercial residential insurance policy. The procedure established by this rule is available to those first party claimants who have commercial residential claims resulting from damage to property located in the state of Florida. This rule does not apply to commercial insurance, private passenger motor vehicle insurance or to liability coverage contained in property insurance policies. Personal lines residential insurance claims can be mediated pursuant to a separate rule.

(2) Definitions. The following definitions apply to the terms of this rule as used herein.

(a) "Administrator" means the Department or its designee.

(b) "Authorized representative" means that individual who has been authorized, by the appropriate governing body of a condominium association, cooperative association, or homeowners' association, to represent the association at mediation, make decisions on the association's behalf at mediation, and enter into a binding settlement agreement on behalf of the association.

(c) "Claim" means any matter on which there is a dispute or for which the insurer has denied payment. A "claim" is not subject to mediation unless the amount of difference between the positions of the parties is \$500 or more notwithstanding any applicable deductible. A "claim" is not subject to mediation when the insurer has reported allegations of fraud involving that claim to the Department's Division of Insurance Fraud.

(d) "Department" means the Department of Financial Services or its designee.

(e) "Mediator" means an individual selected by the Department to mediate disputes pursuant to this rule. The mediators will be selected from a panel of circuit court-civil certified mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court Appointed Mediators.

(f) "Governing documents" are those documents creating the forms of property ownership governed by Chapters 718, 719, and 720, F.S., and those documents creating the entities governed by Chapters 718, 719, and 720, F.S.

(g) "Party" or "parties" includes the insured and the insurer, and their respective representatives.

(3) Notice of Right to Mediate Disputed Claims. The insurer shall mail a notice of the right to mediate disputed claims to the insured within 5 days of the time the insured or the Department notifies an insurer of a dispute regarding the insured's claim. An insurer shall mail to the insured a notice of the right to mediate disputed claims in the same mailing as the insurer's notice that the claim is to be denied. An insurer is not required to mail to the insured a notice of right to mediate disputed claims if the claim is denied because the amount of the claim is less than the applicable deductible. Notice shall be in writing and shall be legible, conspicuous, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statements: "Tom Gallagher, Chief Financial Officer for the State of Florida, has adopted an emergency rule to facilitate fair and timely handling of commercial residential property insurance claims arising out of the hurricanes that have devastated so many residences in Florida. The emergency rule gives you the right to attend a mediation conference with the insurer in order to settle any dispute about your claim. An independent mediator, who has no connection with the insurer, will be in charge of the mediation conference. You may begin the mediation process by completing a Commercial Residential Mediation Request Form and returning it to the Department of Financial Services. Forms are available by calling the Department at 1(800)227-8676 (1(800)22-STORM), by faxing the Department at (850)488-6372, or by logging onto the Department's website at <http://www.fldfs.com>. Once the Department receives your completed Commercial Residential Mediation Request Form, your insurance company will be notified, and will have 21 days to settle your claim before your request for mediation is further processed."

(4) Request for mediation. The Department shall notify the insurer upon receipt of a completed Commercial Residential Mediation Request Form. The Commercial Residential Mediation Request Form (Form No. DFS-I1-1669, Effective 12/05) is hereby incorporated by reference. Twenty-one (21) days from the date the Department receives the completed form, the Department will forward the form to the administrator for processing. If an insurer receives a request for mediation, the insurer shall promptly instruct the insured to call the Department at 1(800)227-8676 (1(800)22-STORM) to obtain a Commercial Residential Mediation Request Form.

(5) Mediation Costs. Pursuant to Section 627.7015(3), F.S., the insurer shall bear all costs associated with the mediation program. At the time the Department forwards the request form to the administrator for processing, the insurer

shall pay a non-refundable administrative fee of \$1,250 to the administrator to offset the expenses of the program. The insurer shall pay a \$300 hourly fee for the mediator's time during the mediation conference. The mediator's fee will be billed by the administrator to the insurer upon completion of the mediation, and payment shall be made to the administrator. If the parties settle the dispute within 5 days of the scheduled mediation conference, the insurer shall pay \$300 to the administrator for the mediator's fee.

(6) Selection of a Mediator. The administrator will select a mediator from a list of mediators previously approved by the Department. In selecting a mediator, the administrator will consider the costs associated with travel to the mediation conference for the mediator and the parties. A biographical sketch of the mediator shall be made available to the parties by the administrator.

(7) Scheduling of Mediation. Upon receiving a request for mediation, the administrator shall contact the parties, and schedule the mediation conference. The mediation conference shall be scheduled no more than 30 days from the date the Department forwards to the administrator a Commercial Residential Mediation Request Form. The administrator will notify the Department of the scheduled date for each mediation conference. The insurer shall notify the administrator as soon as possible after settlement of any claim that is scheduled for mediation conference pursuant to this rule.

(8) Mediation Conference Statement. Each party shall prepare a "mediation conference statement" which shall summarize the claim and the costs or damages sustained, identify prior demands and offers and provide the party's assessment of a fair resolution of the claim. The statement shall identify the location of the damaged property, and the claim and policy number for the insured. The statement shall identify and provide an address and telephone number for any professional advisor who will accompany a party to the mediation conference. A copy of each party's statement shall be provided to the mediator. Such statements shall be exchanged by the parties and provided to the mediator no later than 10 days before the mediation conference.

(9) Additional requirements for Insurers. The representative of the insurer attending the mediation conference must bring a copy of the policy and the entire claims file to the conference. The representative of the insurer attending the conference must know the facts and circumstances of the claim and be knowledgeable of the provisions of the policy. An insurer will be deemed to have failed to appear if the insurer's representative lacks authority to settle the full amount of the claim at the conclusion of the conference. If inspection and adjustment of the property at issue may be required before the dispute between the parties can be resolved, such inspection and adjustment shall occur before the mediation conference. A failure by the insurer to

inspect and adjust the property as necessary before the mediation conference shall constitute a failure to appear at the mediation conference under paragraph (11)(e), below.

(10) Condominiums, Cooperatives, and Homeowners' Associations. The governing board of those properties and entities created by the provisions of Chapters 718, 719 and 720, F.S., shall cause to be prepared the following documentation for review at the mediation conference:

(a) A document by which the governing board for the property or entity designates an authorized representative. It shall state the name of the condominium or cooperative, the name of the association, the date of the meeting at which the designation was made, the name of the designated individual(s), and the authority granted to said individual(s).

(b) A copy of those provisions in the governing documents for the property and entity which relate to (i) the insurance responsibilities of the entity and (ii) the responsibilities of the entity and the unit owners of the property for maintaining and repairing the property.

(c) For claims where there is damage to the structure of the building or foundation, a written, expert analysis of the damage to the property consistent with the standards required in Sections 607.0830(2) and 617.0830(2), F.S.

(d) A written analysis of the damage to the property that allocates the estimated damages between the individually owned parcels or units, the common elements or common areas, and the entity's property in a manner consistent with the governing documents.

(11) Mediation Conference.

(a) It is not necessary to engage a private attorney to participate in the mediation conference. Parties and their representatives must conduct themselves in the cooperative spirit of the intent of the law and this rule. Parties and their representatives must refrain from turning the conference into an adversarial process. Both parties must negotiate in good faith. A party will be determined not to have negotiated in good faith if the party, or a person participating on the party's behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators. The party responsible for causing termination shall be responsible for paying the mediator's fee and the administrative fee for any rescheduled mediation.

(b) A representative of the Department will be present at and participate in the conference if requested at least 5 days prior to the scheduled mediation by a party or the mediator to offer guidance and assistance to the parties. Representatives of

the Department who participate in the conference shall not assume an advocacy role but shall be available to provide legal and technical insurance information.

(c) The mediator will be in charge of the conference and will establish and describe the procedures to be followed. Mediators shall conduct the conference in accordance with the standards of professional conduct for mediation under the Florida Rules of Certified and Court-Appointed Mediators. Each party will be given an opportunity to present their side of the controversy. In so doing, parties may utilize any relevant documents and may bring any individuals with knowledge of the issues, such as adjustors, appraisers, or contractors, to address the mediator. The mediator may meet with the parties separately, encourage meaningful communications and negotiations, and otherwise assist the parties to arrive at a settlement. For purposes of this claims settlement process, mediators shall be deemed agents of the Department and shall have the immunity from suit provided to mediators in Section 44.107, F.S. All statements made and documents produced at a settlement conference shall be deemed settlement negotiations in anticipation of litigation.

(d) A party may move to disqualify a mediator for good cause at any time. The request shall be directed to the Department if the grounds are known prior to the mediation conference. Good cause consists of conflict of interest between a party and the mediator, inability of the mediator to handle the conference competently, or other reasons that would reasonably be expected to impair the conference.

(e) If the insured fails to appear, without good cause as determined by the Department, the insured may have the conference rescheduled only upon the insured's payment of the mediation fees for the rescheduled conference. If the insurer fails to appear at the conference, without good cause as determined by the Department, the insurer shall pay the insured's actual expenses incurred in attending the conference and shall pay the mediator's fee whether or not good cause exists. Failure of a party to arrive at the mediation conference within 30 minutes of the conference's starting time shall be considered a failure to appear. Good cause shall consist of severe illness, injury, or other emergency which could not be controlled by the insured or the insurer and, with respect to an insurer, could not reasonably be remedied prior to the conference by providing a replacement representative or otherwise. If an insurer fails to appear at conferences with such frequency as to evidence a general business practice of failure to appear, the insurer shall be subject to penalty, including suspension, revocation, or fine for violating Section 626.9541(1)(i), F.S.

(12) Post Mediation. If the parties reach a settlement, the mediator shall provide a copy of the settlement agreement to the Department and the administrator within 5 days of the conclusion of the conference. Mediation is non-binding. However, if a settlement is reached, it shall act as a release of

all specific claims that were presented in the conference. Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs that would have been covered under the policy but for the release.

(13) If the insured decides not to participate in this claim resolution process or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured's insurance policy, by litigation, or by any other dispute resolution procedure available under Florida law.

(14) If as a result of mediation it is determined that the only coverage applicable is provided under the National Flood Insurance Program, the administrative fee and mediator's fee paid by the insurer for the mediation shall be refunded to the insurer or credited to the insurer's account with the administrator.

(15) The Department is authorized to designate an entity or person as its administrator to carry out any of the Department's duties under this rule.

(16) If a court holds any subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance invalid, the remainder of the rule shall not be affected thereby.

(17) The applicable provisions of Rule 69B-166.031, F.A.C., shall govern issues relating to mediation that are not addressed in this rule. The provisions of this rule shall govern in the event of any conflict with the provisions of Rule 69B-166.031, F.A.C.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a),(e),(i),(u), 626.9561, 626.9641(1)(g), 627.7015 FS. History—New \_\_\_\_\_

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Elections

RULE TITLE:

RULE NO:

Third-Party Voter Registration Organizations

1S-2.042

PURPOSE AND EFFECT: The purpose of the proposed rule is to implement the provisions of Section 97.0575, F.S., as set forth in Chapter 2005-277, Laws of Florida. The proposed rule provides guidance to and forms to be used by third-party voter registration organizations to register and report voter registration drives. The proposed rule also provides forms for voter registrant complaints and supervisor of elections' reports of violations. The proposed rule also includes procedures for

documenting receipt and processing voter registration applications submitted by third-party voter registration organizations.

SUMMARY: The proposed rule provides procedures and forms for addressing voter registration activities conducted by third-party voter registration organizations and investigating violations under Section 97.0575, F.S. The proposed rule incorporates by reference four forms that relate to registration of third-party voter registration organizations, quarterly reports of voter registration drives, voter registrant complaints and reports of violations.

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(3), 97.012(1),(2), 97.0575 FS.

LAW IMPLEMENTED: 97.0575 FS.

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

TIME AND DATE: 1:30 p.m., Monday, March 13, 2006

PLACE: Florida Heritage Hall, 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, (850)245-6531, no later than March 8, 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: 1(800)955-8770 (Voice) or 1(800)955-8771.

Copies of the proposed rule and the forms incorporated by reference may be obtained by writing or contacting directly the Division of Elections, Department of State, 3rd Floor, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6531, or by viewing or downloading from the Division of Elections' website: <http://elections.dos.state.fl.us/index.html>.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.042 Third-Party Voter Registration Organizations.

(1) Forms. The Department of State, Division of Elections, is authorized to adopt forms for registration, reporting and complaint forms as pertains to third-party voter registration

organizations. The following forms are hereby incorporated by reference and available from the Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contacting at (850)245-6200, or by download from the Division of Elections' rules webpage at: <http://elections.dos.state.fl.us/index.html>:

(a) Form DS DE 106 (eff. \_\_\_\_ / \_\_\_\_), entitled "Form for Registration and Registered Agent of Third-Party Voter Registration Organization."

(b) Form DS DE 107 (eff. \_\_\_\_ / \_\_\_\_), entitled "Quarterly Report Form for Voter Registration Drives by Third-Party Voter Registration Organization."

(c) Form DS DE 108 (eff. \_\_\_\_ / \_\_\_\_), entitled "Form for Complaint Against Third-Party Voter Registration Organization."

(d) Form DS DE 109 (eff. \_\_\_\_ / \_\_\_\_), entitled "Supervisor of Elections' Report of Alleged Violation(s) by Third-Party Voter Registration Organization."

(2) Registration.

(a) A third-party voter registration organization shall use Form DS DE 106 to submit the name of a registered agent and register the organization prior to conducting any voter registration activities. The organization shall file the form with the Division of Elections.

(b) The Division shall assign a unique identification number to the third-party voter registration organization. The Division shall also provide the registered agent of the organization a packet of information containing at a minimum, a copy of Section 97.0575, F.S., this rule and Forms DS DE 106 and DS DE 107. The Division shall post on the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> and keep current a list of the registered third-party voter registration organizations, the names of their registered agents with contact information, and the assigned identification number.

(c) A registered third-party voter registration organization is responsible for providing written notice to the Division of Elections of any change in information submitted on Form DS DE 106 as filed with the Division and shall also use such form to update or revoke a registration.

(3) Voter Registration Drive Quarterly Report.

(a) A third-party voter registration organization shall use Form DS DE 107 to submit a report to the Division of Elections at the end of each calendar quarter as to whether any organized voter registration drives were conducted in the preceding calendar quarter. If no drives were conducted, the organization shall indicate so on the form.

(b) The quarterly reports are due no later than April 15, July 15, October 15, and January 15 to cover the preceding calendar quarter respectively. If a due date falls on a Saturday, Sunday or legal holiday, the report is due on the next day which is not a Saturday, Sunday or legal holiday.

(4) Voter Registration Applications Submitted by a Third-Party Voter Registration Organization. The following procedures apply in processing voter registration applications submitted by a third-party voter registration organization:

(a) A third-party voter registration organization that submits a voter registration application by hand-delivery or by mail shall enclose the application in an envelope or container that is clearly marked on the exterior with the name and address of the organization.

(b) The Division of Elections or the voter registration official shall request that the person who hand-delivers a voter registration application sign a register or log indicating his or her name and the name of the third-party voter registration organization on whose behalf the application is being submitted. The Division of Elections or the voter registration official shall stamp or mark the voter registration application or the envelope or the mailing label of the container in which the application is enclosed with the applicable receipt date as set forth in paragraph (c). The Division or the voter registration official shall retain with the voter registration application the information of the person who hand-delivered the application, or the original of the envelope or mailing label of the container in which the application was enclosed. If more than one voter registration application is enclosed in the envelope or container, a copy of the stamped envelope or mailing label of the container shall be kept with the voter registration application.

(c)1. The receipt date of a voter registration application that has been hand-delivered by a third-party voter registration organization is the date that the application is first received by the Division of Elections or the voter registration official.

2. The receipt date of a voter registration application that has been mailed by a third-party voter registration organization is the date of the postmark on the envelope or the mailing label of the container. If the envelope or the mailing label of the container does not bear a postmark or the postmark is unclear, the receipt date of a voter registration application is the date the Division or the voter registration official received the application except that if the voter registration application is received within 5 days after the closing of the books for an election for any federal or state office, excluding Saturdays, Sundays, and legal holidays, the receipt date for the application is the book closing date of that election.

(d) A voter registration application submitted by a third-party voter registration organization shall be processed without delay in accordance with state and federal law in the same manner as a voter registration application received from any other source. If the voter registration application is submitted by a third-party voter registration organization directly to the Division, the Division shall process the application and then forward all documentation to the supervisor of election of the voter registrant's county of residence.

(5) Complaints, Reports, and Investigations.

(a) The Division of Elections may investigate a potential violation of Section 97.0575, F.S., upon the receipt of a complaint submitted pursuant to paragraph (b) or a supervisor of elections' report filed pursuant to paragraph (c). The Division may enlist the assistance of law enforcement in conducting an investigation and may refer the matter if a criminal violation might have occurred.

(b) Any person claiming to have been registered by a third-party voter registration organization but whose name does not appear as an active voter on the voter registration rolls may file a written complaint with the Division of Elections and shall use Form DS DE 108. The Division of Elections shall notify such complainant of the outcome of any investigation.

(c) A supervisor of elections of the voter registrant's county of residence may report to the Division any potential violation of Section 97.0575(3), F.S. The supervisor of elections shall submit the report using Form DS DE 109 to report such violations and attach copies of all supporting documentation to the Division. The supervisor of elections of the voter registrant's county of residence shall retain the original documentation in his or her office records.

(6) Fines.

(a) If Division of Elections finds that a third-party voter registration organization has violated Section 97.0575(3), F.S., the Division shall issue an administrative order that shall include the name of the third-party voter registration organization, the ground(s) for the violation, the number of voter registration applications involved, where the violation(s) occurred, the amount of the fine assessed per voter registration application, whether the fine was reduced, if applicable, and the time limit for payment of the fine.

(b) A third-party voter registration is only entitled to a fine reduction if the organization, in accordance with Section 97.0575(1), F.S., was registered and submitted a timely report for the preceding quarterly calendar period corresponding to the voter registration application and voter registration drive activity that are the subject of the administrative order.

(c) Such administrative fine is to be paid no later than thirty (30) days from the date the administrative order is issued.

(7) Prohibition. No person or entity otherwise exempt under Section 97.012(36), F.S., may delegate or otherwise confer exempt status to a third-party voter registration organization to conduct an organized voter registration drive on its own. A political party that is otherwise exempt under Section 97.012(36), F.S., does not mean a political committee or political club.

Specific Authority 20.10(3), 97.0575 FS. Law Implemented 97.021(36), 97.0575 FS. History--New \_\_\_\_\_.

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: February 15, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED: August 12, 2005

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Agricultural Water Policy**

RULE CHAPTER TITLE: Best Management Practices

RULE CHAPTER NO.: 5M-7

for Gulf Citrus

RULE TITLES: Purpose

RULE NOS.: 5M-7.001

Approved BMPs

5M-7.002

Presumption of Compliance

5M-7.003

Notice of Intent to Implement

5M-7.004

Record Keeping

5M-7.005

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUMMARY: The purpose of Chapter 5M-7, F.A.C., is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state. Chapter 5M-7, F.A.C., references the document titled *Best Management Practices for Gulf Citrus*, which provides details on the practices which will be used to achieve the purpose. The manual, which may be obtained from the FDACS Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249, lists approved BMPs for the Gulf Citrus growing region of Florida.

Citrus growers wishing to participate in the program will file a *Notice of Intent to Implement* (NOI), and will agree to confirm implementation by preserving documentation sufficient for the purpose. Upon implementation of BMP practices, growers will be granted a presumption of compliance.

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: 403.67(7)(c)2. FS.

LAW IMPLEMENTED: 403.67(7)(c)2. FS.

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

TIME AND DATE: 10:00 a.m. – 11:30 a.m., March 17, 2006
PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, Conner Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Ken Kuhl: FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-7.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New

5M-7.002 Approved BMPs.

The document titled Best Management Practices for Gulf Citrus is hereby adopted by reference in this rule for the area contained within the Gulf Citrus growing region of Florida. Copies of the document may be obtained from the FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Blvd. Suite 200, Tallahassee, FL 32301. (850)488-6249.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New

5M-7.003 Presumption of Compliance.

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices the applicant must:

- (1) Conduct an assessment of the subject properties using the Gulf Citrus BMP Checklist.
(2) Submit a Notice of Intent to Implement as outlined in Rule 5M-7.004, F.A.C.
(3) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.
(4) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New

5M-7.004 Notice of Intent to Implement.

A Notice of Intent to Implement best management practices shall be submitted to FDACS, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301.

(1) Such notice shall identify practices the applicant will implement. The notice shall also include: the name of the property owner; the location of the grove(s); the property tax ID number(s); a timeline for implementation; the gross acreage on which each practice will be implemented; the name and contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent.

(2) Once filed with FDACS, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(c)2., F.S.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New

5M-7.005 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive based programs identified in the Notice of Intent to Implement. All documentation is subject to FDACS inspection.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Ken Kuhl: FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Rich Budell: FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2005

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Fixed Guideway Transportation Systems Safety Criteria
RULE CHAPTER NO.: 14-55
RULE TITLES: General Provisions Reports; Investigations; Audits; Corrective Actions of Accidents; and Unacceptable Hazardous Conditions
RULE NOS.: 14-55.0012 14-55.0013

PURPOSE AND EFFECT: Two rules are being repealed as they have been superseded by Rule 14-15.017, F.A.C. Repeal of these two rules is part of the Department’s overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary.

SUMMARY: Two rules are being repealed as they have been superseded by Rule 14-15.017, F.A.C.

SPECIFIC AUTHORITY: 334.044(2), 341.061(1) FS.

LAW IMPLEMENTED: 341.061(1) FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: 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 FULL TEXT OF THE PROPOSED RULES IS:

14-55.0012 General Provisions.

Specific Authority 334.044(2), 341.041(3) FS. Law Implemented 341.041(3) FS. History--New 5-22-97, Repealed\_\_\_\_\_.

14-55.0013 Reports; Investigations; Audits; Corrective Actions of Accidents; and Unacceptable Hazardous Conditions.

Specific Authority 334.044(2), 341.061(1) FS. Law Implemented 341.061(1) FS. History--New 5-22-97, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Mike Johnson, Administrator, Transit Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2006

DEPARTMENT OF TRANSPORTATION

Florida Seaport Transportation and Economic Development Council

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Small County Dredging Grant Program	14B-2
RULE TITLES:	RULE NOS.:
Definitions	14B-2.001
Port Project Funding Application	
Procedures and Requirements	14B-2.002
Measuring Economic Benefits	14B-2.003
Determination of Funding; Project	
Review Group/Agency Review	14B-2.004
Council Procedures	14B-2.005
Eligible Port Funding Requirements	14B-2.006
Reporting Requirements	14B-2.007

PURPOSE AND EFFECT: To implement the provisions of Section 311.115, F.S., by creating an administrative process to review and approve or disapprove applications for dredging grants.

SUMMARY: This rule implements the provisions of Section 311.115, F.S., by providing procedural and applicant requirements to seek and receive state funding for dredging projects located in small counties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No regulatory costs on any parties are estimated with this proposed rule.

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

SPECIFIC AUTHORITY: 311.115 FS.

LAW IMPLEMENTED: 311.115 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE ADMINISTRATIVE WEEKLY. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael L. Rubin, Assistant Secretary, Florida Seaport Transportation and Economic Development Council, 502 East Jefferson Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

14B-2.001 Definitions.

(1) “Council” means the Florida Seaport Transportation and Economic Development Council as defined in Section 311.09(1), F.S.

(2) “Dredging Project” means a project to dredge or deepen channels, turning basins, or harbors.

(3) “Eligible Costs” means costs that are specifically required to initiate or complete a dredging project. Examples of eligible costs include: dredging and dredging machinery costs, design and engineering, permitting costs, environmental mitigation, and other infrastructure costs associated with the dredging project.

(4) “Eligible Port” means a port authority, as defined in Section 315.02(2), F.S., in a county having a population of less than 300,000, according to the last official census, that complies with the permitting requirements in Part IV of Chapter 373, F.S., and the local financial management and reporting provisions of Part III of Chapter 218, F.S.

(5) “Matching Funds” means those funds provided by the eligible port from any source other than the Florida Department of Transportation which shall, at a minimum, be an amount equal to the program funds allocated to the eligible port for a dredging project.



(6) “Program Funds” means those funds appropriated specifically for small county dredging projects in the annual appropriations bill passed by the Legislature and approved by the Governor.

(7) “Project Review Group” means the review group designated by the Council to review applications. Such group must include the three state agency representatives from the Council: one voting representative from the Department of Transportation; one voting representative from the Department of Community Affairs; and one voting representative from the Governor’s Office of Tourism, Trade, and Economic Development. The Project Review Group shall also include two voting seaport representatives from the Council.

Specific Authority 311.22 FS. Law Implemented 311.22 FS. History–New \_\_\_\_\_.

14B-2.002 Port Project Funding Application Procedures and Requirements.

(1) An application shall be accepted only from an eligible port. The eligible port shall apply for the grant by either electronically submitting or mailing to the Council an application entitled “Small County Seaport Dredging Project Application”, Form FSTED-2, hereby incorporated by reference, effective August, 2005. Applications shall be submitted by the authorized representative of such port.

(2) Applications must be submitted to the Council during the time period designated by the Project Review Group pursuant to Rule 14B-2.005, F.A.C., of these rules. Application forms are available via the following website: [www.flaports.org](http://www.flaports.org), or by contacting the Florida Ports Council at their offices at 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

(3) The Project Review Group will have fifteen (15) days from the application submission deadline to examine the application and notify the applicant of any apparent errors or omissions and to request any needed additional information. The applicant shall then have fifteen (15) days from receipt of the request to provide the additional information. The application shall not be considered to be properly completed if the additional information is not provided.

Specific Authority 311.22 FS. Law Implemented 311.22 FS. History–New \_\_\_\_\_.

14B-2.003 Measuring Economic Benefits.

Each eligible and complete application shall be reviewed to determine the economic benefit of the dredging project measured by the potential for the proposed project to increase or maintain cargo flow, domestic and international commerce, port revenues, and the number of jobs for the port’s local community.

Specific Authority 311.22 FS. Law Implemented 311.22 FS. History–New \_\_\_\_\_.

14B-2.004 Determination of Funding; Project Review Group/Agency Review.

(1) The Project Review Group shall review and determine whether each application is complete and eligible for program funds within one hundred twenty (120) days of the application deadline. After such determination, the Project Review Group shall submit complete and eligible applications to the Secretary of Transportation; the Office of Tourism, Trade, and Economic Development; and the Secretary of Community Affairs for their review pursuant to this section.

(2)(a) Upon receipt of the applications and appropriate project information from the Project Review Group, the Department of Transportation, Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development shall review the projects to determine whether there are any conflicts with state transportation and/or growth management plans, local approved local government comprehensive plans of the units of local government in which the port is located, or with any pertinent port master plan.

(b) The Office of Tourism, Trade, and Economic Development shall review the projects to evaluate the economic benefit of each project based upon the information required by Rule 14B-2.003, F.A.C.

(c) Within forty-five (45) days from receipt of the applications, the Department of Transportation, Department of Community Affairs, and Office of Tourism, Trade and Economic Development shall notify the Council whether the projects are eligible for funding or ineligible due to a conflict or lack of economic benefit. Should additional information be requested from one or more applicants to evaluate conflicts or economic benefit, the time limit for the review and notice to the Project Review Group shall be extended fifteen (15) days following receipt of the requested information.

(3) The Council shall review the findings of the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development, and the Department of Transportation, and cast a vote to approve or disapprove funding for projects found eligible and not in conflict by the above agencies. Projects found to be in conflict pursuant to subsections (2), (3), and/or lacking an economic benefit pursuant to subsection (4) shall not be eligible for program funds. If enough appropriated funds are available to provide program funds to all eligible projects, the Council shall recommend funding for all projects found eligible and not in conflict pursuant to this rule section. If an adequate amount of appropriated funds are not available, the Council shall prioritize appropriated funds to those projects providing the greatest economic benefit.

(4) The Council shall submit to the Department of Transportation a list of approved projects for funding. Additionally, the Council shall submit to the department a list

of unfunded eligible projects that should receive additional program funds if such funds were made available in the next fiscal year.

Specific Authority 311.22 FS. Law Implemented 311.22 FS. History–New \_\_\_\_\_.

14B-2.005 Council Procedures.

(1) The Council shall allocate program funds for approved projects. A majority vote of the voting Council members present is sufficient to approve funding for a specific port dredging project and is sufficient for the Council to allocate funding for all approved projects. A majority vote of the voting Council members present is sufficient to disapprove funding for a specific port dredging project.

(2) Contingent upon the available appropriated funds, the Council shall publish in the Florida Administrative Weekly and any other appropriate publication method the period for submitting application for program funds. The Council shall ensure that the publication provides eligible ports with adequate notice to submit an applications. The application submission period must be for a period of not less than thirty (30) days. The Council may provide for more than one (1) application submission period in a fiscal year.

(3) Applicants whose dredging projects are not recommended for funding in any given year may reapply for subsequent funding consideration by the Council.

(4) The Council shall publish in the Florida Administrative Weekly, at least seven (7) days prior to Council meetings or workshops, notification of the time and place the Council will meet to discuss, review, and/or vote upon dredging projects. Such meetings or workshops shall be open to the public. At least seven (7) days prior to a meeting, the Council shall prepare and make available an agenda for distribution on request of any interested person.

(5) The Council may elect to provide an administrative staff, by contract or otherwise, to provide services to the Council on matters relating to the program and the Council.

Specific Authority 311.22 FS. Law Implemented 311.22 FS. History–New \_\_\_\_\_.

14B-2.006 Eligible Port Funding Requirements.

(1) Any project that receives funds pursuant to Section 311.22, F.S., shall be subject to a final audit pursuant to Department of Transportation rules and regulations.

(2) Funds received by eligible ports shall be expended on eligible costs only. If program funds are not expended on eligible costs, then the port shall immediately reimburse the Council for its share of the ineligible expenditures.

(3) Eligible ports awarded program funds shall enter into a written Joint Participation Agreement (JPA) with the Department of Transportation. The Department of Transportation will reimburse the eligible port an amount equal to amount approved by the Council on an approved project. This reimbursement will be made upon receipt of an invoice

showing total eligible costs incurred to date, less reimbursements received to date. These reimbursements will be made in compliance with the payment requirements set forth in Section 215.422, F.S. The final reimbursement to the port will be released upon the satisfactory completion of a final audit conducted by the Florida Department of Transportation.

(4) Eligible ports awarded program funds shall pay an administrative fee to the Council for the administration of the small county dredging program, based upon each recipient's share of the funds. The administrative fee shall be paid in its total amount by the recipient port upon execution by the port and the Department of Transportation of a joint participation agreement. The Council shall vote on and set such fee at a properly noticed public hearing of the Council.

Specific Authority 311.22 FS. Law Implemented 311.22 FS. History–New \_\_\_\_\_.

14B-2.007 Reporting Requirements.

The eligible port shall enter into the Department of Transportation's Joint Participation Agreement, as prescribed by the Department pursuant to Section 339.137, F.S., which sets forth the duties and obligations of the parties thereto regarding the expenditure and receipt of funds prior to any expenditure of state funds.

Specific Authority 311.22 FS. Law Implemented 311.22 FS. History–New \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Michael L. Rubin

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:**

Nancy Leikauf

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:**

June 9, 2005

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:**

August 19, 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**

**Florida Hurricane Catastrophe Fund**

**RULE TITLES:**

Reimbursement Contract

Procedures to Determine Ineligibility for

Participation in the Florida Hurricane

Catastrophe Fund and to Determine

Exemption from Participation in the

Florida Hurricane Catastrophe Fund

Due to Limited Exposure

**RULE NOS.:**

19-8.010

19-8.012

Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes	19-8.013
Insurer Reporting Requirements	19-8.029
Insurer Responsibilities	19-8.030

PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, is proposing to amend the following rules in order to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2006-2007 Contract Year: Rules 19-8.010, 19-8.012, 19-8.013, 19-8.029 and 19-8.030, F.A.C.

SUMMARY: Proposed amended Rule 19-8.010, F.A.C., adopts the reimbursement contract for the Contract Year 2006-2007. The proposed amendments to Rule 19-8.012, F.A.C. clarifies the exemption requirements. The proposed amendments to Rule 19-8.013, F.A.C., are both clarification and implementation of Section 215.555(3), F.S. Proposed amended Rule 19-8.029, F.A.C., adopts forms for insurer reporting to the Florida Hurricane Catastrophe Fund for the 2006-2007 Contract Year and updates incorporated forms. The proposed amendments to Rule 19-8.030, F.A.C. consist of clarifications and amendments necessitated by the losses experienced during the 2004 and 2005 hurricane seasons.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: With respect to the rules proposed for amendment, 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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7),(10) FS.

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

TIME AND DATE: 1:00 p.m. – 4:00 p.m., March 20, 2006

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1346, at least five (5) calendar days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1340

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.010 Reimbursement Contract.

(1) through (11) No change.

(12) The reimbursement contract for the 2006-2007 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2006K – “Reimbursement Contract” or

“Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2006 through May 31, 2007.

~~(13)~~(12) Copies of the reimbursement contract may be obtained from the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1346.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History–New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05,\_\_\_\_\_.

19-8.012 Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund Due to Limited Exposure.

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

1. A detailed explanation of any premium appearing on the insurer’s Florida Statutory Page 14, Exhibit of Premiums and Losses Form 2 of the National Association of Insurance Commissioners annual statement for lines of business which may contain covered policies. These lines are: Fire, Allied Lines, Homeowners Multiple Peril, Commercial Multiple Peril (non-liability portion), Inland Marine, Farmowners Multiple Peril.

2. A copy of the insurer’s Statutory Page 14, Exhibit of Premiums and Losses Form 2 of the annual statement, required by Section 624.424, F.S., and any rules adopted thereunder, for the State of Florida for the applicable year.

3. Form FHCF-E1, “Statement related to Covered Policies as defined in Section 215.555(2)(c), F.S.,” rev. 5/~~2006~~05, signed by two executive officers attesting to the fact that the insurer writes no covered policies. Form FHCF-E1 is hereby adopted and incorporated by reference. The form may be obtained from the Fund’s Administrator at the address stated in this paragraph.

(c)1. through 3. No change.

(3) Procedures to Determine Exemption from the Fund Due to Limited Exposure.

(a) An insurer requesting exemption from participation in the Fund because its exposure for covered policies, as defined in Section 215.555(2)(c), F.S., and in Article V of the reimbursement contract, as adopted and incorporated by reference in Rule 19-8.010, F.A.C., is less than \$10 million in the aggregate shall submit a written request for a determination regarding such an exemption no later than June 1 of the upcoming contract year. The request shall be sent to the Fund’s Administrator, Paragon Strategic Solutions Inc., at 3600

American Boulevard West, Suite 700, Minneapolis, Minnesota 55431. The insurer shall submit the following information no later than June 30 of the upcoming contract year:

1. A detailed explanation of any premium appearing on the insurer's Florida Statutory Page 14, Exhibit of Premiums and Losses Form 2 of the National Association of Insurance Commissioners annual statement for lines of business which may contain covered policies. These lines are: Fire, Allied Lines, Homeowners Multiple Peril, Commercial Multiple Peril (non-liability portion), Inland Marine, Farmowners Multiple Peril.

2. A copy of the insurer's Statutory Page 14, Exhibit of Premiums and Losses Form 2 of the annual statement, required by Section 624.424, F.S. and any rules adopted thereunder, for the State of Florida for the applicable year.

3. Form FHCF-E2, "Information regarding FHCF Covered Policies In-force at May 31, \_\_\_\_\_," rev. 5/200605. Form FHCF-E2 is hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in this paragraph.

4. Form FHCF-E3, "Statement related to Aggregate Exposure for Covered Policies as defined in Section 215.555(2)(c), F.S., on behalf of \_\_\_\_\_," rev. 5/200605, signed by two executive officers attesting to the fact that the insurer writes no covered policies with an aggregate exposure of \$10 million or more. Form FHCF-E3 rev. 5/200605, is hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in this paragraph.

(b)1. through 3. No change.

4. The exemption for minimal exposure permitted by Section 215.555(3), F.S., is optional for the insurer but, once the exemption is requested, cannot be withdrawn by the insurer. An insurer with less than \$10 million in aggregate exposure for covered policies is not required to ask for an exemption from the Fund. Such an insurer may continue to participate in the Fund if it so desires. An insurer which has been granted an exemption from the Fund may request to be reinstated in the Fund as a participating member. However, such a request must be made no later than June 1 of each contract year. No insurer which has been granted an exemption under this subsection shall be reinstated during the Atlantic Hurricane Season, which begins June 1 and ends November 30 of each year, so long as its aggregate exposure remains below \$10 million.

5. No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2)(c),(3),(4),(5) FS. History--New 2-17-97, Amended 6-2-02, 5-13-03, 5-19-04, 5-29-05, \_\_\_\_\_.

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes.

(1) through (4)(c)1. No change.

2. Except as required by Section 215.555(7)(c), F.S., or as described in the following sentence, Reimbursement Premiums, together with earnings thereon, received in a given Contract Year will be used only to pay for losses attributable to Covered Events occurring in that Contract Year or for losses attributable to Covered Events in subsequent Contract Years and will not be used to pay for past losses or for debt service on revenue bonds. Amounts collected as part of the premium that are attributable to the rapid cash buildup factor, as permitted by Section 215.555(5)(b), F.S., may be used to pay for losses attributable to prior Contract years. Pursuant to Section 215.555(6)(a)1., F.S., Reimbursement Premiums, ~~or~~ earnings thereon or amounts collected as part of the premium that are attributable to the rapid cash buildup factor, may be used for payments relating to revenue bonds in the event Emergency Assessments are insufficient. If Reimbursement Premiums are used for debt service, then the amount of the Reimbursement Premiums, earnings thereon, or amounts collected as part of the premium that are attributable to the rapid cash buildup factor so used shall be returned, without interest, to the Fund when Emergency Assessments remain available after making payments relating to the revenue bonds and any other purposes for which Emergency Assessments were levied.

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

3. The emergency assessment is subject to interest on delinquent remittances at the average rate earned by the SBA for the FHCF for the first five months of the Contract Year plus 5%. The emergency assessment is also subject to annual adjustments by the Board to reflect changes in premiums subject to assessments in order to meet debt obligations.

(5)(a) No change.

(b) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insurer shall remit to the entity identified in the Order, an amount equal to the required percentage of its direct written premium for the ~~prior~~ calendar year to which the assessment applies from all Assessable Lines. Medical malpractice is an Assessable Line of business but only as to covered events occurring on or after June 1, 2007. In addition, pursuant to the doctrine of federal pre-emption, policies issued as part of the National Flood Insurance Program are not subject to the Emergency Assessment. The required percentage will be determined in accordance with Section 215.555(6)(b), F.S., and the procedures set out in subsection (4) of this rule.

(c) No change.

(d) Lines of Business Subject to Assessment.

1. The lines of business described in subparagraph 2., below, are the lines of business subject to the Emergency Assessment under Section 215.555(6)(b)(1), F.S.. For ease of reference, the lines of business are written and listed as they appear on Statutory Page 14 Form 2 Exhibit of Premiums and Losses in the property and casualty annual statement of the

National Association of Insurance Commissioners required to be filed by authorized insurers pursuant to Section 624.424, F.S.

2. No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4), (5),(6),(7) FS. History--New 9-18-97, Amended 12-3-98, 9-12-00, 6-01-03, 5-19-04, 5-29-05,\_\_\_\_\_.

19-8.029 Insurer Reporting Requirements.

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

(b) Commutation means that period of time which is not less than 36 months or more than 60 months after the end of the Contract Year during which the loss occurrence took place.

(c)(b) Contract Year means the time period which begins June 1 of each calendar year and ends May 31 of the following calendar year.

(d)(e) Covered Policy is defined in Section 215.555(2)(c), F.S., and the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.

(e)(d) Data Call means the annual reporting of insured values forms. These forms are the FHCF-D1A for Contract Years after the 2002/2003 year and the FHCF-D1A and FHCF-D1B for the Contract Year 2002/2003 and all prior years.

(f)(e) FHCF or Fund means the Florida Hurricane Catastrophe Fund.

(g)(f) Independent Consultant means the independent individual, firm, or organization with which the State Board of Administration of Florida (Board) contracts to prepare the premium formula and any other actuarial services for the FHCF, as determined under the contract with the consultant.

(h)(g) Loss Reporting Forms mean the FHCF-L1A and FHCF-L1B for Contract Years after the 2002/2003 Contract Year and means the FHCF-L1A, FHCF-L1B and FHCF-L1C for the Contract Years 2002/2003 and all prior years.

(i)(h) Office of Insurance Regulation means that office within the Department of Financial Services and which was created in Section 20.121(3), F.S.

(3) through (4)(g) No change.

(h) For the 2006/2007 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, "Florida Hurricane Catastrophe Fund 2006 Data Call," rev. 05/2006, hereby adopted and incorporated by reference. The form may be obtained from the Fund's Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(5) Loss Reimbursement Reporting Requirements.

(a) As directed by the Board, after a covered event occurs, insurers shall report all their estimated ultimate net losses (as defined in the Reimbursement Contract, adopted and incorporated into Rule 19-8.010, F.A.C.) for Covered Policies on Form FHCF-L1A, "Florida Hurricane Catastrophe Fund

Interim Loss Report," rev. ~~05/2006~~ 05/2005, which is hereby adopted and incorporated by reference, in no less than fourteen days from the date of the notice from the Board that such a report is required. The Board may request subsequent Interim Loss Reports. To obtain copies of this form, see paragraph (6), below. Prompt reporting in the format requested will aid the Board in determining whether to seek additional sources of funds to pay for reimbursable losses. The losses reported on the Interim Loss Report Form FHCF-L1A are expected to result from a good faith effort on the part of the insurer to report as accurately as possible. Preliminary reports will not be binding. Reimbursements by the Fund will be made on the basis of the Proof of Loss Report Form FHCF-L1B, adopted in (b) below.

~~(b) If an insurer expects covered losses to exceed its retention, it shall report its paid and outstanding covered losses for each occurrence as of month end by the fifteenth of the following month in accordance with the table below:~~

<del>Submit Form FHCF-L1A Monthly For Losses under Covered Events prior to:</del>	<u>File by:</u>
<del>June 30/XXXX</del>	<u>July 15/XXXX, and on the 15th of each month through November</u>
<del>July 31/XXXX</del>	<u>August 15/XXXX, and on the 15th of each month through November</u>
<del>August 31/XXXX</del>	<u>September 15/XXXX, and on the 15th of each month through November</u>
<del>September 30/XXXX</del>	<u>October 15/XXXX and November 15/XXXX</u>
<del>October 31/XXXX</del>	<u>November 15/XXXX</u>

(b)(e) Insurers shall report their ultimate net losses (as defined in the Reimbursement Contract, adopted and incorporated into Rule 19-8.010, F.A.C.) for each loss occurrence on Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," rev. 05/2006 05/2005, which is hereby adopted and incorporated by reference. To obtain copies of this form, see subsection (6), below. To qualify for reimbursement, the Proof of Loss Report must have the original signatures of two executive officers authorized by the Company to sign the report. Proof of Loss Reports may be faxed only if the Company does not qualify for a reimbursement.

While a Company may submit a Proof of Loss Report requesting reimbursement at any time following a ~~Loss~~ occurrence, all Companies shall submit a mandatory Proof of Loss Report for each ~~Loss~~ occurrence no earlier than December 15 and no later than December 31 of the Contract Year during which the Covered Event(s) occurs using the most current data available, regardless of the amount of Ultimate

Net Loss or the amount of loss reimbursements or advances already received. ~~Reports may be faxed only if the Company does not qualify for a reimbursement. Annually, all Companies shall submit a mandatory year-end Proof of Loss Report for each Loss Occurrence, using the most current data available unless the Company has no losses. This Proof of Loss Report shall be filed no earlier than December 15 and no later than December 31 of each year and shall continue until the earlier of the expiration of the commutation period or until all claims and losses resulting from the Loss Occurrence are fully discharged including any adjustments to such losses due to salvage or other recoveries. "Commutation" shall mean that period of time which is not less than 36 months or more than 60 months after the end of the Contract Year during which the Loss Occurrence took place. In reporting losses, deductibles or attachment points shall be applied first to the coverages provided by the FHCF. After the mandatory December Proof of Loss Report, quarterly Proof of Loss Reports are required. For purposes of this rule, quarterly Proof of Loss Reports shall be those reports submitted at each quarter end date after December 31 of the Contract Year in which the loss occurrence occurs and continuing until all claims and losses resulting from loss occurrences commencing during the Contract Year are fully discharged in accordance with the reporting requirements in this paragraph. "Fully Discharged" means the earlier of the date on which the insurer has paid its policyholders in full or the commutation clause, in Article X of the Reimbursement Contract, adopted in Rule 19-8.010, F.A.C., takes effect. For the quarterly report due on 3/31, any insurer whose losses reach or exceed 50% of its FHCF retention for a specific loss occurrence shall submit a Proof of Loss Report for that loss occurrence report its losses on Form FHCF-L1B. For the quarterly report due on 6/30, any insurer whose losses reach or exceed 75% of its FHCF retention for a specific loss occurrence submit a Proof of Loss Report for that loss occurrence shall report its losses on Form FHCF-L1B. For the quarterly reports due on 9/30 and thereafter, any insurer which anticipates that its losses will exceed reach 100% or more of its FHCF retention for a specific loss occurrence shall submit quarterly Proof of Loss Reports report its losses on Form FHCF-L1B until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. For purposes of this rule, quarterly Loss Reports shall be those reports submitted at each quarter end date after December 31 of the Contract Year in which the covered event occurs and continuing until all claims and losses resulting from loss occurrences commencing during the Contract Year are fully discharged in accordance with the reporting requirements in this paragraph. "Fully Discharged" means the earlier of the date on which the insurer has paid its policyholders in full or the commutation clause, in Article X of the Reimbursement Contract, adopted in Rule 19-8.010, F.A.C., takes effect. Annually, all Companies which experienced losses for a specific loss occurrence, but are not required to report quarterly~~

loss reports for that loss occurrence because they do not meet the quarterly requirements outlined in this section, shall submit a mandatory year-end Proof of Loss Report for each loss occurrence, using the most current data available unless the Company has no losses. This Proof of Loss Report shall be filed no earlier than December 1 and no later than December 31 of each year and shall continue until the earlier of the expiration of the commutation period or until all claims and losses resulting from the loss occurrence are fully discharged including any adjustments to such losses due to salvage or other recoveries.

~~(c)(d)~~ As a result of reports submitted on Form FHCF-L1B, reimbursements to insurers shall be adjusted in accordance with Section 215.555(4)(d)1., F.S., which requires the Fund to pay additional amounts to insurers and insurers to return overpayments to the Fund, based on the most recent calculation of losses.

(6) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5), (6),(7),(15) FS. History--New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, \_\_\_\_\_.

19-8.030 Insurer Responsibilities.

(1) through (4)(a) No change.

(b) New Participants during the period of June 1 through November 30: Those Insurers that first begin writing Covered Policies from June 1 through November 30 of a Contract Year are "New Participants." New Participants must designate a coverage level in the annual Reimbursement Contract, make any required selections therein, and execute the Contract simultaneously with issuing the first Covered Policy. The completed and executed Reimbursement Contract, including all required selections and schedules, must be returned no later than 30 days after the effective date of the first Covered Policy is issued.

(c) through (6) No change.

(7) Examination Requirements. Company is required to prepare and retain an exam file in accordance with the specifications outlined in the Data Call instructions and a detailed claims listing to support losses reported on the Proof of Loss Report. Such records must be retained until the FHCF has completed its examination of a Company's exposure submission and any loss reports applicable to the Data Call Contract Year. The records provided for examination must be from the exam file as originally prepared unless a subsequent resubmission was sent to the FHCF. Note that both Citizens and Insurers participating in Quota Share Primary Insurance Arrangements must keep complete and accurate records, including copies of policy declaration pages and supporting claims documents, for the purpose of exposure and loss reimbursement examinations by the FHCF.

(a) Advance Examination Record Requirements: Within 30 days from the date on the letter from the FHCF, Companies are required to provide the FHCF with the records indicated in

Form FHCF-EAP1 ~~API~~, “Exposure Examination Advance Preparation Instructions” rev. 05/2006 or in Form FHCF-LAP1 “Loss Reimbursement Examination Advance Preparation Instructions”, 05/2006 ~~5/05~~. An extension of 30 days may be granted if the Insurer can show that the need for the additional time is due to circumstances beyond the reasonable control of the participant. ~~These forms are is form~~ is hereby adopted and incorporated by reference into this rule. Copies of ~~these forms this form~~ may be obtained from the FHCF website, www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308.

(b) On-site Examination Record Requirements: The FHCF-EAP1 ~~API~~, “Exposure Examination Advance Preparation Instructions” form and the FHCF-LAP1, “Loss Reimbursement Examination Advance Preparation Instructions” each contains a list of the information that the Companies must have available, on-site, on the date the exposure or loss examination is to begin. These records must be made available to the FHCF examiner upon request.

(c) Response to the FHCF Examination Report: Within 30 days from the date of the letter accompanying the examination report, a Company must provide a written response to the FHCF. The response must indicate whether the Company agrees with the recommendation of the examination report. If the Company disagrees with the examination findings, the reason for the disagreement will be outlined in the response and the Company will provide supporting information to support its objection.

(d) Resubmissions/Updates as a Result of a Completed Examination: A Company required to resubmit exposure data or update a Proof of Loss Report as a result of the examination must do so within 30 days of the date on the letter from the FHCF notifying the Company of the need to resubmit. An extension of 30 days will be granted if the Company can show that the need for additional time is due to circumstances beyond the reasonable control of the Company.

(8) Loss Reporting. Participating Insurers are required to file the following two types of loss reports at the times prescribed in Rule 19-8.029, F.A.C. Form FHCF-L1A, “Florida Hurricane Catastrophe Fund Interim Loss Report,” rev. 05/2006 ~~5/05~~ and Form FHCF-L1B, “Florida Hurricane Catastrophe Fund Proof of Loss Report, rev. 05/2006 ~~5/05~~. Both of these forms are hereby adopted and incorporated by reference into this rule.

(9) through (b) No change.

(c) Consequences for Failure to meet the requirements contained in the FHCF-EAP1, “Exposure Examination Advance Preparation Instructions” ~~the~~ FHCF-LAP1, “Loss Reimbursement Examination Advance Preparation Instructions” or the on-site examination record requirements in a timely manner: In addition to other penalties or

consequences, the FHCF has the authority, pursuant to Section 215.555(4)(f), F.S., to require that the Insurer pay for the following services under the circumstances outlined below:

- 1. through 3. No change.
- (10) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-13-03, Amended 5-19-04, 5-29-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jack E. Nicholson, Senior FHCF Officer, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005, Vol. 31, No. 51 as to all rules but Rule 19-8.012, F.A.C. This notice was published on December 30, 2005, Vol. 31, No. 52.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural  
RULE CHAPTER NO.: 40D-1

RULE TITLE: Delegation of Authority  
RULE NO.: 40D-1.002

PURPOSE AND EFFECT: The proposed rule amendment will incorporate the Well Construction Permitting Agreement between the Southwest Florida Water Management District and the Marion County Health Department Agreement by reference into Rule 40D-1.002, F.A.C. The Agreement accomplishes delegation by the District of its well construction regulation program to the Marion County Health Department.

SUMMARY: The proposed rule incorporates the Marion County Well Construction Delegation Agreement into the District’s rules. As a result of the delegation, Marion County Health Department staff will be responsible for implementing the District’s well construction program pursuant to the terms of the Agreement. The Agreement prescribes the scope of the delegated authority and the conditions and standards under which the Marion County Health Department must operate the program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rule 40D-1.002, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

(1) through (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County Board by County Commissioners, effective May 24, 2005.

(b) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County Health Department, effective May 24, 2005.

(c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Marion County Health Department, effective \_\_\_\_\_, 2006.

Specific Authority 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS. Law Implemented 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tony Gilboy, Well Construction Regulation Manager, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4305

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural  
RULE CHAPTER NO.: 40D-4

RULE TITLE: Publications and Agreements Incorporated  
RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The proposed rule amendment will adopt revised maps of drainage basins in Appendix 6 and revised maps of watersheds in Appendix 4 of the ERP Basis of Review to correspond with the recent changes to the District's boundaries by the Legislature. The ERP Basis of Review is incorporated by reference into subsection 40D-4.091(1), F.A.C.

SUMMARY: Recent changes to District boundaries by the Legislature have created inaccuracies in the ERP drainage basins map and watersheds map. Amendments to the two maps are proposed to reflect the new District boundaries and update the District's rules.

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

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

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

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

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



(1) Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, \_\_\_\_\_, 2006. This document is available from the District upon request.

(2) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History--New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-08-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clark Hull, PWF ERP Program Director, Technical Services, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4302

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-6.011
Definitions	40E-6.021
Exemptions	40E-6.051

PURPOSE AND EFFECT: This rulemaking concerns proposed revisions to parts of Chapter 40E-6, of the F.A.C., as it pertains to recreational and passive uses on the Districts right of ways. This rulemaking effort will remove any such uses and relocate them under Chapter 40E-7, Part V, F.A.C., the "Public Use Guide" which allows for ease and consistency to the public in regard to recreational uses and activities on District lands. This allows the District to create a single Chapter within the Florida Administrative Code concerning public recreational access to and use of South Florida Water Management District lands.

SUMMARY: The proposed amendments to Chapter 40E-6, F.A.C., will remove those portions of the Rule concerning recreational and passive use of the District's rights of way and relocate them to Chapter 40E-7, Part V, F.A.C., to create a consolidated rule dealing with public's access to and recreational use of all District lands, including its rights of ways.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 259.101, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 259.101, 373.016, 373.056, 373.103, 373.139, 373.1391, 373.1395, 373.1401, 373.59, 373.085, 373.086, 373.118, 373.129 FS.

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

TIME AND DATE: 9:00 a.m., April 12, 2006

PLACE: Okeechobee Shrine Club, 1855 S. W. 53rd Street, Okeechobee, FL 34974

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fred Davis, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 5720, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6636, (561)682-6636, internet: fdavis@sfwmd.gov

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

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

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

40E-6.011 Policy and Purpose.

(1) through (10)(a) No change.

~~(11) It is further the policy of the District to allow, without charge for admission or use, public, passive recreational uses of District owned rights of way, given legally sufficient District property interests. However, nothing contained herein shall limit the District's ability to, either temporarily or permanently, limit or otherwise preclude public access to certain portions of District works and lands, such as structures and associated facilities.~~

(11)(12) In managing its canal and levee system the District must, from time to time, change its criteria and permit requirements based on regional and site specific conditions. Applicants are cautioned that the information provided by District staff is based on the best available information at the time the information is conveyed, but is subject to change. This is particularly true when applicants delay months or years in submitting an application for permit. Therefore the rules, criteria and requirements in effect at the time a formal application is received for review will be applied to the permit application.

Specific Authority 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.118, 373.129, 373.1395, FS. History--New 9-3-81, Formerly 16K-5.01(1), Amended 12-29-86, 9-15-99, \_\_\_\_\_.

40E-6.021 Definitions.

(1) through (9) No change.

~~(10) The term "passive recreational use" when used in these rules is intended to mean conventional leisure activities, with minimal land or water resource impacts, which include such uses as walking, jogging, hiking, bicycling, fishing, nature appreciation, and equestrian use. Passive recreational use shall not include the use of motorized vehicles, with the exception of motorized wheelchairs necessary for use by disabled persons.~~

~~(10)(11)~~ The term "permit transfer" when used in these rules is intended to mean the changing of responsibility for the permit authorization from one person or entity to another.

~~(11)(12)~~ The term "right of way" when used in these rules is intended to mean those lands acquired by the District in fee, easement, or other type of grant, for the purpose of operations and maintenance of the District's canal and levee system, spoil areas, Stormwater Treatment Area's (STA's), and access and other easements.

~~(12)(13)~~ The term "right of way occupancy permit" when used in these rules is intended to mean a revocable license to occupy the works or lands of the District, either by a notice general permit or a standard permit.

~~(13)(14)~~ The term "STA" when used in these rules is intended to mean the District's Everglades Nutrient Removal Project ("ENR"), as well as those areas currently, or in the future, designated by the District as Stormwater Treatment Area's.

~~(14)(15)~~ The term "standard permit" when used in these rules is intended to mean a revocable license to occupy the works or lands of the District for all uses not covered by a notice general permit, with a full review by District staff, as set forth herein, and requiring Governing Board approval.

~~(15)(16)~~ The term "top of bank" when used in these rules is intended to mean the point at which the flat or nearly level ground surface transitions down to the channel along the side slope of the canal bank.

~~(16)(17)~~ The term "tree" when used in these rules is intended to mean not only the trunk of the tree, but the farthest part of the canopy of the tree at maturity as well.

~~(17)(18)~~ The term "utility" when used herein means companies actually providing essential water, electric, telephone, sewer, or natural gas services. All other services shall be considered non-essential.

~~(18)(19)~~ The term "violator" when used in these rules is intended to mean any persons or entities acting contrary to the provisions of Chapter 373, F.S., these rules, as well as the provisions of any permit issued pursuant to these rules.

~~(19)(20)~~ The term "Works of the District" when used in these rules is intended to mean the canals, levees, structures, lands, water bodies, and other associated facilities which have been adopted as such by the District's Governing Board.

~~(20)(21)~~ The term "Zone 1" when used in these rules is intended to mean the canal channel from the top of bank to the opposite top of bank, as depicted in Figure 1.

~~(21)(22)~~ The term "Zone 2" when used in these rules is intended to mean the point on the right of way from the top of bank to a point five (5) feet landward, as depicted in Figure 1.

~~(22)(23)~~ The term "Zone 3" when used in these rules is intended to mean the point on the right of way from a point five (5) feet landward from top of bank to a point twenty (20) feet landward, as depicted in Figure 1.

~~(23)(24)~~ The term "Zone 4" when used in these rules is intended to mean the point on the right of way from a point twenty (20) feet landward from top of bank to a point forty (40) feet landward, as depicted in Figure 1.

~~(24)(25)~~ The term "Zone 5" when used in these rules is intended to mean any right of way located further than forty (40) feet from the top of bank, as depicted in Figure 1.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.085, 373.086 FS. History--New 9-15-99, Amended \_\_\_\_\_.

40E-6.051 Exemptions.

(1) No change.

(a) through (e) No change.

~~(f) Passive recreational use.~~

(2) through (4) No change.

Specific Authority 373.044, 373.113, FS. Law Implemented 373.085, 373.086 FS. History--New 12-24-91, Amended 9-15-99, \_\_\_\_\_.

40E-6.311 Access to Works and Lands of the District; Closures.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.119, 373.1395 FS. History--New 9-15-99, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Fred Davis, Division Director, Land Stewardship Division  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District  
DATE PROPOSED RULE APPROVED BY AGENCY:  
February 8, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: May 6, 2005

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-7.511
Scope and Applicability	40E-7.520
Definitions	40E-7.521
Access to District Lands; Closures	40E-7.523

Use of Vehicles, Vessels, and Aircraft;	
Navigational Restrictions	40E-7.525
Equestrian Activities; Use of Saddle Animals	40E-7.526
Hunting; Possession and Use of Firearms	
or Hunting Devices	40E-7.527
Bicycling	40E-7.528
Overnight Camping	40E-7.529
Trapping	40E-7.530
Operating Hours	40E-7.532
Special Use Licenses	40E-7.534
Event Authorization	40E-7.535
General Prohibitions	40E-7.537
Special Provisions for Management Areas	
of the District Open to the Public	40E-7.538
Special Provisions for Right of	
Way of the District	40E-7.5381
Special Provisions for Vacant Undesignated	
District Lands Open to the Public	40E-7.5382
Special Provisions for Stormwater	
Treatment Areas (STA's) of the	
District Open to the Public	40E-7.5383
Special Provisions for Impoundment	
Areas of the District Open to the Public	40E-7.5384
Penalties	40E-7.539

**PURPOSE AND EFFECT:** This rulemaking concerns proposed revisions to Chapter 40E-7, Part V, F.A.C., pertaining to public access to and recreational use of South Florida Water Management District lands. The proposed rules will (1) update the District's existing public access and recreational use rules concerning management areas, (2) relocate those portions of Chapter 40E-6, F.A.C., concerning public access to and recreational use of District rights-of-way to Chapter 40E-7, Part V, F.A.C., and (3) establish rules concerning public access to and recreational use of the District's stormwater treatment areas, impoundment areas and vacant undesignated lands. By consolidating these rules under Chapter 40E-7, Part V, F.A.C., the District will provide the public and land managers with rules that are more consistent with each other and easier to access and use, which should, in turn, increase the public's use of District lands for recreational purposes in ways that are compatible with the purpose for which the lands were acquired.

**SUMMARY:** The Rule establishes general rules for all District lands, as well as specific rules for those lands identified as conservation lands, rights of way, stormwater treatment areas, impoundments and vacant undesignated lands. The general rules address the use of vehicles, vessels and aircraft, equestrian activities, hunting, bicycling, camping and trapping on all District lands, with exceptions or prohibitions relative to specific project types contained in separate sections for each type of land. Those portions of Chapter 40E-6, F.A.C., concerning recreational and passive use of District rights of way will be relocated to Chapter 40E-7, Part V. The Rule will also provide for the issuance of "event authorizations" for

those types of events which are not otherwise contemplated by the Rule provided they meet certain criteria set forth in the Rule.

**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:** 259.101, 373.044, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 259.101, 373.016, 373.056, 373.103, 373.139, 373.1391, 373.1395, 373.1401, 373.59, 373.085, 373.086, 373.118, 373.129, 373.4592 FS.

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

**TIME AND DATE:** 9:00 a.m., April 12, 2006

**PLACE:** Okeechobee Shrine Club, 1855 S. W. 53rd Street, Okeechobee, FL 34974

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Fred Davis, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 5720, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6636, (561)682-6636, internet: fdavis@sfwmd.gov

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

40E-7.511 Policy and Purpose.

(1) The purpose of the rule in this part is to further implement the legislative intent expressed in Sections 259.101, 373.016(2)(h), 373.1391, 373.1395, and 373.59(11), F.S., and Chapter 140, Article IV, South Florida Water Management District Policies and Procedures Code, District Land Management Policy 5.001, and therefore, to establish regulations governing public access to certain District lands and use of said lands for nature based recreation ~~outdoor recreational~~ and allied purposes. It is the intent of these regulations to protect the water resources, native plant communities, fish and wildlife populations, and related natural features of these lands together with any historic and cultural improvements thereon.

(2) Nothing contained in these regulations shall be construed as an assurance by the District that said District lands management areas are safe for any purpose, that the District has a duty of care toward any person entering said lands or that the District is responsible for any injuries or damage to persons or property caused by an act or omission of any person who enters said District lands management areas, including invitees, licensees, contractors, trespassers or other persons.

Specific Authority 279.101, 373.044, 373.113, 373.171 FS. Law Implemented 259.101, 373.016, 373.056, 373.103, 373.1391, 373.1395, 373.59 FS. History--New 5-24-94, Amended 1-5-03,\_\_\_\_\_.

40E-7.520 Scope and Applicability.

~~(1) Everglades Water Conservation Areas One, Two, and Three are exempt and will not be affected or governed by these rules.~~

~~(1)(2) The general regulations contained herein are broad in scope and applicable to all District lands management areas.~~

~~(2)(3) The regulations are applicable to all persons entering upon, using, or visiting said District lands management areas.~~

~~(3)(4) A copy of the regulations contained herein may ~~shall~~ be posted at entry points, activity areas, and recreation sites equipped with bulletin boards or otherwise made reasonably available to the public.~~

~~(5) The District shall publish and make available to the public, upon request, a "Public Use Guide for Designated Land Management Areas". The Public Use Guide will be considered by the Governing Board at a public meeting advertised in accordance with Chapter 120, F.S. Only rules adopted by the Governing Board shall be effective. Copies of the Public Use Guide are available during working hours from the District headquarters.~~

~~(4)(6) Consistent with the environmental sensitivity of these areas and the purposes for which the lands were acquired, and all rights, privileges, and protections afforded by the provisions of Section 373.1395, F.S., all District lands management areas (including park areas, other land areas, and water areas) are hereby deemed open and available to the public for outdoor recreational purposes and access unless otherwise limited, restricted, or prohibited by special provision in this rule, by specific provision included in the Governing Board's designated boundary change to an existing management area or the Governing Board's creation of a new management area, or as set forth in the Public Use Guide. Nothing in this rule shall prevent other federal, state, or local agencies, including but not limited to those with management contracts with the District, from requiring compliance with their own rules, permits, regulations, ordinances, or laws to the fullest extent of their lawful authority.~~

~~(5)(7) Any signage, prohibiting access to or, use of District lands restricting the use of portions of the management areas (including District land areas, park areas, or water areas) shall~~

only apply to the property or area set forth in or delineated by such signage and a presumption shall exist that all other portions of the Management Areas, Stormwater Treatment Areas, and Impoundment Areas where public access or use is not (including District lands, park areas and water areas) specifically prohibited identified are open and available for outdoor recreational purposes unless otherwise limited, restricted or prohibited by the Governing Board. This provision shall not be construed to impede enforcement of trespass statutes including but not limited to Chapter 810, F.S.

(6) Chapter 40E-7, Part V, F.A.C., is supplemental to the laws, statutes, ordinances, and rules of other governmental entities where cooperative agreements for management of certain public uses of district lands have been approved by the Governing Board.

(7) Exemptions.

(a) District office buildings, service centers, field stations, water control structures and other facilities.

(b) District lands that are under a land management lease or agreement with city, county, state, federal agencies, or private entities, including without limitations Water Conservation Areas 1, 2 and 3.

(c) District lands that are commercially leased lands will not be governed by these rules unless the lease specifically permits public access.

(d) District lands on Tribal Reservations.

(e) Lands in which the District has a less than fee interest where the underlying fee owner has restricted or prohibited public access.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.056, 373.1391, 373.1395, 373.1401, 373.59 FS. History--New 5-24-94, Amended 11-12-95, 1-7-97, 11-13-97, 1-1-99, 1-5-03,\_\_\_\_\_.

40E-7.521 Definitions.

When used in this part:

(1) "Activity area" means a zone within a management area designated for specific recreational activities.

(2) "Access point" means a designated location or boundary for public access to District land a management area.

(3) "Allied purposes" means other related outdoor activities including, but not limited to, frogging, photography, painting, environmental education, and nature study.

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

(5) "Designated road" means any road, path, lane, or trail officially designated by name or number for public vehicular travel.

(6) "District land" means any real property in which the District has an interest and is limited to Management Areas, Stormwater Treatment Areas, Impoundment Areas, Right of Way, and vacant undesignated lands.

(7) “Event Authorization” means a permission to access and use District lands in a manner not otherwise provided for or authorized in this part.

(8) “Executive Director” means the person who is in the position of Executive Director for the South Florida Water Management District.

(9) “Facility” or “Structure” means any object placed on District lands which is intended to be permanently attached to the land for which would be considered a fixture under Florida law.

(10) “Firearm” means a shotgun, rifle, pistol, revolver or muzzleloader designed to expel a projectile by the action of an explosive and any air gun, gas gun, blow gun, crossbow, spear, or any other device mechanically propelling an arrow, spear, or other projectile or any starter gun or blank firing device.

(11) “Group campsite” means a designated campsite for campers whose total is eight (8) or more people.

(12) “Horse cart” means a non-motorized two (2) wheeled vehicle pulled by a single saddle animal.

(13) “Hunting device” means any mechanical device used to take or attempt to take wildlife or feral hogs.

(14) “Idle Speed” means the minimum speed at which a motorized vessel is able to move and maintain adequate steering control.

(15) “Impoundment Area” means District lands designated by the Governing Board as an Impoundment Area.

(16) “Leased” means the granting of either an exclusive or non-exclusive use of or interest in District lands for a specified period of time.

(17)(6) “Outdoor recreational purposes” means natural resource based outdoor recreational activities including, but not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, canoeing, boating, airboating, scuba diving, birding, sailing, jogging, picnicking, pleasure driving, nature study, water skiing, motoreveling, and visiting historical, archaeological, scenic or scientific sites.

(18)(7) “Management Area” means:

(a) Any Save Our Rivers land, other District land, or combination thereof, designated by the Governing Board as a Management Area listed in the Public Use Guide and, Such lands are managed as a single and distinct units for the purpose of restoring, preserving, and protecting the water and related environmental resources of said area, including regulating the public uses thereon, and

(b) Any such lands, acquired by the District since the most recent update of the Public Use Guide and designated by the Governing Board as a boundary change of contiguous lands to an existing management area, or by the creation of a new management area.

(19)(8) “Management Unit” means a portion of any Save Our Rivers land or other District land within a management area that requires a specific public use regulation due to legal,

cultural or environmental factors uniquely affecting the specific unit of land, but which is not applicable to the entire management area.

(20)(9) “Natural Resources” mean water, soils, flora, and fauna.

(21) “Personal watercraft” means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motorized power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(22)(40) “Primitive Camping” means no amenities are provided.

(41) “Public Use Guide” means the document updated and approved bi-annually by the Board which sets forth management areas, the general rules and regulations governing public use, and any special provisions applicable thereto, and shall also include periodic supplements as to those management area lands referenced in paragraph 40E-7.521(6)(b), F.A.C., above.

(23)(42) “Recreation site” means an improved or unimproved site established to facilitate public use of a designated Management Area, Stormwater Treatment Area, Impoundment Area, Right of Way or vacant undesignated land.

(24)(43) “Recreational trail” means saddle animal riding, hiking, canoeing, bicycling, or jogging trails for use by the public.

(25) “Right of Way” means the Right of Way acquired for the construction, operation, and maintenance of the canals and levees adopted as Works of the District pursuant to Section 373.086, F.S. These Right of Way include the canals, levees, maintenance berms and spoil mounds located thereon.

(26)(44) “Saddle animal” means any animal used to transport a person or property.

(27) “Service animal” means an animal such as a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.

(28) “Special Use License” means a type of license granted by the District to allow access to and use of certain District lands and facilities as set forth in this Part.

(29) “Stormwater Treatment Area” means District lands designated by the Governing Board as a Stormwater Treatment Area.

(30) “Vacant undesignated land” means any land owned by the District that is not designated as a Management Area, Stormwater Treatment Area, Impoundment Area, or Right of Way which land is greater than ten (10) acres and has legal and practical public access.

(31) “Vessel” is synonymous with a boat as referenced in s. 1(b), Art. VII of the Florida State Constitution and includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

Specific Authority 373.019, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.1391, 373.59 FS. History—New 5-24-94, Amended 11-13-97, 1-1-99, 1-5-03,\_\_\_\_\_.

(Substantial rewording of Rule 40E-7.523 follows. See Florida Administrative Code for present text.)

40E-7.523 Access to District Lands Management Areas; Closures.

(1) When designated access points are indicated, entry onto and exiting from Management Areas, Stormwater Treatment Areas, and Impoundment Areas by the general public is only authorized at those designated access points.

(2) Entry onto and exiting from Right of Way may be at any legal public access point.

(3) District lands or areas within District lands shall be closed to public use under the following conditions:

(a) When necessary during emergency conditions such as floods, severe weather events, or wildfire for public safety and the protection of natural resources. Such closures shall require the approval of the Executive Director and concurrence of the Governing Board. In no event shall such closures exceed forty-five (45) days duration absent reconsideration and approval by the Governing Board.

(b) When necessary, in the judgment of the Executive Director or the Governing Board, based upon available information at the time, on a temporary, seasonal or permanent basis to protect natural, historic or archaeological resources. Such closures, to the extent they exceed forty-five (45) days, shall require approval by the Governing Board.

(c) During certain days, hours or periods of time, when such closure is necessary to implement land management practices such as prescribed burning, vegetation spraying, construction, operations, maintenance, research studies, data collection, resource protection, or as a condition of a contract or permit.

(d) Upon the designation by the Governing Board pursuant to Section 373.6055, F.S., that certain District lands or facilities are “critical infrastructure”, as designated by the Regional Domestic Security Task Force pursuant to applicable law, whereupon such lands or facilities shall be immediately deemed closed for public use without further action required by the Governing Board.

(e) Specific uses permitted on District lands may be restricted to certain areas within those lands.

(4) Regulated closures under subsection 40E-7.523(3), F.A.C., temporary, seasonal, or permanent closures of District lands or areas within District lands will be posted at authorized points of entry or at an established boundary within said areas.

(5) The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

(6) Entry into and exiting from Management Areas and Right of Way from vessels is allowed when these lands are open for public access.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.119, 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-1-99, 1-1-01,\_\_\_\_\_.

(Substantial rewording of Rule 40E-7.525 follows. See Florida Administrative Code for present text.)

40E-7.525 Use of Vehicles, Vessels, Airboats, and Aircraft; Navigational Restrictions.

(1) The operation of licensed and unlicensed vehicles on District lands is prohibited with the following exception: District lands are open to licensed vehicles on designated named and numbered roads only unless otherwise authorized.

(2) Any person who drives a vehicle on District lands shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person.

(3) Motorized vehicle operators shall comply with posted speed limits on District lands and roads. If no speed limit is posted, the speed limit is 20 mph. Speed limits are not applicable to airboats, except when the latter are operated on roads on District lands.

(4) Parking or operating a motor vehicle, or trailer, in an unauthorized location or in a manner blocking roads, levees, maintenance berms, gates, or water control structures is prohibited except where the District has affirmatively opened a roadway or a parking area for such use.

(5) Servicing or maintaining vehicles and equipment is prohibited except when in conjunction with authorized recreational activities and allied purposes.

(6) The operation of unlicensed swamp buggies, tracked vehicles, off-road or off highway all terrain vehicles, motorcycles, off-road motorcycles or motocross motorcycles, or any other type of motorized vehicle on District lands is prohibited unless otherwise approved by an Event Authorization.

(7) Any restrictions to navigation established pursuant to state or federal law, applicable to District lands, shall be specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C., and reasonably identified in the field by appropriate signs.

(8) No person shall enter or exit District lands from a vessel or airboat when public access to such land is closed.

(9) No person shall launch an airboat or motorized vessel except at designated boat launch facilities. Ramps constructed pursuant to Rule 40E-6, F.A.C., shall be deemed to be designated boat launch facilities.

(10) No person shall operate an airboat or vessel beyond posted District signs.

(11) The take off or landing of either motorized or non-motorized aircraft, including airplanes, helicopters, ultra lights, gliders and hang gliders, is prohibited except in an emergency or for official business.

(12) The take off or landing of model aircraft is prohibited unless otherwise specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C., or approved by an Event Authorization.

Specific Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, 373.016, 373.1391, 373.59 FS. History--New 5-24-94, Amended 1-5-03,\_\_\_\_\_.

(Substantial rewording of Rule 40E-7.526 follows. See Florida Administrative Code for present text.)

40E-7.526 Equestrian Activities; Use of Saddle Animals.

(1) Equestrian activities are allowed on vacant undesignated lands and on Right of Way on existing canal maintenance berms and levee tops. On all other District lands equestrian activities are allowed on designated trails and established roads where permitted by signs. District lands requiring a Special Use License for equestrian activities are identified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.

(2) Users of saddle animals on District owned land must possess proof of negative Coggins test on their person.

(3) Equestrian activities are not permitted in wetland areas.

(4) The use of a horse cart as defined by subsection 40E-7.521(12), F.A.C., is permitted on Right of Way on existing canal maintenance berms and levee tops. On all other District lands, horse carts are prohibited except as authorized in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, 373.016, 373.1391, 373.59 FS. History--New 5-24-94, Amended 1-5-03,\_\_\_\_\_.

40E-7.527 Hunting; Possession and Use of Firearms or Hunting Devices.

(1) Consistent with Chapter 790, F.S., and other applicable provisions of local, state and federal law, concerning hunting or the possession and use of firearms or hunting devices, such as the rules of the Florida Fish and Wildlife Conservation Commission and the United States Department of Interior, Fish and Wildlife Service, hunting, unlawful possession, discharge, and use of firearms, hunting devices or archery equipment, trapping devices and the releasing of free-running hunting dogs are prohibited on District lands management areas unless the land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations. Nothing contained in Chapter 40E-7, Part V, F.A.C., shall be construed to prohibit the lawful possession of concealed weapons by persons properly licensed by the State of Florida to carry concealed weapons. The prohibition on the possession

and discharge of firearms or hunting devices shall not apply on land approved by the District for use as a small arms shooting range.

(2) Public hunting on District lands management areas is regulated, administered and enforced by the Florida Fish and Wildlife Conservation Commission, or the U.S. Department of the Interior, Fish and Wildlife Service in cooperation with the District. If a public hunting area, is permitted on District lands, included in a management area, it shall be posted as prescribed by Chapter 810, F.S. Management Areas currently established as public hunt areas are noticed in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C. the Public Use Guide.

(3) Public hunting areas shall only be established on District lands management areas with approval of the Governing Board. Board approval shall be given at a public meeting which shall be advertised as required by Chapter 120, F.S. The District may enter into management agreements with the entity to be responsible for managing the public hunting on the management area. Agreements between the District and the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service are considered to be authorizations to remove designated game species. The agreements will be available at the District headquarters for review by the public.

(4) No person shall hunt or possess a hunting device or firearm except during regulated hunting seasons established and managed by the Florida Fish and Wildlife Conservation Commission.

(5) Erecting or maintaining tree stands on District lands more than 10 days before or more than 10 days after any authorized hunting season is prohibited.

(6) Placing, exposing or distributing any grain or other food for wildlife is prohibited.

(7) Hunting from improved roads is prohibited.

(8) Hunting in posted safety zones is prohibited.

(9) Hunting beyond posted signs is prohibited.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.1401, 373.59, 790, 810.09 FS. History--New 5-24-94, Amended 1-1-01, 1-5-03,\_\_\_\_\_.

40E-7.528 Bicycling.

Bicycling is allowed on vacant undesignated lands and on Right of Way on existing canal maintenance berms and levee tops. On all other District lands, bicycling is allowed on designated trails and established roads except where restricted by signs. Lands requiring a Special Use License for bicycling are identified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.1401, 373.59, 790, 810.09 FS. History--New \_\_\_\_\_.

40E-7.529 Overnight Camping.

(1) ~~Management Areas Overnight, primitive camping on management areas is permitted unless otherwise specified in the Public Use Guide.~~

(a) ~~Overnight, primitive camping on a first-come, first-serve basis is permitted only at designated campsites and shall require a Special Use License as specified in Rule 40E-7.538, F.A.C.~~

(2) ~~Any restrictions applicable to overnight camping shall be specified in the Public Use Guide.~~

(b) ~~(3) Designated campsites and amenities within specific Management Areas shall be specified in the Public Use Guide and reasonably identified in the field by appropriate signs or markers.~~

(c) ~~(4) Overnight camping or the presence of camping equipment shall be limited to five (5) consecutive days, or 30 total days per year per District land where camping is authorized, unless authorized by Special Use License.~~

(d) ~~Use of group campsites in Management Areas requires a Special Use License.~~

(2) Stormwater Treatment Areas, Impoundment Areas and Right of Way

(a) Overnight, primitive camping is permitted only along the Florida National Scenic Trail when in possession of a Special Use License.

(b) Overnight camping or the presence of camping equipment shall be limited to one (1) night unless authorized by a Special Use License.

(3) No person shall install, erect, or maintain any unauthorized camp, building, structure, shelter, residence or sign.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New 5-24-94, Amended 11-13-97, 1-1-99, 1-5-03,\_\_\_\_\_.

40E-7.530 Trapping.

Trapping is prohibited on all District lands except where authorized by an Event Authorization which shall be limited to scientific study or removal of nuisance species. Trapping on District land is regulated, administered and enforced by the Florida Fish and Wildlife Conservation Commission.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New \_\_\_\_\_.

40E-7.532 Operating Hours.

District lands Management areas shall be open to public use twenty-four (24) hours a day ~~seven (7) days a week~~ except during authorized closures as set forth in subsection 40E-7.523(3)(2), F.A.C., above or unless otherwise specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C. Public Use Guide.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.119, 373.1391, 373.59 FS. History—New 5-24-94, Amended \_\_\_\_\_.

40E-7.534 Special Use Licenses.

(1) A Special Use License, issued by the District's Land Stewardship Division or its authorized agents or contractors at no cost to the public, shall be required to engage in select activities on District lands management areas identified by the Governing Board, ~~during the bi-annual update of the Public Use Guide, as set forth in subsection 40E-7.521(9), F.A.C., above,~~ when determined necessary to protect the natural resources of said areas, prevent overuse of facilities, or to avoid conflicts between users. District lands Management Areas with Special Use License requirements, including the daily quota for Special Use Licenses for each District land, if any, each management area, shall be specified in Rules 40E-7.538, 40E-7.5381, 40E-7.5382, 40E-7.5383 and 40E-7.5384, F.A.C. the Public Use Guide.

(2) A Special Use Application and License shall be submitted to the District on Form #0830. Upon receipt of a properly completed Special Use Application and License Form #0830, the District's ~~Division of Land Stewardship~~ Division shall issue Special Use Licenses on a first come first served basis until the daily quota established by the District for that activity is reached.

(3) Special Use Licenses shall only be valid for the dates shown on the License and must be in the possession of the applicant while on the identified District land management area. If the applicant is a group, then the license must be in the possession of the designated group leader.

(4) Persons wishing to obtain a Special Use License, when required by the District, may apply in person, call, or write to request a copy of Special Use Application and License Form #0830 from the District at the following:

(a) ~~Division of Land Stewardship~~ Division  
South Florida Water Management Stewardship District  
Post Office Box 24680 (mailing)  
Building B-1, 3301 Gun Club Road (in person)  
West Palm Beach, FL 33416-4680  
Telephone: (561)686-8800 or Florida WATS  
1(800)432-2045, or

(b) From the applicable service center as set forth in the special provisions for the specific District land management area, or

(c) From the District's web site:  
[www.sfwmd.gov/org/clm/lzd/public.html](http://www.sfwmd.gov/org/clm/lzd/public.html).

(5) In the event the daily quota has been reached, the District shall notify the Special Use License applicant that the District intends to deny the application, and the applicant may request further consideration by the Governing Board.

(6) The Executive Director, or his designee, shall revoke a Special Use License if the licensee violates any provisions of this Rule or the Special Use License.



(7) Special Use Licenses shall be issued by the District's ~~Land Stewardship Department~~ in accordance with the provisions of this section, for the purpose of providing mobility impaired persons the opportunity to use motorized vehicles to access portions of the ~~District lands management areas~~ not otherwise open to motorized vehicles. Licenses for this purpose will be issued upon request, including proof of mobility impairment, as long as the requested use will not adversely impact the resource, impair the safety and welfare of the user, interfere with the reasonable use by others, or result in substantial financial obligations by the District to accommodate the user. Mobility impaired hunting permits ~~are shall be~~ issued by the Florida Fish and Wildlife Conservation Commission.

(8) Any person prohibited from entering onto District land by a court order shall not be eligible to apply for a Special Use License, during the prohibition period.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-1-99, 1-1-01, 1-5-03, \_\_\_\_\_.

40E-7.535 Event Authorization.

(1) A person or entity shall apply for an Event Authorization, at no cost to the applicant, to use District lands in a manner not otherwise provided for or authorized in this part.

(2) To receive an Event Authorization the applicant must provide reasonable assurance that:

(a) The requested use will not involve the permanent alteration of any District land or the permanent placement of any structure on District land;

(b) The requested use is resource-based;

(c) The requested use is consistent with the management plan for the District lands involved;

(d) The requested use will not harm the environmental resources of the District land;

(e) The requested use will not cause unreasonable expense to the District;

(f) The requested use will not create a substantial risk of liability to the District;

(g) The requested use will not harm any dam, impoundment, works, water control structure, road, or District-owned facilities or equipment;

(h) The requested use will not interfere with District water management, leased, or authorized uses of the land; and

(i) The requested use will not interfere with any other use allowed by this part.

(3) The District shall impose upon any Event Authorization issued pursuant to this part such reasonable conditions as are necessary to assure that the use or activity authorized will meet the criteria set forth in this part.

(4) The Governing Board delegates to the Executive Director or their Designee the authority to issue or revoke Event Authorizations pursuant to this part.

(5) A person or entity may apply for an Event Authorization according to the following procedure:

(a) Submit a written request to:

South Florida Water Management District

Land Stewardship Division

P. O. Box 24680

West Palm Beach, Florida 33416-4680

(b) If the requested use will create a substantial risk of liability to the District, the applicant must mitigate the substantial risk of liability by:

1. Providing proof of liability and property damage insurance naming the District as an insured in an amount sufficient and determined by the District to cover the cost of the potential liability; and

2. Providing waivers or releases of liability sufficient to eliminate the potential liability.

(c) If the requested use satisfies all of the criteria set forth in this section and is not otherwise inconsistent with District Policy, the Executive Director shall issue the Event Authorization.

(6) A person or entity receiving an Event Authorization from the District must have the Event Authorization in their possession at all times while on District lands.

(7) In the event the holder of an Event Authorization violates the terms of the authorization, engages in a use not permitted by the authorization, or the authorized activity is no longer consistent with District policy, the Event Authorization shall be subject to revocation by the Executive Director or designee.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New \_\_\_\_\_.

40E-7.537 General Prohibitions.

The following shall be prohibited on all District lands unless otherwise specified management areas:

~~(1) Parking a motor vehicle in an unauthorized location or in a manner blocking roads, levees, maintenance berms, gates, or water control structures.~~

~~(1)(2) Discharging firecrackers, rockets, or any other fireworks.~~

~~(3) Pets, other than leashed dogs and service animals under the control of the owner. This prohibition does not apply to hunting dogs utilized in conjunction with an approved hunting program where the use of dogs is permitted.~~

~~(2)(4) Destroying, defacing, or removing any natural resource feature or native plant, including the felling of dead trees.~~

~~(3)(5)~~ Destroying, injuring, defacing, vandalizing, removing, or disturbing in any manner any public building, tower, recorder, gage, walkway, platform, well, sign, gate, fence, equipment, monument, marker, or other structure or improvement.

~~(4)(6)~~ Destroying or damaging scientific study plots, photo points, transect lines, benchmarks or survey monuments, or survey markers.

~~(5)(7)~~ Trespassing on, operating, vandalizing, or interfering with the operation of any water control structures.

~~(6)(8)~~ Discharging or disposing of oil, gasoline, paint, thinner, pesticides, fertilizer, explosives or other pollutants, chemicals and wastes.

~~(9)~~ Serviceing or maintaining vehicles and equipment except when in conjunction with authorized recreational activities and allied purposes.

~~(10)~~ Disposing of any garbage, including paper, cans, bottles, waste materials, and rubbish other than in containers provided for such disposition.

~~(11)~~ Draining or dumping refuse or waste from any travel trailer, camper, mobile home or recreation vehicle other than in places or receptacles designated for such use.

~~(7)(12)~~ Cleaning fish, game, or food at potable watering stations, or in rest rooms, at boat ramps, or trailheads, or washing clothing or articles, or washing, cleaning or servicing of vehicles except where facilities for such activities have been provided by the District or other management entity of household use at such facilities.

~~(8)(13)~~ Using refuse containers or other refuse facilities for disposal of household or commercial garbage or trash.

~~(14)~~ Installing, erecting, or maintaining any unauthorized camp, building, structure, or sign.

~~(9)(15)~~ Building a fire in a place other than a in an authorized campsite or picnic area or outside of grills, fireplaces, or fire rings provided by the District or other authorized management agency for such purpose. This prohibition does not apply to portable campstoves or grills provided by the user.

(10) Commercial activity by a for-profit person or entity without contractual agreement with the District.

(11) Conducting an activity on District lands where prohibited by posted signs where such activity is regulated by the posting of signs under Rule 40E-7, Part V, F.A.C.

(12) Installing or maintaining unauthorized signs.

(13) Pets with the exception of service animals and leashed animals on Management Areas.

~~(16)~~ Selling or offering for sale any merchandise without the prior written consent of the District's Governing Board. Requests to the District for consent shall be made in writing, directed to the Land Stewardship Division — Land

Management Department, and shall be submitted not less than 28 days prior to the regularly scheduled Governing Board Meeting for consideration.

~~Consideration to such consent shall be given at a regularly scheduled meeting of the District's Governing Board. Although the Board's analysis of requests to sell merchandise within a management area is primarily site specific in nature, consideration shall be given to such factors as: immediate and potential impact on the environment, immediate and potential impact on members of the public using the management area, the size of the management area in relation to the area impacted by the proposed sale, and overall benefits to the public.~~

~~(17) Operating bicycles on trails closed to such use.~~

~~(18) Erecting or maintaining tree stands on District lands more than 10 days before or more than 10 days after any authorized hunting season.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New 5-24-94, Amended 1-1-99, 1-5-03,

(Substantial rewording of Rule 40E-7.538 follows. See Florida Administrative Code for present text.)

40E-7.538 Special Provisions for Management Areas of the District Open to the Public Establishment of South Florida Water Management District Management Areas Open to the Public.

(1) Rough Island North and South and Johnson Island Units.

(a) Seasonal public access to the Rough Island North limited access area is permitted from August 16 to February 14 only between the hours of 6:00 a.m. to 9:00 p.m., via the airboat gate. Users of this area must be in possession of a Special Use License.

(b) A quota of fifty (50) annual Special Use Licenses has been established for this area. Annual Special Use Licenses are available on June 1st of each year from the District's Upper Lakes Region land manager at the Orlando Service Center.

(c) Hunting is permitted in the Rough Island North limited access area only on those dates during seasonal public access period referenced in paragraph 40E-7.538(1)(a), F.A.C., which coincide with hunting seasons established by the Florida Fish and Wildlife Conservation Commission.

(d) Any person who has been issued an annual Special Use License for the limited use area shall have the annual Special Use License in possession while in the limited use area.

(e) Special Use License holders shall not operate any vessel not registered with the District in the limited access area without first notifying the District.

(f) The number of hunters that can accompany an annual Special Use License holder to hunt in the limited access area is limited to three.

(g) The annual Special Use License may be transferred from one registered airboat or watercraft to another airboat or watercraft after notifying the Upper Lakes Region land manager at the Orlando Service Center. The Special Use License holder may not operate that vessel in the limited access area until after such notification has been made.

(h) Any person convicted of violating a federal, District, state or local fish and wildlife law, statute, rule or ordinance within the previous 3 years shall not be eligible for a Special Use License to enter the Rough Island North limited use area.

(2) Lake Marion Creek Management Area in Polk County. Camping is permitted only at designated campsites when in possession of a Special Use License.

(3) Gardner-Cobb Marsh Management Unit in Osceola County

(a) Persons may enter and exit the management area from Lake Cypress, Lake Hatchineha, Lake Kissimmee, and Canal 36.

(b) Airboating is prohibited beyond the restricted area signs, on or across improved roadways or within hammock areas, except that airboats may cross the main grade at the designated crossing points.

(c) Hunting in Ike Hammock is prohibited.

(d) Possession of a firearm or hunting device in Ike Hammock is prohibited.

(4) Lower Kissimmee River Management Area located in Polk, Osceola, Highlands, Glades, and Okeechobee Counties.

(a) Camping is permitted only at designated campsites when in the possession of a Special Use License.

(b) The use or possession of saddle animals is permitted when in the possession of a Special Use License.

(c) The use or possession of saddle animals and camping at designated campsites is permitted for both uses when in possession of a Special Use License permitting both uses.

(d) Safety Zones within the Public Use Area in Okeechobee, Highlands, Osceola, and Polk Counties.

1. All hunting devices and firearms shall be unloaded.

2. A person in possession of a Special Use License to camp within the Safety Zone at the Oak Creek Campsite during a hunting season shall have firearms or hunting devices unloaded and secured in a locked firearm or hunting device case while in camp and while in direct travel to and from the campsite.

(5) DuPuis Management Area located in Martin and Palm Beach Counties.

(a) The use or possession of saddle animals and horse carts is restricted to the equestrian center, designated equestrian trails, and named or numbered roads.

(b) The use of off road vehicles is restricted to the designated disabled hunt in accordance with Florida Fish and Wildlife Conservation Commission regulations.

(c) No dogs are allowed on DuPuis except as authorized by the Florida Fish and Wildlife Conservation Commission.

(d) Camping at the family campsite:

1. Only tent camping or tent popup camping is allowed.

2. A maximum of 8 people and 2 vehicles are allowed per campsite.

3. Generators are not allowed.

(6) CREW Marsh Management Area located in Lee and Collier Counties.

(a) Persons may enter and exit the Management Area each day between sunrise and sunset from any established trailhead off State Road 850 (Corkscrew Road).

(b) Overnight camping is permitted at the designated primitive campsite when in the possession of a Special Use License (See Rule 40E-7.534, F.A.C.) or as authorized by Florida Fish and Wildlife Conservation Commission. A quota of twenty (20) persons per night has been established by the District for use of the designated campsites.

(7) Bird Rookery Swamp Management Area located in Collier County. Persons may enter the Management Area on foot at the west end of N. W. 43 Avenue, Collier County.

(8) Flint Pen Strand Management Area located in Lee County. Persons may enter and exit the Management Area on foot from Poormans Pass.

(9) Nicodemus Slough Management Area located in Glades County.

(a) Persons may enter the Management Area each day between sunrise and sunset; nighttime activities other than those specified in paragraph 40E-7.538(9)(c), F.A.C., below are prohibited.

(b) Overnight camping is prohibited.

(c) Airboating and frogging are permitted on the Management Area. Airboaters operating on the Management Area must be in possession of a Special Use License. A quota of five airboats per day has been established by the District. A copy of the Special Use License must be displayed in a readily visible location within the licensee's vehicle while parked on the Management Area.

(d) The use or possession of a saddle animal is prohibited.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New 1-1-01, Amended 1-5-03,\_\_\_\_\_.

40E-7.5381 Special Provisions for Right of Way of the District.

The following shall be prohibited on all Right of Way of the District; which include rights-of-way, canals, levees, maintenance berms, and spoil mounds:

(1) Hunting.

(2) Discharge of firearms or hunting devices.

(3) Discharging firecrackers, rockets, or any other fireworks.

(4) Operating a motor vehicle including licensed and registered motor vehicles as well as off highway and all terrain vehicles except where the District has affirmatively opened a roadway or a parking area for public use.

(5) Operating any all terrain vehicles or off highway vehicles, or amphibious vehicle on roads, levees, maintenance berms, or other District land unless authorized by the District. When authorized the District may specify the roads, trails, times of use and other restrictions.

(6) Parking vehicles or trailers in such a manner as to block access roads, levees, maintenance berms, gates or water control structures.

(7) Anchoring or tying a vessel or watercraft to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier, or boat barrier.

(8) Vessels being occupied or used as a temporary or permanent residence or business.

(9) Operating or mooring a vessel or watercraft in such a manner as to impede the District's ability to construct, operate and maintain its structures.

(10) Pets, with the exception of service animals, leashed animals and animals otherwise under the effective control of the owner.

(11) Installing, erecting or maintaining a temporary or permanent place of residence including, but not limited to, a camp, trailer, or shelter. Overnight primitive camping along the Florida National Scenic Trail is permitted if camper possesses a Special Use License on their person.

(12) The abandonment of personal or commercial property.

(13) The removal of any spoil, rock or mineral formations by any person or entity without written authorization from the District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New \_\_\_\_\_.

40E-7.5382 Special Provisions for Vacant Undesignated District lands Open to the Public.

The following shall be prohibited on vacant undesignated lands, as that term is defined in subsection 40E-7.521(30), F.A.C.

(1) Possession of a firearm or hunting device.

(2) Hunting, unless otherwise authorized by the Governing Board and administered by the Florida Fish and Wildlife Conservation Commission.

(3) Camping.

(4) Motorized vessels.

(5) Pets with the exception of service animals, leashed animals, and animals otherwise under the effective control of the owner.

(6) Public access between 1/2 hour after sunset to 1/2 hour before sunrise.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New \_\_\_\_\_.

40E-7.5383 Special Provisions for Stormwater Treatment Areas (STA's) of the District Open to the Public.

Persons may only enter and exit Stormwater Treatment Areas at designated public access points during the hours and days as designated by posted signs.

(1) The following are prohibited in all Stormwater Treatment Areas unless otherwise authorized:

(a) Pets, with the exception of service animals.

(b) Hunting, unless otherwise authorized by the Governing Board and administered by the Florida Fish and Wildlife Conservation Commission.

(c) Frogging.

(d) Fishing in areas closed to fishing within the STA's as posted by sign.

(e) Motorized and non-motorized vessels and boat trailers in interior waters.

(f) Entering interior waters.

(2) Vessels and vessel operation is permitted only on STA exterior canals under the following limitations:

(a) Vessel and vessel operation limitations shall be posted by sign.

(b) Vessel and vessel operation limitations may be made specific to each Stormwater Treatment Area exterior canal for: resource protection; protection of District structures, equipment, and levees; operations, maintenance; or as necessary to accomplish the District missions.

(c) Vessels shall be limited as motorized or non-motorized, and by engine horsepower, engine type, and vessel type.

(d) Vessel operation shall be limited by area, water depth, by distance from District structures, equipment, or levees, and by speed.

(3) The following vessel and vessel operations are prohibited in Stormwater Treatment Area exterior canals:

(a) Personal watercraft.

(b) Airboats.

(c) Vessel operation greater than Idle Speed within 300 feet of any District, structure or equipment.

(d) Vessel operation which causes damage to plants, injures animals or fish, or other environmental resources.

(e) Vessel operation within an area delineated by vessel barriers.

(f) Anchoring or tying a vessel or watercraft to a road, levee, maintenance, berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier, or vessel barrier.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59, 373.4592(4)(a) FS. History—New \_\_\_\_\_.

40E-7.5384 Special Provisions for Impoundment Areas of the District Open to the Public.

Persons may only enter and exit Impoundment Areas at designated public access points during the hours and days as designated by posted signs.

(1) The following are prohibited in all Impoundment Areas, unless otherwise authorized.

(a) Pets with the exception of service animals, leashed animals, and animals otherwise under the effective control of the owner.

(b) Hunting, unless otherwise authorized by the Governing Board and administered by the Florida Fish and Wildlife Conservation Commission.

(c) Frogging.

(d) Fishing in areas closed to fishing within the Impoundment Areas as posted by sign.

(e) Swimming, surfing, snorkeling, scuba diving or use of other underwater breathing apparatus.

(f) Water skiing, tubing, wake boarding or similar in water sports.

(2) Vessels and vessel operation is permitted on Impoundment Areas under the following limitations:

(a) Vessel and vessel operation limitations shall be posted by sign.

(b) Vessel and vessel operation limitations may be made specific to each Impoundment Area for: resource protection; protection of District structures, equipment, and levees; operation, maintenance; or as necessary to accomplish the District's mission.

(c) Vessels shall be limited as motorized or non-motorized, and by engine horsepower, engine type, and vessel type.

(d) Airboat operation shall be limited to designated areas.

(e) Vessel operation shall be limited by area, water depth, by distance from District structures, equipment, or levees, and by speed.

(3) The following vessels and vessel operations are prohibited in Impoundments:

(a) Personal watercraft.

(b) Vessel operation greater than Idle Speed within 300 feet of any District, structure or equipment.

(c) Vessel operation which causes damage to plants, injures animals or fish, or other environmental resources.

(d) Vessel operation within an area delineated by vessel barriers.

(e) Anchoring or tying a vessel or watercraft to a road, levee, maintenance berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier or vessel barrier.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, 373.59 FS. History—New \_\_\_\_\_.

40E-7.539 Penalties.

(1) Pursuant to Section 373.609, F.S., it shall be the duty of every state and county attorney, sheriff, police officer, and the appropriate city and county official to assist the District, and their agents, in the enforcement of the provisions of this rule.

(2) Any person who violates any provision of this rule is subject to eviction from the premises and/or arrest and prosecution for a second-degree misdemeanor, punishable as provided in Sections 775.082 or 775.083, F.S.

(3) The penalties identified in these rules do not supersede other remedies available to the District at law and/or in equity penalties or options available to District such as civil remedies.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.129, 373.1391, 373.59, 373.609, 373.613 FS. History—New 5-24-94, Amended 1-5-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Fred Davis, Division Director, Land Stewardship Division  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the South Florida Water Management District  
DATE PROPOSED RULE APPROVED BY AGENCY:  
February 8, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

**WATER MANAGEMENT DISTRICTS  
South Florida Water Management District**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Policy	40E-7.668
Definitions	40E-7.669
Competitive Solicitation Preferences	40E-7.670
District Implementation	40E-7.671
Compliance	40E-7.672
Certification Eligibility – Small Business Enterprise	40E-7.673
Certification Review Procedures	40E-7.674
Recertification Review Procedures	40E-7.675
Decertification	40E-7.676
Reciprocity	40E-7.677
Administrative Hearings	40E-7.678

**PURPOSE AND EFFECT:** The Rule is being created to implement the provisions of Section 373.1135, F.S., which authorizes each water management district to establish a small business program to encourage small businesses, to participate in district procurement and contract activities. The program will spur economic development and support small businesses to successfully expand in the marketplace.

**SUMMARY:** The Rule provides for three types of Competitive Solicitation Preferences designed to assist small businesses certified under the District's small business program. These preferences are the bid equalization, a sheltered market and a subcontracting requirement for both bids and proposals. The bid equalization component will provide up to a 10%

adjustment so that a Small Business Enterprise (SBE) who is not the low bidder would still be awarded a contract with the District. The sheltered market will allow only SBEs to bid on designated solicitations. The subcontracting requirement for bids and proposals will allow the District to set subcontracting goals for bids and proposals.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** This rule helps small businesses to participate in District procurement and contracting activities and to successfully expand in the marketplace. Up to 17,000 small businesses may be eligible for certification and all prime contractors will have to secure targeted small business subcontract participation in order to be considered responsive to District solicitations. Certification costs for each applicant are expected to be in the range of \$120 to \$160. For its part the District expects to expend slightly over \$1,000,000 each year for program implementation. Some procurements are also expected to be more expensive, especially those in the bid equalization program. The initial estimate is that the program will result in about \$30 million in additional procurements going to small businesses certified under the program.

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

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.171, 373.1135 FS.

**LAW IMPLEMENTED:** 373.1135 FS.

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

**TIME AND DATE:** 9:00 a.m., April 12, 2006

**PLACE:** Okeechobee Shrine Club, 1855 S.W. 53rd Street, Okeechobee, FL 34974

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Frank Hayden, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 6611, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6043 or (561)682-6043 (internet:fhayden@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the Director of Governing Board and Executive Services, at (561)682-6371 at least two business days in advance to make appropriate arrangements.

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

40E-7.668 Policy.

(1) The rules under this Small Business Enterprise Contracting Program establish policies and procedures designed to help small businesses, including those owned by women and minorities, to participate in the South Florida Water Management District's ("District") procurement and contract activities.

(2) It is the purpose of the Program to spur economic development and support small businesses, including woman-owned and minority-owned businesses, to successfully expand in the marketplace.

(3) The District shall annually evaluate the progress of this Program and determine whether the specific provisions require any modification, expansion, and curtailment.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History-New

40E-7.669 Definitions.

(1) "Affiliate Business" means a business that is a subsidiary of or owned in part by another business concern. Entities are affiliates of each other when one impacts the other by sharing resources or controls or has the power to control the other, or a third party or parties controls or has the power to control both. It does not matter whether control is exercised, so long as the power to control exists.

(2) "Applicant" an entity that is seeking District Certification or recertification.

(3) "Certification" means the process by which the District determines that a business meets the District's criteria for a Small Business Enterprise (SBE).

(4) "Employees" means those individuals who received a W-2 from the Applicant. In determining number of employees a business has, the District shall count only those individuals who were supplied a W-2 by the Applicant. Whether employed on a full-time or part-time basis.

(5) "Gross Receipts" means the total sales for the Applicant as specified in its Federal tax return or if a new company which has not filed a Federal tax returns, in its audited financial statement before deductions for returned items, allowances, and discounts.

(6) "Industry Categories" means construction, commodities and services.

(7) "Responsible" means a business that is capable in all respects of fully performing the contract requirements and which has the integrity and reliability that will assure good faith performance.

(8) "Responsive" means a business's bid or proposal conforms in all material respects to the invitation to bid or request for proposal.

(9) "District Small Business Enterprise (SBE)" means a business certified by the District, that including affiliates, employs 100 or fewer part and/or full time employees. Additionally, a District Small Business Enterprise is licensed to

do business in the State of Florida if the business requires a license. Finally, a District Small Business Enterprise three (3) year average gross receipts shall not exceed \$4 million if the business provides construction, \$2.5 million if the business provides commodities, and \$3 million if the business provides services.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New

40E-7.670 Competitive Solicitation Preferences.

The Small Business Enterprise Contracting Rule in this part provides for three types of Competitive Solicitation Preferences designed to assist small businesses. The Bid Equalization, Sheltered Market and Subcontracting Requirements as outlined below.

(1) Bid Equalization.

A process that enables the District to place SBE’s on a more level playing field when bids are submitted to the District. Often large businesses are able to submit bids at a lower cost than smaller businesses. When bids are submitted SBEs may receive up to a 10% downward adjustment on its bid for evaluation purposes only. For Solicitations where it is determined by the District to use a bid equalizations the District shall implement a one percent (1%), five percent (5%), and ten percent (10%) maximum bid adjustment. This bid adjustment will increase the likelihood that certified SBE’s may be awarded the contract even though they are not the low bidder so long as the difference in the amount of the bids does not exceed the bid equalization percentage see TABLE 7.6-1.

(a) The maximum Bid Equalization percent shall be determined by the estimated contract value and the dollar ranges as stated in subparagraph b., c. and d.

(b) For contracts with an estimated value of \$2,000,000 or more, the District shall implement a maximum bid adjustment of one percent (1%). If the adjusted lowest SBEs firms bid does not exceed the lowest non SBE firms unadjusted responsive and responsible bid by one percent (1%) then the award shall be made to the lowest responsive and responsible SBE firm.

(c) For contracts with an estimated value of more than \$500,001 but less than \$2,000,000, the District shall implement a maximum bid adjustment of five percent (5%). If the adjusted lowest certified SBE’s firms bid does not exceed the lowest non SBE firms unadjusted responsive and responsible bid by five percent (5%) then the award shall be made to the lowest certified responsive and responsible SBE firm.

(d) For contracts valued at \$500,000 or less, the District shall implement a maximum bid adjustment of ten percent (10%). If the adjusted lowest certified SBE’s firms bid does not exceed the lowest non SBE firms unadjusted responsive and responsible bid by ten percent (10%) then the award shall be made to the lowest certified responsive and responsible SBE firm.

(e) The Bid Equalization does not apply to bids let under the Sheltered Market Program or when all bids received are from SBE firms.

TABLE 7.6-1

Bid Equalization Example using 10% as Incentive Bonus

Bid Incentive Example	Lowest Non-Certified Firm	Lowest Certified SBE Firm
Bid	\$100,000	\$103,000 *
Bid Equalization (10%)	-0-	<10,300>
Tabulation	\$100,000	\$92,700
Note: *In this example, the District will pay the \$103,000 award, with the difference between the 100,000 bid and the 103,000 bid, being the cost the District is willing to incur to advance the SBE Program commitment.		

(2) Sheltered Market Program.

The District may provide for sheltered markets for only SBE’s to bid on designated solicitations. The District shall be guided in selecting sheltered market solicitations by selecting industries in which small businesses have usually not had an opportunity to compete for awards against larger businesses. Additionally in order to award a contract in a sheltered market the District must receive responses from at least 3 SBE’s. If no bid or response is received for a contract that has been designated for the Sheltered Market, the contract shall be competed pursuant to the District’s Procurement Policy.

(3) Subcontracting Requirements.

(a) Bids – The District shall set subcontracting goals for all bids in the amount of 30% of the total contract amount. Bidders may provide work to one or more District SBE’s in order to meet the goal. Any bidder failing to meet the 30% goal shall be deemed nonresponsive.

(b) Proposals – For contracts awarded based on an evaluation criteria up to 20 of the total evaluation points may be awarded to Prime contractors who subcontract 30% or more of the contract dollar amount to certified SBE’s. The District shall award points as reflected in Table 7.6-2.

(c) Failure to submit any of the documentation required herein shall lead to the business submitting a bid or proposal being deemed nonresponsive.

TABLE 7.6-2

EVALUATION POINT TABLE

20 POINTS FOR SBE PARTICIPATION	
> 30% =	20 points
> 27% =	18 points
> 24% =	16 points
> 21% =	14 points
> 18% =	12 points

> 15% =	10 points
> 12% =	8 points
> 9% =	6 points
> 6% =	4 points
> 3% =	2 points

(d) At the time of submittal of its bid or proposal the prime contractor using shall identify all SBE firms which will be utilized as subcontractors on the contract. Additionally the prime contractor must specify what specify work elements each SBE will perform. All prime contractors must submit proof of District certification of the SBEs they plan on using in the bid or proposal by providing a copy of the District certification letter. All SBE proposed tasks must be defined within the scope of work being solicited by completing these two forms: the Schedule of Subcontractor Participation Form and Statement of Intent to Perform as a Subcontractor Form.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New \_\_\_\_\_.

40E-7.671 District Implementation.

The District shall ensure all small businesses have the maximum opportunity to participate in the District’s contracting and procurement processes. The following are examples of efforts to be taken by the District:

- (1) Establish a Small Business Enterprise office to implement the rules established under this Part.
- (2) Identify all competitive contracting opportunities within the District budget for SBE participation.
- (3) Analyze SBE availability to provide the products or services identified for contracting at either the prime contract or subcontract levels.
- (4) Maintain a database of all SBEs.
- (5) Monitor and maintain records of steps taken and results achieved to maximize SBE participation.
- (6) Evaluate the District’s efforts to achieve SBE objectives.
- (7) Provide training to District staff on the District’s SBE Rule.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New \_\_\_\_\_.

40E-7.672 Compliance.

The District shall monitor and evaluate Program performance and compliance as follows:

- (1) Each District contract shall contain a provision requiring the contractor, during the term of the contract, to comply with, as to tasks and proportionate dollar amounts throughout the term of the contract, all commitments made in their bids or proposals for use of SBEs.

(2) Each District contract shall contain a provision requiring maintenance of records, and information necessary to document compliance with the rules under this Part and shall include the right of the District to inspect such records.

(3) Each District contract shall contain a provision prohibiting any agreements between a contractor and a SBE in which the SBE promises not to provide subcontracting quotations to other respondents or potential respondents.

(4) To ensure that all commitments by prime contractors under contracts awarded in which there are SBE subcontractors are met, the prime contractor’s efforts to meet its commitments throughout the performance of the contract shall be reviewed. The contractor shall advise the District of any situation in which regularly scheduled progress payments are not made to SBE subcontractors.

(5) Prime contractors must notify the District when the need to replace a SBE subcontractor arises. When a SBE substitution is requested, the Contract Specialist will request a letter from the contractor explaining why substitution is needed. The prime contractor shall attach a revised participation plan to the letter.

(a) Failure of the Prime Contractor to honor the SBE requirements of an awarded contract shall be a material breach of the contract which may result in suspension or debarment of the firms pursuant to Rule 40E-7, Part II, F.A.C.

(6) Each District contract awarded with SBE participation shall contain a provision incorporating the rules under this Part by reference and a statement that failure to comply with the requirements of the bid or proposal submitted to the District by a contractor shall be considered a material breach of contract which may result in suspension or debarment of the firms or individuals involved pursuant to Rule 40E-7, Part II, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History–New \_\_\_\_\_.

40E-7.673 Certification Eligibility – Small Business Enterprise.

District staff shall have the authority to accept, review, approve, certify, decertify and deny applications for SBE certification. An applicant business must be registered with the District as a vendor prior to submitting an application for certification.

(1) Applicant businesses shall submit applications for SBE certification using Form No. 1231, “SBE Certification Application”, which is hereby incorporated by reference and which can be obtained from the District upon request. Mailing addresses must include the number, name of the street, suite number, if any, city and correct zip code. A post office box will not be acceptable absent a street address.

(2) To establish that it is a small business, the applicant shall:



(a) Provide documentation to demonstrate that the three (3) year average gross receipts of the business concern, together with its affiliates, does not exceed \$4 million for Construction, \$2.5 million for Commodities, and \$3 million for Services. In determining the gross receipts of the business and its affiliates, the District shall consider the three (3) most recent federal tax returns, or if the business has not filed three (3) federal income tax returns for the three (3) years immediately preceding their application, the most recent audited financial statements for the business shall be considered.

(b) Provide documentation to demonstrate that it employs one hundred (100) or fewer Employees. In determining whether the applicant meets the criteria for a small business, the District shall consider the following documentation:

1. Latest Florida Quarterly Unemployment Reports.
2. Annual Federal Unemployment Report.
3. Most Current Payroll Ledgers.

ii. The applicant must demonstrate that it is licensed to do business in the State of Florida if the business requires a license.

(c) The Applicant may only have one (1) business certified with the South Florida Water Management District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New \_\_\_\_\_.

40E-7.674 Certification Review Procedures.

(1) Upon receipt by the District, all applications for SBE certification shall be screened to ensure appropriate signature and completeness. The application must be signed by the individual with the authority to bind the applicant. If the application is submitted by means of a facsimile machine, the signature page of the application, with the original signature of the owner, must be submitted to the District within thirty (30) days of facsimile submission.

(2) Within sixty (60) days following receipt of the application, the District will request the applicant business to furnish omitted items or additional information, if any. If all requested information is not received by the District within thirty (30) days from the date of the request, the District will return the unprocessed application to the applicant business.

(3) An on-site verification review may be conducted by the District upon receipt of the completed application. Failure to cooperate with the scheduling of the on-site review or during the on-site review shall result in the denial of the application.

(4) Applicants determined eligible shall receive certification as an SBE from District staff. This document will state the length of time for which the business will be certified and the areas of business it is certified in. Once certified, an applicant shall remain certified for a period of three (3) years unless the applicant fails to follow this rule and is sanctioned pursuant to the Rule. The District retains the right to re-evaluate the certification of any business at any time.

(5) Applicants determined ineligible shall receive a notification from District staff. Applicants receiving this notification of ineligibility shall not be eligible to submit new applications until 180 days after the date of the notice denying certification.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New \_\_\_\_\_.

40E-7.675 Recertification Review Procedures.

(1) Applications for recertification shall be submitted using Form No., 1232 “SBE Application for Recertification”, which is hereby incorporated by reference and available from the District upon request.

(2) The District will notify SBEs no later than sixty (60) days before the end of the certification period that the SBE’s certification is about to expire. If the SBE is unable to use the recertification document because of changes to the applicant’s business, the SBE shall notify the District in writing of the changes to its company. The District shall determine if the company still complies with the certification criteria. Recertification requests must be filed with the District no later than the last effective date of the current certification period.

(3) Upon receipt, all recertification requests shall be given an initial screening to ensure appropriate signature and completeness. Within sixty (60) days following initial receipt of the applicant’s recertification request, the District may request the applicant to furnish omitted or additional information. If the requested information or items are not received by the District within thirty (30) days from the date of the request, the District will deny the application for recertification.

(4) An on-site verification review may be conducted by the District upon receipt and review of the recertification request. Failure to cooperate with the scheduling of the on-site review or during the on-site review shall result in the denial of recertification.

(5) Recertification shall be granted when the applicant has complied with this rule and substantiates continued eligibility for SBE status.

(6) Applicants deemed eligible shall receive a recertification letter stating the length of time for which the business has been re-certified and the specialty areas of the business. Once recertified, an applicant shall remain certified for a period of three (3) years unless the District determines that the applicant no longer meets the eligibility requirement of this Rule. The District retains the right to reevaluate the certification of any business at any time.

(7) Applicants determined ineligible for recertification shall receive a letter citing the applicable rules and shall not be eligible to submit new applications until 180 days after the date of the notice or the District’s final agency order denying recertification.

(8) If an application for recertification is timely submitted, an SBE shall remain certified until the District has made a determination concerning eligibility.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New \_\_\_\_\_.

**40E-7.676 Decertification.**

Decertification is the process by which the District shall take steps to retract a business's certification as an SBE. The decertification of an SBE shall occur when the District determines that an SBE no longer complies with the District's certification criteria. The District will also decertify a SBE if the District learns that the SBE submitted false information in order to obtain SBE certification.

(1) District staff shall inform the SBE in writing by certified mail, return receipt requested, of the facts or conduct which formed the basis for decertification.

(2) The decertification notice issued by the District shall contain:

(a) The statutory provisions(s) or rules(s) of the Florida Administrative Code which the District alleges that the SBE violated; and

(b) The specific facts or conduct relied upon to justify the decertification; and

(c) A statement that the firm has the right to file a request for an administrative hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, within 21 days of receipt of the decertification notice; and

(d) A statement that the decertification shall become conclusive and final agency action if no request for a hearing is filed with the District Clerk's office within 21 days from receipt of the decertification notice.

(3) If the firm fails to file a request for a hearing within 21 days after receipt of the notice, the decertification shall become conclusive and final agency action.

(4) If the SBE files a request for an administrative hearing, the firm shall remain certified unless and until a Final Order is issued by the District decertifying the firm after an administrative hearing.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New \_\_\_\_\_.

**40E-7.677 Reciprocity.**

Reciprocal application shall be granted to applicant businesses which have been certified by other jurisdictions that meet the District certification standards as outlined in this Rule.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New \_\_\_\_\_.

**40E-7.678 Administrative Hearings.**

If an applicant business believes it has been wrongly denied certification, or recertification or that it has been inappropriately decertified as an SBE, it may file a request for hearing pursuant to Sections 120.569 and 120.57, F.S., by

submitting a petition in accordance with Chapter 28-106, F.A.C., within 21 days of receipt of Notice of Denial of certification or recertification or Notice of Decertification as a District SBE.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Frank Hayden, Director of Government Affairs

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2006

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

**LAND AND WATER ADJUDICATORY COMMISSION  
Arborwood Community Development District**

RULE CHAPTER TITLE: Arborwood Community Development District

RULE CHAPTER NO.:

42RR-1

RULE TITLE:  
Boundary

RULE NO.:  
42RR-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to expand the boundaries of the Arborwood Community Development District ("CDD"), pursuant to Chapter 190, F.S. The Petition was filed by the Arborwood Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to amend the land area presently serviced by the District by adding approximately 12.28 acres. The District currently covers approximately 2,466.85 acres of land and after expansion the District will encompass approximately 2,479.13 acres. Approximately 4.74 acres of the expansion parcel is owned by Lee County and is right-of-way for Treeline Avenue. The remaining 7.54 acres of the expansion parcel is currently owned by Worthington Holdings Southwest, LLC, and consists of developable land. Petitioner has obtained consent to include the 7.54 acres expansion parcel within the boundary of the District from the current owner, Worthington Holdings Southwest, LLC. As to the consent to include the 4.74 acres expansion parcel owned by Lee County, the Petitioner is not required to obtain the consent of Lee County. Lee County is a governmental entity and therefore not included within the definition of landowner. However, the Petitioner has notified Lee County of its intent to expand the boundaries of the District. On June 14, 2005, Lee County adopted Resolution 05-06-14 supporting the amendment of the boundary of the District. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition for expansion by the District Board of Supervisors constitutes consent of the landowners within the District. On

June 6, 2005, the City of Fort Myers adopted Resolution 2005-28 supporting the petition to amend the District's boundary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, F.S. The complete text of the SERC is contained at Exhibit "12" to the Petition. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the state, the City of Fort Myers, Lee County, Florida, the District and the landowners within the District's amended boundary. The SERC estimates the type of individuals likely to be affected by the amended rule as landowners within the District's amended boundary. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal, are concurrently budgeted or not burdensome, and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no effect on state and local revenues from the proposed amendment of the rule. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC indicates that if the Petition to amend the District is approved there is nothing peculiar about the District's financing that requires additional infrastructure over and above what would normally be needed. These costs are not in addition to normal development costs. The SERC further provides the decision to locate within the District is completely voluntary and potential residents are given full disclosure of the existence of the District and the level of anticipated assessments. Finally, the SERC concludes that the expansion of the District's boundary will have no impact on small businesses, that Lee County is not a "small" county as defined by Section 120.52, F.S., nor is the City of Fort Myers a "small" city under Section 120.52, F.S. The SERC analysis is based on a straightforward application of economic theory and no written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative has been submitted.

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.

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, A HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Tuesday, March 21, 2006

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42RR-1.002 Boundary.

The boundaries of the District are as follows:

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 2, 3, 10, 11, 12, 13, 14, 15, & 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 12; THENCE N.89°55'59"E. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12 FOR 2593.44 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 12; THENCE CONTINUE N.89°55'59"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 12 FOR 69.69 FEET; THENCE S.01°05'49"E. FOR 2646.14 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12; THENCE N.89°55'48"E. ALONG NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12 FOR 2524.41 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12; THENCE S.00°57'31"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 12 FOR 2645.06 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 12; THENCE S.00°40'57"E. ALONG THE EAST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 13 FOR 2647.21 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 13; THENCE S.00°53'05"E. ALONG THE EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13 FOR 2644.11 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE N.89°42'21"W. ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13 FOR 2596.61 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 13; THENCE N.89°42'31"W. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 13 FOR 2597.48 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE S.88°09'06"W. ALONG THE SOUTH LINE OF SECTION 14 FOR 1353.20 FEET TO THE SOUTHWEST CORNER OF THE

SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 14; THENCE S.00°56'40"E. ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23 FOR 1321.04 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23; THENCE S.88°07'27"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23 FOR 1351.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 23; THENCE S.88°07'59"W. ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23 FOR 1353.52 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23; THENCE N.01°01'24"W. ALONG THE WEST LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 23 FOR 909.59 FEET; THENCE N.13°29'05"E. FOR 98.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1262.50 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°33'33" FOR 320.81 FEET; THENCE N.01°04'28"W. FOR 2645.55 FEET TO A POINT ON THE NORTH LINE OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 14; THENCE N.00°52'49"W. FOR 843.65 FEET; THENCE S.89°07'11"W. FOR 65.00 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 14; THENCE N.00°52'49"W. ALONG THE WEST LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 14 FOR 477.57 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER OF SAID SECTION 14; THENCE S.88°18'58"W. ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14 FOR 1357.95 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14; THENCE S.89°34'25"W. ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 15 FOR 640.89 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF I-75; THENCE N.08°21'16"E. ALONG THE EAST RIGHT-OF-WAY LINE OF I-75 FOR 1925.01 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 5891.58 FEET; THENCE NORTHWESTERLY

ALONG SAID EAST RIGHT-OF-WAY LINE OF I-75 AND SAID CURVE THROUGH A CENTRAL ANGLE OF 23°11'09" FOR 2384.14 FEET; THENCE N.14°49'51"W. ALONG SAID EAST RIGHT-OF-WAY LINE OF I-75 FOR 2886.26 FEET TO AN INTERSECTION WITH THE CENTERLINE OF A WATER MANAGEMENT EASEMENT DESCRIBED IN OFFICIAL RECORD BOOK 2558, PAGE 2002, LEE COUNTY, FLORIDA; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00 FEET, THROUGH A CENTRAL ANGLE OF 63°11'11" FOR AN ARC DISTANCE OF 253.65 FEET, A CHORD BEARING OF S.75°49'31"E. A CHORD DISTANCE OF 240.99 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 710.00 FEET, THROUGH A CENTRAL ANGLE OF 46°08'48" FOR 571.84 FEET; THENCE N.89°37'18"E. FOR 354.32 FEET; THENCE S.50°15'11"E. FOR 144.85 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 600.00 FEET; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 84°17'37" FOR 882.72 FEET, A CHORD BEARING OF N.87°36'01"E. A CHORD DISTANCE OF 805.24 FEET; THENCE N.45°27'12"E. FOR 398.60 FEET; THENCE N.67°03'34"E. FOR 478.36 FEET; THENCE N.34°14'49"E. FOR 127.19 FEET; THENCE N.23°40'29"E. FOR 475.63 FEET; THENCE N.06°52'49"W. FOR 109.55 FEET; THENCE N.36°30'44"E. FOR 109.13 FEET; THENCE N.20°42'13"E. FOR 118.75 FEET; THENCE N.60°38'04"E. FOR 92.29 FEET; THENCE N.74°41'42"E. FOR 85.73 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF TREELINE BOULEVARD; THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES; THENCE AROUND A CURVE TO THE LEFT, HAVING A RADIUS OF 2800.06 FEET THROUGH A CENTRAL ANGLE OF 05°12'07" AN ARC DISTANCE OF 254.22 FEET A CHORD BEARING OF S.01°14'59"E., A CHORD DISTANCE OF 254.14 FEET; THENCE S.03°51'03"E. FOR 959.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2500.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°28'22" FOR 195.16 FEET TO THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11; THENCE N.89°04'48"E. ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 11 FOR 576.50 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF SECTION 11; THENCE N.89°03'32"E. ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11 FOR 2645.22 FEET TO THE POINT OF BEGINNING. CONTAINING 2479.13 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN) BEARINGS ARE BASED ON THE NORTH LINE OF SECTION 12 BEING N89°55'59"E.

LESS & EXCEPT:

A TRACT OR PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, IN SECTIONS 2 AND 11, TOWNSHIP 45 SOUTH, RANGE 25 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 2; THENCE S89°03'32"W ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 2 FOR 2645.22 FEET; THENCE S89°04'48"W ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 2 FOR 451.46 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF TREELINE AVENUE AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 29°12'53") (CHORD BEARING S15°09'21"W) (CHORD 1324.02 FEET) FOR 1338.47 FEET TO A POINT OF TANGENCY; THENCE S29°45'48"W FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1487.50 FEET (DELTA 28°50'26") (CHORD BEARING S15°20'35"W) (CHORD 740.87 FEET) FOR 748.75 FEET TO A POINT OF TANGENCY; THENCE S00°55'22"W FOR 166.15 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 11; THENCE S88°35'19"W ALONG SAID LINE FOR 125.10 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF TREELINE AVENUE; THENCE ALONG SAID WEST RIGHT OF WAY LINE THE FOLLOWING BEARINGS AND DISTANCES: THENCE N00°55'22"E FOR 171.24 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1612.50 FEET (DELTA 28°50'26") (CHORD BEARING N15°20'35"E) (CHORD 803.13 FEET) FOR 811.67 FEET TO A POINT OF TANGENCY; THENCE N29°45'48"E FOR 618.63 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2500.00 FEET (DELTA 33°36'51") (CHORD BEARING N12°57'22"E) (CHORD 1445.75 FEET) FOR 1466.69 FEET TO A POINT OF TANGENCY; THENCE N03°51'03"W FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2800.06 FEET (DELTA 05°12'07") (CHORD BEARING N01°14'59"W) (CHORD 254.14 FEET) FOR 254.22 FEET; THENCE S88°38'56"E FOR 125.00 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY

OF TREELINE AVENUE; THENCE ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING BEARING AND DISTANCES: THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 2675.06 FEET (DELTA 05°12'07") (CHORD BEARING S01°14'59"E) (CHORD 242.79 FEET) FOR 242.87 FEET TO A POINT OF TANGENCY; THENCE S03°51'03"E FOR 959.31 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2625.00 FEET (DELTA 04°23'58") (CHORD BEARING S01°39'04"E) (CHORD 201.51 FEET) FOR 201.56 FEET TO THE POINT OF BEGINNING. CONTAINING 12.28 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History--New 6-14-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Optometric Services RULE NO.: 59G-4.210  
PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2006. The coverage and limitations handbook revisions include policy clarifications and updated billing information. The effect will be to incorporate by reference in the rule the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2006.

SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2006. The effect will be to incorporate by reference in the rule the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2006.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 FS.

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

DATE AND TIME: 9:00 a.m., Monday, March 20, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.210 Optometric Services.

(1) No change.

(2) All optometric practitioners enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2006 2005, updated January 2005, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500 ~~and Child Health Check Up 221~~, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.9081 FS. History--New 4-13-93, Amended 7-1-93, Formerly 10C-7.069, Amended 12-21-97, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, 5-24-05, 8-18-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jason Ottinger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: RULE NO.:

Developmental Disabilities Waiver 59G-13.081  
 Provider Rate Table

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate by reference the Developmental Disabilities Waiver Provider Rate Table, November 2003. The effect will be to incorporate the Developmental Disabilities Waiver Provider Rate Table, November 2003, into rule. The rate table is available on the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

SUMMARY: The purpose of the proposed rule is to incorporate by reference the Developmental Disabilities Waiver Provider Rate Table, November 2003. The effect will be to incorporate the Developmental Disabilities Waiver Provider Rate Table into rule.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: 10:00 a.m. – 11:00 a.m., Monday, March 20, 2006

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Kyllonen, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)414-9756

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.081 Developmental Disabilities Waiver Provider Rate Table.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waiver Provider Rate Table, November 2003, which is incorporated by reference. The rate table is available from the Medicaid fiscal

agent and the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Pam Kyllonen

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2006

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Project AIDS Care Waiver Services

RULE NO.: 59G-13.110

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

SUMMARY: The purpose of rule amendment is to incorporate by reference update December 2005 to the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003. The effect will be to incorporate by reference in the rule update December 2005 to the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: 2:00 p.m., Monday, March 20, 2006

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Huber, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)414-2773

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.110 Project AIDS Care Waiver Services.

(1) No change.

(2) All Project AIDS Care waiver services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003, updated December 2005, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent by calling Provider Enrollment at (800)377-8216 or from the fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks.

(3) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karen Huber

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 18, 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**

**Detention Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Secure Detention Services	63G-2
RULE TITLES:	RULE NOS.:
Purpose and Scope	63G-2.001
Definitions	63G-2.002
Construction and Maintenance	63G-2.003
Staffing and Operations	63G-2.004
Security	63G-2.005

Treatment, Training and Education of Youth	63G-2.006
Sanitation	63G-2.007
Capacity	63G-2.008
Bedding and Linens	63G-2.009
Nutrition	63G-2.010
Medical Treatment, Health and Comfort	63G-2.011
Disciplinary Treatment	63G-2.012

PURPOSE AND EFFECT: The proposed rule implements Section 985.404(10), F.S., governing the provision of secure detention services.

SUMMARY: The proposed rule establishes the standards and requirements governing the construction, staffing, operation, conditions of confinement, provision of services and administration of discipline in secure detention facilities.

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

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

SPECIFIC AUTHORITY: 20.316, 985.405, 985.404 FS.

LAW IMPLEMENTED: 985.404 FS.

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

TIME AND DATE: 10:00 a.m., March 20, 2006

PLACE: DJJ Headquarters, Knight Building, Probation Conference Room 108, 2737 Centerview Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, (850)921-3048

THE FULL TEXT OF THE PROPOSED RULES IS:

63G-2.001 Purpose and Scope.

This rule establishes the standards and requirements for the department’s statewide, regionally administered system of secure detention services for juveniles.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10) FS. History–New

63G-2.002 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit, shall have the meanings indicated:

(1) Activity Schedule – The schedule of activities regulating the youth’s daily routine in a secure detention facility.

(2) Admission – The procedural process of placing a youth in detention status.

(3) Admission Officer – The Juvenile Detention Officer responsible for admitting a youth to secure detention status.

(4) Behavior Management System – A system designed to promote positive behavior through the giving or taking of rewards or privileges based on youth behavior.

(5) Behavioral Confinement – The placement of youth in a designated room for behavioral reasons.

(6) Census Counts – Process used to physically count each youth in the facility to ensure the number of youth in the facility is consistent with the number of youth the data system indicates are in the facility.

(7) Classification – The identification and placement of youth in facility housing and programming based upon a classification matrix.

(8) Constant Sight and Sound Supervision – Continuous and uninterrupted observation of a youth by a staff member who has a clear and unobstructed view of the youth and unobstructed sound monitoring of the youth at all times.

(9) Corporal Punishment – Physical punishment applied to the body of the offender, i.e. whipping, spanking.

(10) Cost of Care Recovery – Fees ordered by the court for the care, support and maintenance of the youth while detained.

(11) Designated Health Authority – Those individuals authorized to supply oversight of medical services in secure detention facilities.

(12) Designated Mental Health Authority – Those individuals authorized to provide oversight of mental health and substance abuse services in secure detention facilities.

(13) Detention Screener – The individual who completes the detention screening and ensures proper paperwork is present to correctly screen a youth for detention status.

(14) Documentation – The act or an instance of the supplying of electronically or manually prepared documents, supporting references or records.

(15) Facility Operating Procedures – Individual facility procedures which implement statewide policies and procedures.

(16) Grievance – An actual or supposed circumstance regarded as just cause for complaint by a youth in a secure juvenile detention center.

(17) Grievance Procedure – A procedure for addressing youth grievances in secure detention centers.

(18) Group Punishment – The punishment of a group of youth for the behavior of a few.

(19) Inactive Files – File material resulting from previous contacts with the youth.

(20) Incident Reporting – An incident requiring mandatory reporting based on department requirements.

(21) Juvenile Detention Officer – The officer responsible for the direct supervision of the youth in secure detention.



(22) Juvenile Detention Officer Supervisor – The officer responsible for the direct supervision of other officers in the performance of their duties.

(23) Juvenile Justice Information System – The department’s electronic information system used to gather and store information on youth having contact with the department.

(24) Juvenile Probation Officer – The officer responsible for the supervision of a youth in the community or on post commitment probation or conditional release.

(25) Legal Guardian – An individual or agency with the legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian the right to have physical custody of the child and the right and duty to protect, train, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(26) Logbook – A written format for communication and record keeping in a secure detention facility.

(27) Master Control – The central security focal point in the facility for communication and tracking youth movement.

(28) Mechanical Restraints – Handcuffs, shackles, and belt chain.

(29) Quality Assurance System – A statutorily mandated process for the objective assessment of a program’s operation, management, governance, and service delivery based on established standards.

(30) Radio Ten Codes – Standardized communication codes to ensure fast, accurate, and universal communication in detention facilities.

(31) Regional Director – The person responsible for the supervision of the superintendents of regional juvenile detention centers in a specified region.

(32) Release – The removal of a youth from detention status.

(33) Secure Detention – A physically restricting facility for the temporary care of children, pending adjudication, disposition, or placement.

(34) Security Devices – Devices both mechanical and electrical that enhance security in the facility.

(35) Superintendent – The person responsible for the operation of a designated regional juvenile detention center.

(36) Supervision – The direct care, custody, and control of youth while in detention status.

(37) Verbal and Physical Intervention – Verbal and physical response used to maintain control of youth.

(38) Youth – Any youth ordered into secure detention status.

(39) Youth Rights – Rights conferred upon a youth by state and federal law, department policy, and current best practices.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10) FS. History–New \_\_\_\_\_.

63G-2.003 Construction and Maintenance.

(1) The Department shall ensure that any newly constructed facility is designed to comply with the following:

(a) Provide adequate space for the activities of the facility, to include sleeping rooms, dayrooms, classrooms and multipurpose areas.

(b) Provide adequate toilets, wash basins, and showers, consistent with the number of youth in the facility.

(c) Provide appropriate facilities to safely and securely meet the needs of handicapped youth.

(d) Provide adequate outdoor activity space to allow at least one hour of outside activity daily.

(e) All construction shall comply with established building codes and requirements.

(2) The detention superintendent or designee shall ensure that systems and/or programs, contracted or otherwise, are in place to address facility needs related to the maintenance, repair, replacement and continual evaluation of the:

(a) Integrity of the facility structure(s).

(b) Mechanical systems.

(c) Electrical systems.

(d) Communication and surveillance systems.

(e) Commercial food service equipment.

(f) Systems related to pest control, garbage removal and upkeep of the facility grounds.

(g) Systems related to fulfilling local and state health and sanitation requirements.

(h) Systems related to fire safety, disaster preparedness and the operation of the emergency generator.

(j) Documentation of issues as outlined above shall be maintained as required by state, department, facility and/or local guidelines, policies and procedures.

(k) The superintendent or designee shall ensure all tools and equipment related to maintenance are properly cared for, stored and inventoried.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History–New \_\_\_\_\_.

63G-2.004 Staffing and Operations.

(1) Organization:

(a) The Assistant Secretary for Detention Services, as appointed by the Secretary of the Department of Juvenile Justice, is responsible for all aspects of Detention Services including but not limited to the operation of all detention centers statewide.

(b) The regional director who, in turn, reports directly to the Assistant Secretary directs all operations related to detention services in their region.

(c) Detention superintendents report to a designated regional director.

1. The superintendent or designee shall maintain an organizational chart of the center's personnel structure. The organizational chart shall at a minimum include:

- a. An outline of the structure of authority and accountability within the center.
- b. Names, positions, position numbers and a clear chain of command for all facility positions.
- c. Updating as needed and reviews at least quarterly for accuracy.

2. Position descriptions shall be maintained for facility personnel and shall include all information as required by the Florida Administrative Code.

3. Shift schedules for detention officers shall ensure staffing that will provide for a safe and secure environment during all hours of each day of the week. The superintendent shall review staff schedules prior to implementation.

4. Schedules for administrative and support staff shall be developed at the discretion of the superintendent to best meet the needs of the facility.

(2) Monitoring and Assessment:

(a) Detention superintendents shall designate to their facility Assistant Superintendents the responsibility of preparing quarterly reports analyzing facility operations, which shall include:

- 1. Review, investigation and follow-up actions of incidents impacting the safety and security of daily operations.
- 2. Review of population trends.
- 3. Review of safe, secure and humane conditions of confinement for youth.
- 4. Review of other issues as identified by the superintendent.
- 5. Recommendations to best address any issues identified above.

(b) These reports shall be reviewed in a timely manner by the superintendent who will forward these reports with comments and or corrective actions to the regional director for review and action.

(c) The detention center shall be subject to periodic reviews by the Department's Quality Assurance unit. Should a facility fail to maintain at least a minimum satisfactory rating in quality assurance, a corrective action plan shall be implemented. Continued failure to maintain at least a satisfactory rating shall be addressed consistent with Florida Statute.

(3) Training:

(a) All juvenile justice officers should be trained within 180 days of the hire date. There will be 2 phases to the staff training.

1. Phase one of staff training will take place at Department detention centers, and will cover essential skills as identified by the Department of Juvenile Justice, Bureau of Staff Development and Training. No officer will be permitted to

assume the care and custody of detained youth until he or she has completed verbal and physical intervention training and has been certified to administer CPR/First Aid. Thereupon, the officer will be permitted to interact with detained youth on the floor of the detention center under the supervision of a certified staff officer.

2. Phase 2 of the Staff Training will be conducted at a Department of Juvenile Justice training academy. During phase 2 staff will complete training covering subjects as identified by the Department of Juvenile Justice, Bureau of Staff Development and Training. Upon successful completion of phase 2 training, the staff member will be permitted to assume the care and custody of detained youth.

(b) Training curricula shall address specifically the sequence, steps, methods, required paperwork and other applicable details officers would follow as part of their duties and responsibilities.

(c) Detention superintendents or designees shall ensure compliance with all training requirements as outlined herein.

(4) Interns and Volunteers:

(a) May be utilized to work directly with youth to promote a variety of educational, life and/or job related skills.

(b) All prospective interns or volunteers working more than 40 hours in a month shall be initially screened per departmental screening procedures, and must possess appropriate qualifications per guidelines established by the superintendent. Interns and volunteers working less than 40 hours in a month and who are under the direct and constant supervision of persons who have met the department's screening requirements are not required to undergo background screening.

(c) Interns and volunteers shall receive appropriate training to allow them to safely and securely interact with youth prior to having contact with any youth.

(d) The superintendent or designee shall maintain a file on all interns and volunteers including at a minimum, the approved background screening paperwork, the superintendent's approval to be an intern or volunteer and documentation of training.

(e) Interns and volunteers shall comply with all departmental policies and procedures and Florida Statutes.

(f) All activities, topics of discussion, lessons, etc. conducted by interns or volunteers shall be approved by the superintendent or designee.

(g) An officer shall maintain supervision of youth during all intern or volunteer sponsored activities.

(5) Admission:

(a) The superintendent shall ensure officers are trained in the admission process including the review and completion of required paperwork and the sequence of required actions.

(b) The admission process shall address the following:

1. Required paperwork prior to initiating the admission process.

2. Medical screening of youth.

3. The admission officer shall clearly communicate to the youth the rules of the center and expectations of behavior.

4. The youth shall be electronically searched, frisk searched, and strip searched by an officer of the same sex as the youth.

5. All items in the youth's possession, including clothing, shall be inventoried and documented, to include both the signature of the admission officer and the youth. All items shall be placed in a secure location.

6. A photograph of the youth shall be taken and maintained in the youth's file.

7. Inactive files shall be reviewed, if available, to obtain useful information.

8. The youth shall be allowed to place a telephone call at the facility's expense and the call shall be documented on all applicable forms. The youth shall not be allowed to telephone the victim(s) unless it is a relative who is a victim of domestic violence and the admission officer verifies that the victim is willing to talk with the youth.

9. If the admission process is completed two hours or more before the serving of the next scheduled meal, the youth shall be offered something to eat.

10. The youth shall be screened to identify medical, mental health, and substance abuse needs. Any indication requiring services shall be documented, and appropriate referrals and services provided. The detention facility shall use an alert system to identify youth with special needs. Staff shall give special attention to observing youth in the alert system.

(6) Transfers:

(a) Youth may be transferred into a detention center from either another detention center or from a residential commitment program.

(b) The admission process for transfers shall be as follows:

1. Active files shall be reviewed to ensure all required documents are present and to determine any special needs or supervision.

2. Youth shall be screened to determine if there are any mental health, substance abuse, or physical health issues, and necessary referrals and services provided.

3. Youth shall be electronically searched, frisk searched, and strip searched.

4. Any personal property shall be inventoried and securely stored.

(7) Documentation:

(a) All activities, incidents, and information relative to safety and security in the facility shall be properly documented.

(b) Written documentation includes a range of logbooks, reports, forms, and communications.

(c) All documents represent official records and are legal documents. Failure to document required information, falsification of information, or failure to properly retain written documents may result in disciplinary action.

(d) Reports related to facility operations fall into two categories: internal and external reports.

1. Internal reports refer to reports that are utilized regularly by officers and other facility staff in the day-to-day operation of the facility and are reviewed per facility operating procedures. Reports are retained per state retention guidelines. Internal reports include, but are not limited to:

a. Shift reports;

b. Incident reports;

c. Confinement reports;

d. Documentation of verbal and physical interventions to control behavior.

2. External reports refer to reports that are forwarded from the facility to sources required by the legislature, the department or other governmental agencies. External reports include, but are not limited to:

a. Reporting of incidents to the Central Communications Center.

b. National School Lunch meal reports.

c. Reports to the central abuse hotline, pursuant to Chapter 39, Florida Statutes.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History—New

63G-2.005 Security.

(1) Security Audits: The Regional Director shall ensure security audits are conducted and documented by department personnel on a quarterly basis.

(2) Security Devices:

(a) Security devices are used to enhance the supervision provided by trained staff. The following security devices are utilized in detention centers:

1. CCTV, radios and other recording and audio devices.

2. Doors, vestibules, man-traps/interlocking doors, keys, locks, windows, and electronic controls.

3. Mechanical restraints i.e. handcuffs, restraining belt, leg cuffs, soft restraints.

4. Fencing, hardware clothe, razor wire, and sallyports.

(b) The detention superintendent shall ensure:

1. Security devices are checked for proper operation / status on each shift, with the findings documented on the shift report and applicable logs under Rule 63G-2.004, F.A.C.

2. Noted deficiencies are reported to maintenance and administration for corrective action.

(3) Master Control:

(a) Master control's function, as it relates to security, involves 24-hour, seven days per week observation and monitoring of all activities occurring within the facility. Master

Control performs a number of critical tasks related to safety and security. It is the central security focal point in the facility for communication and tracking youth movement.

(b) The detention superintendent shall ensure the master control operator or designee maintains a bound log book and documents admissions, releases, census counts at the beginning and end of each shift and throughout the shift as the count changes, youth movement, emergencies, and any other relevant incidents/information.

(c) Master Control or other security stations as designated by the superintendent shall ensure all visitors, both visiting DJJ staff and others, are documented.

(d) Master Control monitors and controls security devices.

(e) Master Control clears all movement of youth prior to the actual movement.

(4) Communications:

(a) The detention superintendent shall require that upon reporting to duty, officers and supervisors are briefed by the outgoing supervisor or designee on each shift. Briefings at a minimum shall include:

1. Review of census counts including admissions and releases.

2. Names of youth placed in confinement and current status.

3. Names and status of youth on suicide watch or special medical alerts.

4. Status of security devices.

5. Incidents that contribute to jeopardizing safety and security.

6. Any other information applicable to maintaining a safe and secure environment.

(b) The lead officers assigned to the direct supervision of a group of youth shall be issued radios to be used to communicate with other lead officers, supervisors and Master Control as needed. Facility administration shall be assigned radios compatible with those issued to staff.

(5) Key Control:

(a) The detention superintendent or designee shall maintain a key inventory accounting for all keys.

(b) Emergency key rings with keys providing egress through the facility exterior shall be maintained separately from other facility keys in areas designated by the superintendent. These keys shall be notched or be otherwise identifiable by touch only.

(c) Employees shall not allow youth to handle facility keys.

(d) Key rings shall not be removed from the facility or the facility grounds without authorization from the superintendent.

(e) Lost key rings shall be reported immediately to the supervisor on duty.

(f) Youth movement shall cease immediately in the event of a lost key ring.

(6) Supervision of Youth:

(a) The primary function of the Juvenile Detention Officers is to provide supervision, control, and custody of youth.

(b) Officers shall know the exact number and location of all youth assigned to them at all times.

(c) Census counts of youth shall be taken and documented, at a minimum:

1. At the beginning and end of each shift.

2. Prior to and following routine movement.

3. Following any evacuation of the facility due to emergency or fire drill.

4. Randomly, at least once, on each shift.

(d) Officers shall intervene following departmental guidelines for verbal and physical intervention when youth are noncompliant or present a danger to self or others.

(e) Officers are responsible for the care of youth at all times. At no time shall another youth be allowed to exercise control over or provide discipline or care of any type to another youth.

(f) Superintendents or designated supervisors shall tour the youth living areas more than once each shift.

(7) Classification of Youth:

(a) Youth admitted to the detention center shall be classified to provide the highest level of safety and security.

(b) The detention superintendent shall ensure the classification process is implemented by Juvenile Detention Officers.

(c) Youth shall be reclassified if changes in behavior or status are observed.

(d) Officers shall ensure classification factors include, but are not limited to, a youth's sex, age, physical characteristics, criminal history and level of aggressiveness.

(e) Youth classified as suicide risks shall be placed on constant sight and sound supervision.

(8) Living Area / Room Assignments:

(a) Youth shall be assigned to a room based on their classification.

(b) Youth with a history of committing sexual offenses or of being a victim of a sexual offense shall not be placed in a room with any other youth.

(c) Youth with a history of violent behavior shall be assigned to rooms where it is least likely that they will be able to jeopardize safety or security.

(d) Rooms shall be searched and findings shall be documented prior to the initial placement of a youth in a room.

(e) When a youth is confined to a room, whether for sleeping, disciplinary or other reasons, officers shall conduct, at a minimum, 10-minute checks to ensure safety and security. Ten-minute checks shall be documented to include the time of the check and the initials of the officer completing the check. If

an officer, in the course of completing checks, is unable to see any part of a youth's body, the officer shall, with the assistance of another officer, open the door to verify the youth's presence.

(9) Searches:

(a) The Detention Superintendent shall ensure the primary function of any search is to locate contraband and to identify any item or situation that may be hazardous or otherwise compromise safety or security.

(b) The result(s) of any search shall be documented in the designated logs and on the shift report.

(c) Any item or situation, which may compromise safety or security, shall be reported immediately to the on-duty supervisor.

(d) Law enforcement shall be contacted if any found item would be considered illegal as defined in Florida Statute, or if there is evidence of any type of unlawful activity.

(e) Youth shall have in their possession only those items they are authorized to have; any other item shall be considered contraband.

(f) Officers are to be trained in when, why and how to conduct a number of different searches, including, at a minimum:

1. Frisk searches shall be conducted during admissions, following activities outside the living area, prior to transportation, and randomly.

2. Electronic searches shall be conducted during admissions, following any transport, and randomly.

3. Strip searches shall be conducted during admissions, or if there is a reasonable suspicion a youth is harboring contraband. All strip searches shall be conducted by officers of the same sex as the youth.

4. Room searches shall be conducted during the first two shifts (morning and afternoon) or if there is a reasonable suspicion that a youth is harboring contraband in a room.

5. Recreation field searches shall be conducted at the beginning of each shift and prior to any outdoor activity.

6. Perimeter, outside the fence line, and parking lot(s) searches shall be conducted once during each shift.

7. Vehicle searches shall be conducted prior to the transportation of any youth.

(g) Officers and other facility staff shall not be allowed to introduce personal items into the secure area without authorization of the superintendent or designee.

(10) Firearm and Weapon Control:

(a) The Detention Superintendent shall ensure the following:

1. Firearms and weapons as defined in Chapter 790, F.S., shall not be in the possession of any department employee while on state property or during the performance of their job unless so authorized by the department.

2. Firearms and weapons may only be brought into the secure area of any detention facility by law enforcement when emergency conditions exist.

(b) The possession of any firearm or weapon by a youth is a criminal act. Such items shall be seized if there is no immediate danger posed and law enforcement must be contacted.

(11) Emergencies:

(a) Officers and other facility staff shall be trained and prepared to address emergency situations. All facility staff shall call 911, if they believe any youth or staff requires emergency care. If 911 services are requested, Master Control shall be notified of the request as soon as possible to assist arriving emergency personnel in getting to the proper location.

(b) Regardless of the type of emergency, the supervision of youth and safety and security may be adversely affected and will demand immediate officer response.

(c) Emergency situations are categorized into three broad categories: youth oriented; weather/nature; and man-made situations.

1. Youth oriented emergencies include: escapes, riots, hostages, threat to life caused by the possession of a firearm or weapon, general disturbances and medical crisis. In the event of a medical emergency, all staff are trained in CPR/First Aid and are required to immediately provide assistance to the youth.

2. Weather/nature emergencies include: hurricanes, tornadoes, fire, flooding or other severe weather conditions.

3. Man-made situations include: fire, bomb threats, chemical spills, power outages and the intrusion of any outside force.

(12) Non-facility Staff in Secure Areas:

(a) Access to secure areas must frequently be provided to a number of different entities including, but not limited to: probation officers, law enforcement, officials of the court, school board personnel, contracted medical and/or mental health personnel, representatives from the Department of Children and Families and the Agency for Persons with Disabilities, and service vendors.

(b) The superintendent shall ensure the following:

1. Visiting personnel conducting official business shall display proper identification.

2. The superintendent shall designate what areas persons not employed at the facility may enter.

(c) The supervision of youth remains the responsibility of officers even when youth are with non-facility staff.

(d) When youth are with non-facility staff, sight supervision should be maintained by an officer whenever possible. At a minimum, youth with non-facility staff shall be monitored by the facility's surveillance equipment.

(e) Service vendors will be accompanied by designated facility staff at all times when in the secure area of a detention center. The superintendent may authorize exceptions to this guideline. All tools or other service items introduced into the secure area shall be accounted for following all service calls.

(f) All contracted employees shall enter and exit the facility through the main entrance and shall sign in and out of the facility.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History—New \_\_\_\_\_.

63G-2.006 Treatment Training and Education of Youth.

(1) Orientation:

(a) Youth shall be advised of facility rules and regulations, expectations for behavior and related consequences, and youth rights during an orientation process completed by an officer.

(b) Orientation shall occur within 24 hours of a youth being admitted into the facility and documented accordingly.

(2) Officer and Youth Interaction:

(a) The interaction between officers and youth is a critical component of the youth's time in detention and significantly impacts the youth. The quality of the program is contingent largely upon officers setting reasonable expectations and youth understanding how to appropriately interact with the officers.

(b) Officers must be clear and concise and use appropriate language in order to communicate effectively.

(3) Officer Professionalism:

(a) Officers shall maintain professional relationships with all youth and should avoid the appearance of personal relationships.

(b) Officers are role models and shall act accordingly.

(c) Officers shall not engage in personal relationships nor discuss any personal information relating to themselves or other officers with any youth.

(d) If a youth is a relative or family friend of an officer, it is the responsibility of the officer to report this through the designated chain of command.

(e) Officers shall not enter the sleeping quarters of the opposite sex unless accompanied by an officer of the same sex as the youth. However, any officer that discovers a youth attempting to commit suicide must immediately survey the scene to assess the level of emergency, and call for assistance. If the youth is demonstrating any sign of medical distress or is unresponsive, the officer must take immediate action and begin life-saving measures. Single officer cell entry is permitted to save lives. Life-threatening behaviors require an immediate response. Officers must use extreme caution when intervening without assistance.

(f) Officers shall not engage in "horseplay," either verbal or physical, with any youth.

(g) Officers shall not have written correspondence or verbal communication, including telephone calls, with any youth unless the communication is part of the identified duties.

(h) Officers shall not have any physical contact with any youth that could be viewed as potentially inappropriate except in the necessary application of verbal and physical intervention.

(j) Physical abuse of youth is prohibited by law and any suspicion or knowledge of such must be reported to the central abuse hotline, pursuant to Chapter 39, F.S., and the Central Communications Center.

(k) Officers shall not verbally abuse, demean or otherwise humiliate any youth, and shall not use profanity in the performance of their duties.

(l) Officers shall maintain the confidentiality afforded to all youth and shall not release any information to the general public or the news media about any youth.

(4) Daily Activities:

(a) Youth shall be provided the opportunity to participate in activities that will benefit youth and the facility by involving youth in constructive activities.

(b) Youth are expected to participate in all activities unless exempted due to medical or disciplinary reasons.

(c) Juvenile Detention Officers shall supervise all activities and shall maintain safety and security.

(d) Documentation of all activities shall be made in all applicable logs.

(5) Activity Schedule:

(a) The superintendent or designee shall develop a daily schedule clearly outlining the days and times for every youth activity.

(b) Daily activity schedules shall be posted in all living areas.

(c) Juvenile Detention Officers shall adhere to the daily activity schedules. The on-duty supervisor must approve any significant changes in the activity schedule, e.g. (cancellations, extended delays, etc.), and shall document the rationale for the changes on the shift report.

(6) Education:

(a) Youth shall attend school per guidelines established by the Florida Statute and the Department of Education. Youth are required to receive 300 minutes per day of educational instruction.

(b) The superintendent or designee shall work in partnership through a cooperative agreement with local school officials to ensure a quality school program is available for all youth.

(c) The superintendent or designee shall ensure compliance with the cooperative agreement.

(7) Recreation and Leisure Activities:

(a) Physical training is designed to promote healthy physical growth and development by providing structured large muscle exercise daily.

(b) Youth shall be afforded at least one hour daily of large muscle exercise outdoors. Outdoor exercises may be canceled, postponed or moved indoors at the discretion of the on-duty supervisor for reasons related to weather, safety or security.

(c) Activities such as free weights, softball, baseball, tackle football and horseshoes are prohibited activities due to safety and security concerns.

(d) Officers shall not participate in any physical activity with youth, but may direct or otherwise instruct youth in an activity.

(e) Exercises shall be consistent with the youths' physical capabilities.

(f) Exercises shall not be used for punitive reasons nor to demean, embarrass or humiliate a youth.

(8) Indoor Activities:

(a) Indoor activities shall promote educational, problem solving and/or life skills.

(b) Permissible and prohibited activities shall be determined by the superintendent or designee, with safety and security being considered.

(c) All movies shall be rated G or PG and be previously approved by the superintendent or designee.

(d) Indoor activities shall be canceled or postponed at the discretion of the on-duty supervisor for reasons related to safety or security. Such actions shall be documented.

(e) The on-duty supervisor shall ensure that television/ videos are used either for educational purposes or as part of the facility's behavior management system. Television programs and videos shall be content appropriate and should not promote violence, criminal activity, or sexual/abusive situations.

(9) Visitation:

(a) Visitation of youth in detention is strongly encouraged and supported. The superintendent shall develop a visitation plan consistent with the following:

1. One day, at a minimum, of the week with specified times, will be designated for visitation.

2. Guidelines for canceling any visits that may adversely affect safety or security of officers or youth shall be established.

3. The rules and visiting hours shall be conspicuously posted to ensure visibility to both visitors and youth.

4. All visitors must present a picture ID every time they visit and be cleared through the metal detector before being authorized to enter the visiting area. Any individual that fails to present proper identification, refuses to be searched or cleared through the metal detector shall be denied access to the facility.

5. Visitors shall not bring personal items (e.g., keys, purses, packages, etc.) into the secure area. Posted visitation rules shall include this information, along with a warning that the introduction of any unauthorized items into a detention center is a third-degree felony.

6. Visitors shall sign in on the Visitor's Log of the youth being visited.

7. Visitors shall be denied entrance if they:

a. Are disruptive or uncooperative.

b. Refuse to be searched.

c. Refuse to comply with officer instructions.

d. Are under the influence or appear to be under the influence of any intoxicating substance.

e. Fail to present proper photo identification.

f. Attempt to introduce contraband into the secure area.

g. Are dressed in inappropriate attire as outlined in the facility operating procedure and posted at the facility entrance.

(b) Legal counsel, guardians ad litem, probation, law enforcement, clergy and other professionals may visit youth as necessary, but are subject to the same requirements regarding signing in and contraband.

(c) Parents, grandparents, and legal guardians are approved visitors. Others may only visit if so ordered by the court or specifically approved by the superintendent or designee.

(d) Visitation may be terminated if the behavior of the visitor or youth is disruptive or not in compliance with facility policies or procedures, and officers will follow subsequent reporting procedures if a visit is terminated. The termination of a visit may lead to the suspension of future visitation privileges at the discretion of the superintendent.

(e) Visitation rooms or areas and any other common area will be searched both prior to and following visitation to ensure the absence of any hazardous or dangerous items or items that would be considered contraband.

(f) If a visitor has a question regarding a youth's case or charges, they shall be referred to the Juvenile Probation Officer.

(g) Youth shall be frisk searched following visitation, and if contraband is suspected, but not found during the frisk search, a strip search shall be initiated.

(10) Telephone Usage:

(a) The superintendent or designee shall develop procedures governing telephone usage.

(b) The following subsections outline the minimal procedural requirements.

1. Youth shall have access to use a telephone for 15 minutes a week.

2. This time may not be restricted as a consequence for non-compliant behavior; however, use of the phone may be postponed or rescheduled due to any safety or security concerns.

3. This time may be extended as outlined in the facility's behavior management system.

4. All telephone calls and attempted calls shall be documented on the youth's Telephone Log. These logs shall be placed in the youth's file upon release from detention.

5. Youth may not contact victims (with the exception of the victims of domestic violence as outlined in Rule 63G-2.004, F.A.C.) or co-defendants.

6. Telephone conversations shall be terminated if they are disruptive or, otherwise impact safety or security.

7. Youth shall have reasonable access to a telephone to contact their legal counsel, child welfare officer, and/or their juvenile probation officer. These telephone calls are not counted as part of the allocated 15 minutes of calls as referenced herein.

8. Youth who are unable to make contact with their parents or legal guardians because they will not accept collect calls, shall be allowed one free call to them per week. This call will be included in their 15 minute per week allotment.

(11) Mail:

(a) Youth shall be provided the opportunity to both receive and send mail.

(b) The superintendent or designee shall develop procedures governing mail consistent with the following:

1. All incoming and outgoing mail will be screened for content that could jeopardize safety or security. Mail shall be processed within 48 hours, excluding weekends and holidays.

2. Postage and writing materials will be provided by the facility for personal correspondence for youth to post a minimum of two letters weekly.

3. Youth shall not be denied the opportunity to write their attorneys, however, this time may be postponed or rescheduled due to any safety or security concerns.

4. Youth shall not write to other youth in any juvenile detention center or residential commitment program. Youth shall not write to anyone incarcerated in a correctional facility without the permission of the superintendent or designee.

5. Due to the possibility of biological or chemical contamination and in the interest of youth and staff safety, incoming packages and letters are not to be opened in the presence of the youth. They are to be opened at a location that offers the highest level of safety for staff and youth, using appropriate safety precautions. The only exception to the above is mail clearly marked from the youth's attorney. This mail is to be opened in the presence of the youth. Acceptable enclosures may include appropriate photos (not Polaroid) or paper drawings. Unacceptable enclosures may include money or potentially dangerous items, which will be seized and inventoried per facility operating procedures.

6. Postage stamps shall be removed from all envelopes prior to the delivery of mail to youth.

7. Mail received after a youth's release shall be returned to the sender.

(12) Grievances:

(a) Youth may file a grievance should they feel their rights have been violated or they have been treated unfairly.

1. Officers shall attempt to resolve any dispute or issue that could lead to the filing of a grievance prior to the actual filing of a grievance. Officers utilizing effective communication skills may resolve many disputes and/or issues that a youth may have prior to the initiation of the grievance process.

2. If youth have been afforded the same protections and rights as the general population, they may not file a grievance.

3. Any denial of a youth's request to grieve shall be documented.

4. The superintendent or designee shall review the supervisor's logbook to determine any patterns of abuse or misuse related to youths' opportunities to grieve.

(b) Grievances do not replace the responsibility of reporting abuse. If the grievance is an allegation of abuse, it must be reported to the Florida Abuse Hotline, pursuant to Chapter 39, F.S., and the Central Communications Center, and shall be handled pursuant to such guidelines and no longer as a grievance.

(c) The grievance process is as follows:

1. The supervising officer(s) will issue both a Grievance Form and a pencil to any youth who wishes to file a grievance.

2. Paper and pencil shall not be issued to any youth who is visibly angry and/or out of control.

3. The completed Grievance Form shall be forwarded within two hours to the on-duty supervisor.

4. The on-duty supervisor shall document his/her findings on the Grievance Form and will advise the youth of what actions, if any, may be taken.

5. Any action that may involve disciplinary proceedings against an officer shall not be reported to the youth.

6. If possible, the youth should be informed of the on-duty supervisor's findings by the end of the shift. Should there be circumstances that would not allow that, the youth will be informed within 24 hours.

7. The youth may agree or disagree with the supervisor's findings/actions, and will sign in the designated area on the form so indicating.

8. The supervisor shall forward the Grievance Form to the superintendent or designee upon completion.

9. The superintendent or designee shall review all completed Grievance Forms within 72 hours of receipt excluding weekends and holidays, and shall take whatever corrective actions deemed necessary. The superintendent's decision is final.

10. A separate file shall be maintained of all grievances. Grievances shall be maintained chronologically by month for one year.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)2. FS. History--New \_\_\_\_\_.



63G-2.007 Sanitation.

(1) Each detention facility is responsible for ensuring the physical plant and its grounds are maintained in a safe manner in compliance with all applicable codes and standards, such as fire safety, health, and sanitation. The Superintendent or designee shall conduct a weekly sanitation inspection and shall document findings.

(2) The detention center’s potable water sources and supply shall be in compliance with jurisdictional laws and regulations.

(3) Biohazardous waste shall be disposed of in accordance with OSHA Standard 29 CFR 1910.1030. Youth shall not be allowed to clean, handle, or dispose of any other person’s biohazardous material, bodily fluids, or human waste.

(4) All facilities shall be inspected by the appropriate persons in reference to state health sanitation and food service standards.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)3. FS. History–New \_\_\_\_\_.

63G-2.008 Capacity.

Each Facility shall develop an overcrowding contingency plan. The plan shall address:

(1) Identification of the maximum number of youth the facility is capable of housing safely and securely.

(2) Actions to be taken when the facility reaches the identified maximum capacity, to include requesting release of youth through the court and transferring youth to other facilities if deemed to be in the best interest of safety and security.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)4. FS. History–New \_\_\_\_\_.

63G-2.009 Bedding and Linens.

(1) All mattresses shall be individually certified as meeting national fire safety performance requirements. Polyurethane mattresses shall be prohibited.

(2) Clean bed linens shall be issued as follows:

(a) All newly admitted youth shall be provided with clean bedding.

(b) Clean bed linen shall be provided to all youth at least once per week and more often when health reasons dictate.

(c) Clean blankets shall be provided as seasonally necessary.

(3) Youth shall receive clean bath towels daily.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)5. FS. History–New \_\_\_\_\_.

63G-2.010 Nutrition.

(1) The nutritional needs of youth shall be met per dietary requirements consistent with the Dietary Guidelines for Americans established through the Department of Health and Human Services and Department of Agriculture (USDA).

(2) A 28-day menu cycle shall be implemented and shall be reviewed and approved by a licensed dietician on an annual basis.

(3) A minimum of two hot meals shall be served daily.

(4) No more than fourteen hours shall pass between dinner and breakfast.

(5) An evening snack shall be provided.

(6) Special dietary needs of youth due to health or religious reasons shall be met when verified by medical or religious authorities.

(7) The superintendent or designee shall ensure all guidelines and documents are maintained as required by the USDA National School Lunch and School Breakfast Programs.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)6. FS. History–New \_\_\_\_\_.

63G-2.011 Medical Treatment, Health and Comfort.

(1) Medical:

(a) Each juvenile detention center shall enter into a contract or written agreement with a medical provider(s) to provide medical services and to provide a Designated Health Authority for the center.

(b) Written health care policy and procedures shall be approved by the Designated Health Authority.

(c) Youth presented at the detention center for admission shall have been medically screened prior to their arrival at detention. No youth presented to be securely detained shall be accepted for detention if they are in need of emergency medical care, require mental health crisis intervention or are under the influence of any intoxicant.

1. If a youth in crisis is mistakenly accepted for admission into secure detention, the on-duty supervisor shall make the necessary arrangements for the youth to see the facility’s medical or mental health staff or shall ensure the youth is transported to a hospital emergency room.

2. The on-duty supervisor shall document the incident and forward the report to the superintendent or designee.

(d) Facility entry screening shall be performed by trained facility staff or qualified health care personnel on all youth upon arrival at the facility. All youth entering a detention center shall receive the appropriate routine screenings and evaluations. Routine screening and evaluations are those procedures, tests, examinations and assessments that are required by the Department to be provided for each youth. Any urgent medical issue shall be brought to the attention of appropriate medical personnel.

(e) All youth will receive a Health Related History. Any acute or chronic problem identified will receive ongoing services and monitoring by the medical staff.

(f) Youth with known or suspected communicable diseases shall be isolated from the general population until evaluated by the Designated Health Authority or the facility medical staff.

(g) Each juvenile detention center shall have scheduled sick call days to address youth's medical complaints. Sick call request forms shall be reviewed by the shift supervisor during the same shift that they are submitted.

(h) Physician or dental orders shall be carried out by qualified health care personnel. All youth shall be furnished such food, medication and other items as prescribed by the responsible physician or dentist.

(i) Security of all drugs and medical supplies shall be maintained at all times. Medicine prescribed for a youth by a physician or dentist shall be administered in accordance with the physician's or dentist's directions by qualified health care personnel and so noted in the youth's record. For those times when there is no qualified health care personnel to administer medication, staff trained and authorized may administer medication to the youth.

(k) The superintendent shall provide for 24-hour emergency medical care and shall specify these arrangements in a written plan. The superintendent shall obtain a satisfactory arrangement with the nearest available hospital for the admission and services of youth on an emergency basis.

(l) The superintendent shall have policies and procedures in place in the case of a medical emergency within the facility. All direct care staff or any other personnel, including volunteers, who have direct contact with youth are to be trained and understand that they are to immediately call 911 in a medical emergency. Such training of emergencies might include but not be limited to: recognition of signs, symptoms and action required in potential emergency situations as provided through basic first aid training and cardiopulmonary resuscitation training; signs and symptoms of life threatening mental illnesses, and procedures for patient transfer to appropriate medical facilities or health care providers.

1. In a situation requiring immediate medical attention, the youth shall be taken to the nearest hospital for emergency care. The Designated Health Authority, the superintendent or assistant superintendent and parents or legal guardian shall be contacted immediately.

2. First aid kits shall be available in appropriate places. The responsible physician or designee shall approve the contents, number, location and procedure for periodic inspection of the kits.

3. All staff shall be trained in first aid and cardiopulmonary resuscitation procedures.

(m) Security regulations applicable to facility support personnel shall also apply to health personnel.

(n) Appropriate continuous state and federal licensure, certification or registration requirements and restrictions shall apply to personnel who provide health care services to youth. The duties and responsibilities of such personnel shall be governed by the Department manuals and policies. Written verification of current credentials and job descriptions shall be on file in the detention center.

(o) Medical, pharmaceutical or cosmetic experiments shall not be performed on youth in detention centers.

(2) Mental Health and Substance Abuse:

(a) Each juvenile detention center shall enter into a contract or written agreement with a mental health provider(s) to provide mental health, substance abuse, and psychiatric services and to act as the Designated Mental Health Authority. The provider shall provide or arrange for mental health and substance abuse services.

(b) The superintendent shall ensure that youth in the program have access to necessary and appropriate mental health and substance abuse services (on-site and off-site) performed by qualified mental health and substance abuse professionals or service provider(s) licensed in accordance with Florida Statutes.

(c) There shall be mental health and substance abuse screening upon admission to determine if the youth has any immediate mental health needs. Suicide risk screening shall be conducted upon a youth's admission to the program and/or when a youth that had been on inactive status re-enters the program.

(d) The juvenile detention center shall have access to Crisis Intervention and emergency mental health or substance abuse care. This shall include 24-hour response capability with access to acute care settings and mental health and substance abuse emergency management services.

(e) For those youth on medications, there shall be psychopharmacological therapy and follow-up services, as necessary.

(f) The detention facility shall use an alert system to identify youth with special needs. Staff shall give special attention to observing youth in the alert system and as follow-up to logbook entries.

(3) Hygiene:

(a) Youth shall engage in hygiene practices that promote health and well-being.

(b) Youth shall shower daily, participate in routine dental care and otherwise maintain a daily hygiene routine as promoted and endorsed by the Designated Health Authority.

(c) Youth shall be provided the items necessary to allow them to perform proper hygiene.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)7. FS. History--New \_\_\_\_\_.

63G-2.012 Disciplinary Treatment.

(1) Principles:

(a) The behavior of youth and their interaction with supervising officers must contribute to the maintenance of a safe, secure and professional environment.

(b) Youth must understand there are consequences for all behaviors, and it is the responsibility of the supervising officers to consistently communicate this concept.

(c) The behavioral norms and expectations for youth shall be explained to all youth during the admission process, during orientation, and will be posted in all living areas and shall clearly specify what are appropriate and inappropriate behaviors.

(d) Consequences for non-compliant behavior of youth must have a direct association with those behaviors and must be fair, reasonable and equitable.

(e) Consequences for the behavior of youth are outlined in the behavior management system of each facility.

(2) Behavior Management:

(a) A behavior management system will provide clear guidelines and consequences, both positive and negative, for the behavior of youth. It shall be used as a tool to provide rewards for positive socially acceptable behavior and consequences for rule and law violations. The fair and consistent implementation of a behavior management system enhances safety and security as it relates to youth behavior. The behavior management system shall be shared and consistent with related support services, including but not limited to, on site educational, mental health and medical services.

1. Each facility shall implement a behavior management system to meet the needs of the youth and the facility. The system shall include rewards for positive behavior.

2. It is the responsibility of the supervising officer(s) to carry out the facility's behavior management system.

(b) Corrective action shall be appropriate for the behavior and shall be fair and equitable.

(c) Group punishment shall not be used as a part of the facility's behavior management plan. However, corrective action taken with a group of youth is appropriate when the behavior of a group jeopardizes safety or security and should not be confused with group punishment.

(d) Corporal punishment shall not be used in detention facilities. All allegations of corporal punishment of any youth by facility staff shall be reported to the central abuse hotline, pursuant to Chapter 39, F.S., and the Central Communications Center.

(e) The use of drugs to control the behavior of youth is prohibited. This does not preclude the proper administration of medication as prescribed by a licensed physician.

(3) Mechanical Restraints:

(a) Mechanical restraints shall be used as a method of controlling youth who present a threat to safety and security within the facility.

(b) Mechanical restraints shall be used when transporting youth outside the secure area of the facility.

(c) Mechanical restraints shall not be used as a means of discipline.

(d) Whenever mechanical restraints are used, a report shall be completed and submitted for review. The only exception is when used to transport youth outside the secure area of the facility.

(4) Confinement:

(a) Confinement is the most restrictive method of behavior management and is designed to ensure security, protect youth, officers and facility staff, and create youth accountability. Confinement may be used to gain immediate control of a situation, to ensure safety and security or to punish a youth for violation of facility rules. Confinement may not be used to harass, embarrass, demean or otherwise, abuse a youth. It is the intent of the Department that confinement be used only after all reasonable efforts to work with a youth, through verbal de-escalation, have failed to bring the youth's behavior within the control of officers, or the youth's behavior is so egregious as to give rise to an imminent and significant danger to persons and/or property if the youth is allowed to remain in the general population. The use of confinement shall be monitored closely by the superintendent, or designee, to ensure appropriateness.

(b) There are conditions that must be maintained that relate to both rooms used for confinement and the supervision of youth in confinement.

1. Confinement room windows and cameras shall be free of obstructions.

2. Any room that possesses potential safety hazards shall not be used for confinement.

3. Rooms used for confinement will be free of any non-fixed items, including, but not limited to, sheets, blankets, mattresses, hygiene items, etc., and shall have been searched prior to the placement of any youth.

4. Youth in confinement shall be afforded living conditions approximating those available to the general population. This includes, but is not limited to: education, showers, meals, clothing, large muscle exercise, bedding (during sleeping hours only) and hygiene items as needed.

5. Youth shall not have contact with the general population while participating in these activities.

(c) Superintendents shall develop procedures for the placement of a youth in confinement. The following outlines the minimal procedural guidelines:

1. Verification of the level of supervision required including the documentation of visual observation. Youth who are determined to be at-risk of suicide shall be supervised. The level of supervision will be either close supervision (5-minute checks) or constant sight and sound. Youth on standard supervision must be observed every ten minutes while in confinement.

2. A confinement report shall be submitted within one hour to the on-duty supervisor by the officer making the placement. The confinement report shall include a description of the incident and efforts made by staff to control the youth's behavior.

3. The confinement report shall be reviewed by the on-duty supervisor within two hours of submission to ensure the fair and appropriate use of confinement. The supervisor shall determine the appropriateness of the confinement placement, and if the supervisor determines the placement to be inappropriate, the youth shall immediately be released to the general population. The supervisor shall also review the youth's file to assess any special needs the youth may have that would merit alternatives to room confinement.

4. The on-duty supervisor, following the review of the confinement report, shall evaluate the youth's status, at a minimum, every three hours to determine if the continued confinement of the youth is required. This review shall include supporting documentation.

5. The confinement report shall be submitted by the end of the shift to the superintendent or designee following the removal of a youth from confinement. The superintendent or designee shall review the report within 48 hours excluding weekends and holidays.

(d) The length of time a youth may be placed in confinement is dictated by a number of factors including:

1. Severity of the rule violation;
2. Past disciplinary history;
3. Behavior while in confinement.

(e) On-Duty Supervisor(s) may continue a youth's time in confinement for up to 24 hours. The on-duty supervisor shall document the continued need for confinement every three hours. The superintendent or designee shall approve confinements extended beyond 24 hours, and every 24 hours afterwards, with reasons documented on the confinement report.

(f) The designated mental health professional shall evaluate and document the mental health status of all youth extended in confinement beyond 24 hours and every 24 hours afterwards excluding weekends and holidays.

(g) There are specific rule violations that, due to their severity and impact on safety and security, require mandatory confinement. The following violations require mandatory confinement:

1. A physical attack and/or battery by a youth on anyone in the facility;
2. Possession of any contraband that could reasonably be considered a weapon;
3. An escape or an attempt to escape;
4. Any gang related activities that could jeopardize safety or security;
5. Any attempt to resist staff that elevates to "active resistance" as defined in the Department's verbal and physical intervention policy;
6. Felony property damage.

(h) The length of time for mandatory confinements shall be as follows:

1. 1st occurrence = 3 days;
2. 2nd occurrence = 4 days;
3. 3rd occurrence = 5 days.

(i) In the event of an actual escape, a youth shall be placed in 5-day confinement upon his/her return to the facility. Occurrences are cumulative only for a youth's current stay in detention. The superintendent or designee shall review and document the status of youth placed in mandatory confinement every 24 hours. The superintendent may terminate a mandatory confinement at any time at his/her discretion. Supervisors shall not be required to document the continued need for confinement but shall check and document the status of youth in mandatory confinement a minimum of two times on each shift.

(j) Confinements shall be communicated to school personnel for appropriate record keeping and tracking of school assignments.

(k) The length of confinement shall not exceed 5 days unless the release of the youth into the general population would jeopardize the safety and security of the facility as documented by the superintendent. No youth shall be held in confinement beyond five days without a confinement hearing that is conducted by a management or supervisory level staff person who is not employed in the Detention Center where the confinement is occurring. Such hearings shall be conducted under the following procedure:

1. The Superintendent shall complete a confinement hearing report that includes:

- a. A copy of the confinement report and all documented reviews and interviews with the youth;
- b. A statement of the specific rules violated;
- c. A formal statement of the charge;
- d. A description of the facts and circumstances giving rise to the confinement;
- e. The rationale for requesting a youth remain in room confinement;
- f. Staff witnesses;
- g. Disposition of any physical evidence;
- h. Any immediate action taken including the use of force; and
- i. Date and time the report is made.

2. A written copy of the confinement hearing report shall be furnished to the youth to read prior to the hearing. If the youth cannot read, an officer shall read the information to the youth.

3. A reasonable effort will be made to notify the youth's parents or guardians, who are allowed to be present at the hearing.

4. The youth shall be given an opportunity to make a statement and present documentary evidence and to have in attendance any person who has relevant information.

5. The hearing officer shall make one or more of the following findings:

- a. A determination whether the allegation is founded.
- b. A determination that the original decision to place the youth in confinement was warranted or unwarranted.
- c. A determination that the circumstances of the incident(s) warrant a request for charges to be filed.

d. A finding as to whether the youth continues to present a clear and present danger to others. In such a case, the hearing officer is authorized to continue the youth in confinement for an additional period of time as the officer may determine appropriate.

e. If the hearing officer finds that the youth does not continue to present a clear and present danger to others, the youth shall be returned to the general population.

6. Following any hearing in which a finding is reached that a youth will be continued in confinement, the hearing officer shall request that a mental health assessment be completed by a qualified mental health professional within 12 hours of the hearing. The mental health professional shall complete a report making recommendations to the hearing officer for the disposition of the youth that may include, but are not limited to, the following.

- a. Continuation in room confinement for a specified period of time.
- b. The filing of a Baker Act petition.
- c. Returning the youth to the general population under conditions prescribed by the licensed mental health professional.
- d. Referral for psychiatric evaluation and treatment.

7. If the hearing officer disagrees with any of the recommendations made by the mental health professional, the reasons for such disagreement shall be documented. All evidence and circumstances considered in arriving at a dispositional decision shall be fully explained in the hearing record.

8. A copy of the hearing record shall be distributed to the Regional Director for detention and the Assistant Secretary for Detention.

9. A youth may appeal the hearing officer's decision to the Regional Director or to his or her designee. The Regional Director shall rule on all such appeals within 48 hours.

10. A copy of the hearing record of all cases in which it is found that the original decision to place a youth in room confinement was unwarranted will be sent to the Regional Director and kept in a separate facility file.

(1) The superintendent or designee shall develop a system for tracking confinement and documenting the appropriateness of its use. The superintendent or designee, to ensure the fair and proper use of confinement, and shall review all

confinement reports. The superintendent or designee shall review the overall use of confinement monthly to determine any patterns of misuse.

(m) Designated regional management shall review the use of confinement quarterly.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)8. FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clyde Benedix, Policy Development Officer, Office of Administration, Department of Juvenile Justice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jane McElroy, Assistant Secretary for Administration, Department of Juvenile Justice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2005

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Fees for Application, Examination, Examination Review and Initial Licensure 64B8-51.007

PURPOSE AND EFFECT: The proposed rule amendment is intended to reduce the examination fee.

SUMMARY: The proposed rule amendment reduces the examination fee from \$300 to \$150.

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: 456.064, 478.55(1) FS.

LAW IMPLEMENTED: 456.017, 456.064, 478.55 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: Susan Love, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.007 Fees for Application, Examination, Examination Review and Initial Licensure.

- (1) through (2) No change.
- (3) Examination fee is ~~\$150~~ \$300.
- (4) through (6) No change.

Specific Authority: 456.064, 478.55(1) FS. Law Implemented: 456.017, 456.064, 478.55 FS. History--New 5-31-93, Formerly 21M-76.007, 61F6-76.007, Amended 7-11-95, Formerly 59R-51.007, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrolysis Council  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2006

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES: Inactive and Retired Licensure Status; Reactivating of Licensure, Delinquent Renewal  
RULE NOS.: 64B8-54.002  
Fees 64B8-54.004  
Special Assessment Fee 64B8-54.0041

PURPOSE AND EFFECT: The proposed amendments to Rules 64B8-54.002 and 64B8-54.004, F.A.C., are intended to set forth the criteria for reactivation of a license which is in retired status and to set forth the retired status fee. The proposed Rule 64B8-54.0041, F.A.C., is intended to establish a special assessment fee and to permit licensees to submit the special assessment in four equal installments.

SUMMARY: The proposed amendments to Rule 64B8-54.002, F.A.C., set forth the criteria for reactivation of a license which is in retired status. The amendments to Rule 64B8-54.004, F.A.C., set forth the fee for those seeking retired status. The proposed Rule 64B8-54.0041, F.A.C., establishes a special assessment fee in the amount of \$1,306.00, and permits licensees to submit the special assessment in four equal installments.

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

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

SPECIFIC AUTHORITY: 456.013(2), 456.025(5), 456.036(15), 478.43(1), (4), 478.50, 478.55 FS.

LAW IMPLEMENTED: 456.013, 456.025(2),(5) 456.036(2), (4)(b), (12), 478.50, 478.55 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Susan Love, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-54.002 Inactive and Retired Licensure Status; Reactivating of Licensure, Delinquent Renewal.

(1) Ninety (90) days prior to the end of the biennium, the Department shall mail a notice of renewal to the last known address of the inactive or delinquent license holder contained in the official records of the Department.

(2) Any person holding an inactive license eligible for reactivation may return his license to active status upon submission of a complete application as set out below, ~~in subsection (3)~~ to the Department, payment of the fees indicated in Section 456.036, Florida Statutes, in the amounts indicated in Rule 64B8-54.004, F.A.C., and compliance with subsection (a) and (b), below; the following:

(a) through (b) No change.

(3) If the person holds a Florida retired license eligible for reactivation, he or she may return that license to active status upon submission of a complete application to the Department, payment of the appropriate fees and compliance with the provisions of subsection 456.036(12), F.S.

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

(5) A licensee wishing to change to retired licensure status during the renewal period must pay the retired license fee. If changing to retired licensure status outside the renewal period, the change of status fee shall also be paid.

~~(6)(4)~~ Failure to renew a the delinquent license to either active, ~~or~~ inactive, or retired status by the expiration date of the current renewal period shall render the license null and void without further action of the Council or Department.

Specific Authority 456.036(15), 478.43(1),(4), 478.50 FS. Law Implemented 456.036(2),(4)(b),(12), 478.50 FS. History--New 9-29-93, Formerly 61F6-79.002, 59R-54.002, Amended 4-2-98, 9-26-01, \_\_\_\_\_.

64B8-54.004 Fees.

(1) through (4) No change.

(5) The initial retired license fee shall be \$50.00.

(5) through (7) renumbered (6) through (8) No change.

~~(8) The fee for a wall certificate of licensure shall be \$25.~~

Specific Authority 456.013(2), 456.036(15), 478.43(1), (4), 478.50, 478.55 FS. Law Implemented 456.013, 456.025(2), 455.036(4)(b), 478.50, 478.55 FS. History--New 9-29-93, Formerly 61F6-79.004, Amended 6-29-95, Formerly 59R-54.004, Amended 2-17-00, \_\_\_\_\_.

64B8-54.0041 Special Assessment Fee.

(1) In an effort to eliminate the current cash deficit of the Electrolysis Council, each active status licensee and each inactive status licensee shall pay a special one time assessment fee of one thousand three hundred and six dollars (\$1306.00). The fee may be paid in four equal installments of three hundred and twenty-six dollars and fifty cents (\$326.50), with one-half of the total fee due no later than May 31, 2006. The entire fee must be paid to and received by the Department no later than May 31, 2008.

(2) Failure to comply with this rule and pay the required fee shall constitute a citation violation as set forth in Section 456.077, F.S.

Specific Authority 456.025(5) FS. Law Implemented 456.025(5) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrolysis Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2006

DATES NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005 (64B8-54.002 and 64B8-54.004); December 16, 2005 (64B8-54.0041)

**FINANCIAL SERVICES COMMISSION**

**OIR Insurance Regulation**

RULE TITLE: RULE NO.:

Reports by Insurers of Professional Liability Claims and Actions Required 690-171.003

PURPOSE, EFFECT AND SUMMARY: Section 627.912, F.S., requires certain insuring entities to report liability claims. As amended Rule 690-171.003, F.A.C., sets up the process by which these claims are reported electronically to the Office and requires a "No Claim Report" if there are no claims.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.912, 627.918 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., March 21, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee Roddenberry, Director, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: Lee.Roddenberry@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:

690-171.003 Reports by Insurers of Professional Liability Claims and Actions Required.

~~(1)(a) Each entity self insurer identified in Section 627.912(1)(a), or 627.912(5), F.S., authorized under Section 627.357, F.S., and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed pursuant to the provisions of Chapter 458, F.S., to a practitioner of osteopathic medicine licensed pursuant to the provisions of Chapter 459, F.S., to a podiatric physician licensed pursuant to the provisions of Chapter 461, F.S., to a dentist licensed pursuant to the provisions of Chapter 466, F.S., to a hospital licensed pursuant to the provisions of Chapter 395, F.S., to crisis stabilization units licensed under Part IV of Chapter 394, F.S., to a health maintenance organization certified under Part I of Chapter 641, F.S., to clinics included in Chapter 390, F.S., to an ambulatory surgical center as defined in Section 395.002, F.S., or to a member of the Florida Bar, shall report to the Office of Insurance Regulation (Office) any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent. In any calendar year in which no claim or action for damages has been closed, the entity shall file a "No Claim Submission Report". Each entity insurer or self insurer required to report under this rule shall submit such information to the Office using the "Professional Liability Claims Reporting ("PLCR") located at <https://apps.fldfs.com/plcr>. Form OIR-A1-1672 (1-06). The PLCR is incorporated and adopted by reference, electronically by using computer software provided by the Office. A copy of the judgment or settlement must be provided along with any other information required by the Office that is not included in the computer software. The following forms have been converted into the software provided by the Office are hereby incorporated by reference, and shall take effect on the effective date of this rule amendment: Form OIR-303 (5/99) "Florida Medical Professional Liability Insurance Claims Report" and OIR-304 (5/99) "Lawyers Professional Liability Closed Claim Reporting Form." Professional liability closed claim reports must be filed by the insurer if the claim resulted in:~~

- ~~(a) A final judgment in any amount; or~~
- ~~(b) In addition to the requirements set forth in Section 627.912(2), F.S., reports shall contain: A settlement in any amount.~~

1. The type of entity insured to include but not limited to hospitals, individuals or other facilities;
2. The field of medicine in which a physician practices;
3. The facility license or registration number;
4. The amount the insurance company has set aside to pay the claim as of the closing date of the claim;
5. The names of all known defendants;

6. Whether or not the claim was closed due to a jury verdict or settlement;

7. The county in which the injury occurred; and

8. The date on which payment was made.

(c) In order to determine the cost of medical malpractice claims, the commissioner may require additional information, through filings, special data calls, informational hearings or by any other means consistent with statute or the Florida Administrative Code, that the commissioner believes will help in the determination of ultimate cost of medical malpractice claims.

(2) Each authorized insurer, risk retention group, joint underwriting association and surplus lines insurer shall annually report to the Office on or before April 1 of each calendar year a reconciliation of all paid claims and loss adjustment expenses reported pursuant to Section 627.912, F.S., and direct loss and loss adjustment expenses paid in the state of Florida and reported in their NAIC annual statement. Such reconciliation shall be reported using the method as described in paragraph (1)(a) and include but are not limited to the following:

(a) Payments on claims not closed in current calendar year;

(b) Payments made prior to January 1 on claims closed during the current calendar year;

(c) Losses paid on claims not settled under Florida law but which are reported in the NAIC annual statement;

(d) Payments on claims reported on policies written in another state;

(e) Reimbursements received;

(f) Rounding and statistical adjustments (explaining documentation must be provided);

(g) Un-reconciled amounts (explaining documentation must be provided);

(h) Closed claim subtractions; and

(i) Closed claim additions.

(3)(2) Any self-insurance program established under Section 240.213, F.S., shall report, using such method as described in paragraph (1)(a), in duplicate to the Office of Insurance Regulation any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of professional services provided by the Board of Regents through an employee or agent of the Board of Regents, including practitioners of medicine licensed under Chapter 458, F.S., practitioners of osteopathic medicine licensed under Chapter 459, F.S., podiatric physicians licensed under Chapter 461, F.S., and dentists licensed under Chapter 466, F.S., or based on a claimed performance of professional services without consent if the claim resulted in a final judgment in any amount, or a settlement in any amount.

~~(4)(3) Reports are due no later than 30 days after the claim has been closed, following the occurrence of one of the events listed in paragraph (a) or (b) above. "No Claim Submission Reports" are due no later than March 1st of each year. Entities not filing a closed claim or a "No Claim Submission Report" will be subject to fines and penalties as listed in Section 627.912, F.S. A closed claim report which is inaccurate, incomplete, or not properly formatted will be returned unprocessed and will be considered late until an accurate, complete and properly formatted report is received.~~

~~(5)(4) The Office shall impose a fine of \$250 per day per case, but not to exceed a total of \$10,000 \$1,000 per case against an entity required to report under Section 627.912(1)(a), F.S., insurer or self-insurer that violates the professional liability closed claim reporting requirements, except that the Office may impose a fine of no more than \$1,000 per case against an insurer providing professional liability insurance to a member of the Florida Bar. This applies to claims closed on or after October 1, 1997.~~

~~(5) Copies of the Professional Liability Closed Claim Software are available from the Office of Insurance Regulation, Bureau of Property and Casualty Forms and Rates, Room 238.14, Larson Building, Tallahassee, Florida 32399-0300, (850)413-5346.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.912, 627.918 FS. History--New 1-16-83, Amended 6-14-83, 7-1-85, 12-31-85, Formerly 4-59.03, Amended 11-9-86, 6-15-88, Formerly 4-59.003, Amended 4-28-92, 6-13-99, Formerly 4-171.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lee Roddenberry, Director, Property and Casualty Product Review, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005

**FINANCIAL SERVICES COMMISSION**

**OIR Insurance Regulation**

RULE TITLE: Medical Malpractice Insurance Open  
Claims Reporting

RULE NO.: 690-171.009

PURPOSE, EFFECT AND SUMMARY: Section 627.912(7), F.S., authorizes the Office to monitor losses and claims development in the Florida medical malpractice insurance market by establishment of an open claims database. This rule establishes such a database.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.



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

SPECIFIC AUTHORITY: 624.308(1), 627.912(7) FS.

LAW IMPLEMENTED: 627.912(7) 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., March 21, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Claude Mueller, Property and Casualty Financial Oversight, Office of Insurance Regulation, E-mail Claude.Mueller@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:

690-171.009 Medical Malpractice Insurance Open Claims Reporting.

(1) Each insurer transacting medical malpractice insurance in this state shall file with the Office, on an annual basis, the information required by this rule. The information shall be filed electronically on or before March 1 for the immediately preceding calendar year to the Office using the "Professional Liability Claims Reporting ("PLCR") located at <https://apps.fldfs.com/plcr>, Form OIR-A1-1672 (1-06). The PLCR is incorporated and adopted by reference.

(2) Each insurer shall submit the following information in aggregate for all claims-made medical malpractice policies written in Florida. Information for direct, assumed, and ceded business shall be reported separately.

- (a) Number of open claims for each year;
- (b) Number of closed claims for each year;
- (c)1. Direct premiums earned,  
2. Assumed premiums earned, and  
3. Ceded premiums earned for each year;
- (d)1. Direct loss payments,  
2. Assumed loss payments, and  
3. Ceded loss payments for each year;
- (e)1. Direct allocated loss adjustment expense payments and defense and cost containment expense payments,  
2. Assumed allocated loss adjustment expense payments and defense and cost containment expense payments, and  
3. Ceded allocated loss adjustment expense payments and defense and cost containment expense payments for each year;

- (f)1. Direct case losses unpaid,  
2. Assumed case losses unpaid, and  
3. Ceded case losses unpaid for each year;
- (g)1. Direct bulk losses unpaid,  
2. Assumed bulk losses unpaid, and  
3. Ceded bulk losses unpaid for each year;
- (h)1. Direct incurred but not reported unpaid,  
2. Assumed incurred but not reported unpaid, and  
3. Ceded incurred but not reported unpaid for each year;
- (i)1. Direct case allocated loss adjustment expense unpaid and case defense and cost containment expense unpaid,  
2. Assumed case allocated loss adjustment expense unpaid and case defense and cost containment expense unpaid, and  
3. Ceded case allocated loss adjustment expense unpaid and case defense and cost containment expense unpaid for each year;
- (j)1. Direct bulk allocated loss adjustment expense unpaid and bulk defense and cost containment expense unpaid,  
2. Assumed bulk allocated loss adjustment expense unpaid and bulk defense and cost containment expense unpaid, and  
3. Ceded bulk allocated loss adjustment expense unpaid and bulk defense and cost containment expense unpaid for each year;
- (k)1. Direct incurred but not reported allocated loss adjustment expense unpaid and incurred but not reported defense and cost containment expense unpaid,  
2. Assumed incurred but not reported allocated loss adjustment expense unpaid and incurred but not reported defense and cost containment expense unpaid, and  
3. Ceded incurred but not reported allocated loss adjustment expense unpaid and incurred but not reported defense and cost containment expense unpaid for each year.
- (3) Each insurer shall submit the following information in aggregate for all occurrence medical malpractice policies written in Florida. Information for direct, assumed, and ceded shall be reported separately:
  - (a) Number of open claims for each year;
  - (b) Number of closed claims for each year;
  - (c)1. Direct premiums earned,  
2. Assumed premiums earned, and  
3. Ceded premiums earned for each year;
  - (d)1. Direct loss payments,  
2. Assumed loss payments, and  
3. Ceded loss payments for each year;
  - (e)1. Direct allocated loss adjustment expense payments and defense and cost containment expense payments,  
2. Assumed allocated loss adjustment expense payments and defense and cost containment expense payments, and  
3. Ceded allocated loss adjustment expense payments and defense and cost containment expense payments for each year;
  - (f)1. Direct case losses unpaid,

2. Assumed case losses unpaid, and

3. Ceded case losses unpaid for each year;

(g)1. Direct bulk losses unpaid,

2. Assumed bulk losses unpaid, and

3. Ceded bulk losses unpaid for each year;

(h)1. Direct incurred but not reported unpaid,

2. Assumed incurred but not reported unpaid, and

3. Ceded incurred but not reported unpaid for each year;

(i)1. Direct case allocated loss adjustment expense unpaid and case defense and cost containment expense unpaid,

2. Assumed case allocated loss adjustment expense unpaid and case defense and cost containment expense unpaid, and

3. Ceded case allocated loss adjustment expense unpaid and case defense and cost containment expense unpaid for each year;

(j)1. Direct bulk allocated loss adjustment expense unpaid and bulk defense and cost containment expense unpaid,

2. Assumed bulk allocated loss adjustment expense unpaid and bulk defense and cost containment expense unpaid, and

3. Ceded bulk allocated loss adjustment expense unpaid and bulk defense and cost containment expense unpaid for each year;

(k)1. Direct incurred but not reported allocated loss adjustment expense unpaid and incurred but not reported defense and cost containment expense unpaid,

2. Assumed incurred but not reported allocated loss adjustment expense unpaid and incurred but not reported defense and cost containment expense unpaid, and

3. Ceded incurred but not reported allocated loss adjustment expense unpaid and incurred but not reported defense and cost containment expense unpaid for each year.

(4) Reporting Instructions.

(a) Cumulative historical data by year for the immediately preceding 10 years and an aggregate amount of the total change for all other years ("prior") shall be reported. The "prior year" entry shall reflect only amounts paid, received or incurred in the current year or remaining reserved at its end. Loss payments shall be reported net of salvage and subrogation received.

(b) Earned premium shall be reported on a calendar-year basis. Losses incurred shall be reported under the year in which the event occurred that triggered coverage under the contract. This may be a date of accident (occurrence policy), a date of report (claims-made policy) or a policy issue date (tail policy).

(c) Claims-made earned premiums shall include earned premiums arising from any policy where the predominant exposure is claims-made, but claims-made earned premiums shall not include "tail" earned premiums. "Tail" earned premiums applicable to a claims-made insurance program, along with the claims they cover, are to be included in the occurrence part for the respective line.

(d) The following shall be used in accounting for claims-made losses:

1. For losses attributable to claims-made (but not "tail" forms), the incurred date shall be the report date.

2. Losses shall be booked to the report year that is consistent with the report year definition contained in the policy.

(e) Losses incurred on tail policies must be assigned to the year in which the policy was issued and are to be included in the occurrence data for the respective line.

(f) For reporting items that cover both allocated loss adjustment expense and defense and cost containment, note that new accounting directions for handling loss adjustment expenses in the Property and Casualty Annual Statement were adopted by the National Association of Insurance Commissioners effective January 1, 1998. Prior to January 1, 1998, loss adjustment expenses were split between "allocated loss adjustment expenses" and "unallocated loss adjustment expenses". The new directions split the loss adjustment expenses between "Defense and Cost Containment" and "Adjusting and Other". Most of the expenses that formerly fell within "allocated loss adjustment expenses" now fall within "Defense and Cost Containment". Insurers shall comply with this direction from the National Association of Insurance Commissioners. Each reporting entity shall report each calendar year portion of each accident year consistent with how that portion was reported in the entity's most recent annual statement Schedule P. For example, if the accident year 1996 paid defense and cost containment in the entity's most recent Schedule P consists of accident year 1996 allocated loss adjustment expenses paid during 1996 and 1997, and accident year 1996 defense and cost containment paid in 1998 and later years, the accident year defense and cost containment submitted with this form should be computed the same way. Entities that do not prepare a Schedule P or similar schedule shall report defense and cost containment for all portions of all years.

(g) If the company has data that is not available by individual claim, this data shall be reported separately via footnote disclosure. The method of disclosure shall be consistent with the reporting contained within the company's NAIC annual statement. An example of such information might be an aggregate excess of loss contract containing large deductibles that do not define individual claimants or a policy issued to a hospital organization insuring multiple locations.

(h) Many insurers have a pooling arrangement with affiliated companies, approved by the domiciliary commissioner, in which the business written is reallocated among the affiliated companies according to a specified percentage. Pooled business shall be reported as follows:

1. The premiums and losses are to be reported in the claims data after such pooling arrangements, not before.

2. In reporting pooled premiums and losses, the direct business results (prior to both pooling and reinsurance) shall first be allocated to the pool participants as direct premiums and losses. Then the reinsurance ceded to companies outside the pool shall also be allocated among the pool members. The transfer of premiums or losses between companies through the pooling mechanism shall not be reported as reinsurance.

3. If ceded reinsurance applies after the pool, i.e., the pooling inures to the benefit of the reinsurer, the ceded reinsurance is not to be allocated among the pool members.

Specific Authority 627.912(7), 624.308(1) FS. Law Implemented 627.912(7) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Claude Mueller, Director, Property and Casualty Financial Oversight, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2006

DATES NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 19, 2003 and August 26, 2005

**FINANCIAL SERVICES COMMISSION**

**Office of Financial Regulation**

RULE TITLE: RULE NO.:

Prohibited Business Practices for Dealers and Their Associated Persons 69W-600.013

PURPOSE AND EFFECT: On August 29, 2003, the Securities and Exchange Commission (SEC) approved the adoption of Rule 2370 of the National Association of Securities Dealers (“NASD”), 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. These rule amendments are based on NASD Rule 2370. Rule 69W-600.013, F.A.C., is also being amended to reflect that a violation of Regulation SHO, as adopted by the SEC under the Securities and Exchange Act of 1934, is a prohibited business practice. The rule is also being amended to update references to applicable SEC and self-regulatory rules adopted by reference.

SUMMARY: Rules governing lending arrangements of funds between registered persons of dealers and customers have been promulgated at the national level by the NASD. The rule proposed by the Office is based on the amended NASD Rule 2370, which has been approved by the Securities and Exchange Commission. This rule amendment exempts some lending arrangements involving a registered person of a broker

dealer and a customer from being a prohibited business practice. The rule is also being amended to reflect that a violation of Regulation SHO, as adopted by the SEC under the Securities and Exchange Act of 1934, is a prohibited business practice.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03(1), 517.081, 517.1217 FS. LAW IMPLEMENTED 517.12(1), 517.081, 517.1217, 517.161(1) 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: Bridget D. Dervish, Area Financial Manager, Bureau of Securities Regulation, Room 664, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0374, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-600.013 Prohibited Business Practices for Dealers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) Causing any unreasonable delay in the delivery of securities purchased by any of its customers, or in the payment upon request of free credit balances reflecting complete transactions of any of its customers;

(b) Inducing trading in a customer’s account which is excessive in size or frequency in view of the financial resources and character of the account;

(c) Recommending to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer on the basis of information furnished by the customer after reasonable inquiry concerning the customer’s investment objectives, financial situation and needs, and any other information known by the dealer;

(d) Executing a transaction on behalf of a customer without authority to do so;

(e) Exercising any discretionary power in effecting a transaction for a customer’s account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;

(f) Extending, arranging for, or participating in arranging for credit to a customer in violation of the provisions of Regulation T (12 CFR 220.1-~~220.12~~ ~~220.13~~, inclusive) promulgated by the Federal Reserve Board, as such provisions existed on February 1, 2006 ~~July 1, 2003~~;

(g) Executing any transaction in a margin account without obtaining from its customer a written margin agreement prior to settlement date for the initial transaction in the account;

(h) Failing to segregate customers' free securities or securities in safekeeping;

(i) Hypothecating a customer's securities in violation of SEC Rule 8c-1 (17 CFR 240.8c-1), as such rule existed on February 1, 2006 ~~July 1, 2003~~;

(j) Charging its customer an unreasonable commission or service charge in any transaction executed as agent for the customer;

(k) Entering into a transaction for its own account with a customer with an unreasonable mark-up or mark-down;

(l) Entering into a transaction with or for a customer at a price not reasonably related to the current market price;

(m) Failing to execute a customer's order;

(n) Executing orders for the purchase by a customer of securities not registered under Section 517.081 or 517.082, F.S., unless the securities are exempted under Section 517.051, F.S., or the transaction is exempted under Section 517.061, F.S.;

(o) Representing itself as a financial or investment planner, consultant, or advisor, when the representation does not fairly describe the nature of the services offered, the qualifications of the person offering the services, and the method of compensation for the services;

(p) With respect to any customer, transaction or business in this state, violating:

1. Any by-law, schedule thereto, rule, or appendix thereto, of the National Association of Securities Dealers ("NASD"), interpreted in accordance with the guidelines, policies, and interpretations of the NASD or SEC, including: the Conduct Rules; the Marketplace Rules; and the Uniform Practice Code, as published in the NASD Manual as of February 1, 2006 ~~July 1, 1998~~ and any amendments as existed on ~~July 1, 2003~~;

2. For members of the New York Stock Exchange, Rule 405, 412, ~~or 435, or 445~~ of the New York Stock Exchange, as such rules existed on February 1, 2006 ~~July 1, 2003~~, interpreted in accordance with the guidelines, policies, and interpretations of the NYSE or SEC;

3. Sections 2, 4, 5, or 6 of the Securities Act of 1933 or SEC Rules 134 (17 CFR 230.134); 134a (17 CFR 230.134a); 135a (17CFR 230.135a); 144 (17 CFR 230.144); 144A (17 CFR 230.144A); 156 (17 CFR 230.156); 419 (17 CFR 230.419); 481 (17 CFR 230.481); or 482 (17 CFR 230.482) promulgated pursuant thereto, as such provisions existed on

February 1, 2006 ~~July 1, 2003~~, interpreted in accordance with the guidelines, policies, and interpretations of the NASD or SEC;

4. Section 15(b)(4)(E) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o) or REG SHO (17 CFR 242.200 through 242.203) as it existed on February 1, 2006 ~~July 1, 2003~~; or

5. Any rule of the Municipal Securities Rulemaking Board ("MSRB") including the Definitional Rules (Rules D-1 through D-11, inclusive), and the General Rules with the exception of Rule G-35 (Rules G-1 through G-34, inclusive), promulgated pursuant to section 15B of the Securities Exchange Act of 1934, as such rules existed on February 1, 2006 ~~July 1, 2003~~, interpreted in accordance with the guidelines, policies, and interpretations of the MSRB, NASD, or SEC;

6. To the extent that any of the rules described in subparagraphs 1. through 5. of this section or their interpretation by the NASD, NYSE, MSRB, or SEC, as appropriate, conflict or are inconsistent with other provisions of the Florida Securities and Investor Protection Act or rules promulgated pursuant thereto, this paragraph of this rule shall not be deemed controlling;

(q) Failing to furnish to a customer purchasing securities in an offering, not later than the date of confirmation of the transaction, either a final prospectus or a preliminary prospectus and an additional document, which together include all information set forth in the final prospectus;

(r) Introducing customer transactions on a "fully disclosed" basis to another dealer that is not registered under Chapter 517, F.S., unless the customer is a person described in Section 517.061(7), F.S.;

(s) Recommending to a customer that the customer engage the services of an investment advisor that is not registered or exempt from registration under Chapter 517, F.S., unless the customer is a person described in Section 517.061(7), F.S.;

(t) Recommending to a customer that the customer engage the services of an investment advisor in connection with which the dealer receives a fee or remuneration (other than directed business) from the investment advisor, except as permitted in Rule 69W-600.003, F.A.C.;

(u) Selling or offering for sale any security in a transaction exempt from registration pursuant to Section 517.061(17)(a)1., F.S., where the issuer of such securities has not filed with the SEC within the specified period of time all reports required by Sections 13 or 15(d) of the Securities Exchange Act of 1934, as such sections existed on February 1, 2006 ~~July 1, 2003~~;

(v) Giving false or otherwise misleading customer information to any financial institution or regulatory agency.

(2) The following are deemed demonstrations of unworthiness by an associated person of a dealer under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) Borrowing money or securities from a customer; except when persons are in compliance with NASD Rule 2370(a)(1), (a)(2)(a)-(c) only, and NASD Rule 2370(b)-(c), as such rules existed on February 1, 2006.

(b) Acting as a custodian for money, securities or an executed stock power of a customer;

(c) Effecting transactions in securities, or investments as defined by Section 517.301(2), F.S., not recorded on the regular books or records of the dealer, which the associated person represents, unless the transactions are disclosed to, and authorized in writing by, the dealer prior to execution of the transactions;

(d) Operating an account under a fictitious name, unless disclosed to the dealer, which the associated person represents;

(e) Sharing directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the dealer, which the associated person represents;

(f) Dividing or otherwise splitting commissions, profits or other compensation in connection with the purchase or sale of securities in this state with any person not also licensed as an associated person for the same dealer, or for a dealer under direct or in indirect common control;

(g) Failing to furnish to each offeree of a SCOR registration a copy of the "Florida Guide to Small Business Investments"; and

(h) Engaging in any of the practices specified in paragraph (1)(b), (c), (d), (e), (f), (g), (m), (n), (o), (p), (q), (s), (t), (u), or (v).

Specific Authority 517.03(1), 517.1217 FS. Law Implemented 517.081, 517.1217, 517.161(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.13, Amended 8-1-91, 6-16-92, 1-11-93, 11-7-93, 5-5-94, 9-9-96, 10-20-97, 1-25-00, 10-30-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget D. Dervish, Area Financial Manager, Bureau of Securities Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

**FINANCIAL SERVICES COMMISSION**

**Office of Financial Regulation**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Prohibited Business Practices for Investment Advisers and Their Associated Persons	69W-600.0131
Custody Requirements for Investment Advisers	69W-600.0132
Books and Records Requirements	69W-600.014

PURPOSE AND EFFECT: Section 517.1215(1), Florida Statutes, 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 creating a new rule section, Rule 69W-600.0132, and amending 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. Rules 69W-600.0131 and 69W-600.014, F.A.C., are being amended to update references to applicable SEC and self-regulatory rules adopted by reference.

SUMMARY: Rule 69W-600.0132, F.A.C., is based on the model rules of the North American Securities Administrators Association, Inc., that establish uniform custody rules to be adopted by the states for state covered investment advisers. State covered investment advisers who fail to comply with the custody rules set forth in Rule 69W-600.0132, F.A.C., are committing a prohibited business practice.

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 in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 517.12(4), 517.121(1), 517.1215, 517.161(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bridget D. Dervish, Area Financial Manager, Bureau of Securities Regulation, Room 664, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0374, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under Section 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) With respect to any customer, transaction or business in, to or from this state, engaging in any conduct prohibited by, or failing to comply with the requirements of, the following:

Sections 204, 204A, 205, 206, 207, 208 of the Investment Advisers Act of 1940 or SEC Rules 204-3 (17 CFR 275.204-3); 205-1 (17 CFR 275.205-1); 205-2 (17 CFR 275.205-2); 205-3 (17 CFR 275.205-3); 206(3)-1 (17 CFR 275.206(3)-1); 206(3)-2 (17 CFR 275.206(3)-2); 206(4)-1 (17 CFR 275.206(4)-1); ~~206(4)-2 (17 CFR 275.206(4)-2)~~; 206(4)-3 (17 CFR 275.206(4)-3); and 206(4)-4 (17 CFR 275.206(4)-4) of the Investment Advisers Act of 1940 promulgated pursuant thereto, as such provisions existed on February 1, 2006 ~~July 1, 2003~~, interpreted with the guidelines, policies, no-action letters, and interpretations of the SEC;

(b) Borrowing money or securities from a customer unless the customer is a dealer, an affiliate of the investment adviser, or a financial institution engaged in the business of loaning funds;

(c) Loaning money to a customer unless the investment adviser is a financial institution engaged in the business of loaning funds or the customer is an affiliate of the investment adviser;

(d) Recommending to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer on the basis of information furnished by the customer after reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by the investment adviser;

(e) Exercising any discretionary power in placing an order for the purchase or sale of securities for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time or price for the execution of orders;

(f) Inducing trading in a customer's account which is excessive in size or frequency in view of the financial resources, investment objectives, and character of the account;

(g) Placing an order to purchase or sell a security on behalf of a customer without authority to do so;

(h) Placing an order to purchase or sell a security for a customer's account upon instruction of a third party without first having obtained a written third-party trading authorization from the customer;

(i) Misrepresenting the qualifications of the investment adviser or any employee of the investment adviser to a client or prospective client when the representation does not fairly describe the nature of the services offered, the qualifications of

the person offering the services, and the method of compensation for the services or omitting to state a material fact;

(j) Charging a customer an unreasonable advisory fee;

(k) Failing to disclose to customers in writing before any advice is rendered any material conflict of interest relating to the adviser or any of its employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

1. Compensation arrangements connected with advisory services to customers which are in addition to compensation from such customers for such services; and

2. Charging a customer an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the adviser or its employees;

(l) Guaranteeing a customer that a specific result will be achieved with the advice to be rendered;

(m) Recommending to a customer that the customer engage the services of a dealer that is not registered or exempt from registration under Chapter 517, F.S., unless the customer is a person described in Section 517.061(7), F.S.;

(n) Recommending to a customer that the customer engage the services of a dealer in connection with which the investment adviser receives a fee or remuneration from the dealer, except as permitted in Rule 69W-600.003, F.A.C.;

(o) Disclosing the identity, affairs, or investments of any customer unless required to do so by law or consented to by the customer;

(p) Giving false or otherwise misleading customer information to any financial institution or regulatory agency;

(q) Entering into, extending or renewing any investment advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or non-performance, whether the contract grants discretionary power to the adviser and that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; ~~and~~

(r) Entering into, extending or renewing any investment advisory contract contrary to the provisions of Section 205 of the Investment Advisers Act of 1940. This provision shall apply to all advisers and investment adviser representatives registered or required to be registered under this Act, notwithstanding whether such adviser or representative would be exempt from federal registration pursuant to Section 203(b) of the Investment Advisers Act of 1940.

~~(s)~~ Including, in an advisory contract, any condition, stipulation, or provisions binding any person to waive compliance with any provision of Chapter 517, F.S., or of the

Investment Advisers Act of 1940, or any other practice contrary to the provisions of Section 215 of the Investment Advisers Act of 1940; and

(t) Taking any action, directly or indirectly, with respect to those securities or funds in which any client has any beneficial interest, where the investment adviser has custody or possession of such securities or funds when the adviser's action is subject to and does not comply with the requirements of Rule 69W-600.0132, F.A.C.

(2) The federal statutory and regulatory provisions referenced herein shall apply to investment advisers, investment adviser representatives and federal covered advisers, to the extent permitted by the National Securities Markets Improvement Act of 1996.

Specific Authority 517.03(1), 517.1215 FS. Law Implemented 517.12(4), 517.161(1), 517.1215 FS. History--New 1-25-00, Amended 7-31-04,

69W-600.0132 Custody Requirements for Investment Advisers.

(1) Definitions. For purposes of this section:

(a) "Custody" means holding directly or indirectly, client funds or securities, or having any authority to obtain possession of them or has the ability to appropriate them.

1. Custody includes:

a. Possession of client funds or securities unless received inadvertently and returned to the sender promptly, but in any case within three business days of receiving them;

b. Any arrangement (including a general power of attorney) under which the investment adviser is authorized or permitted to withdraw client funds or securities maintained with a custodian upon the investment adviser's instruction to the custodian; and

c. Any capacity (such as general partner of a limited partnership, managing member of a limited liability company or a comparable position for another type of pooled investment vehicle, or trustee of a trust) that gives the investment adviser or the investment adviser's supervised person legal ownership of or access to client funds or securities.

2. Receipt of checks drawn by clients and made payable to unrelated third parties will not meet the definition of custody if forwarded to the third party within 24 hours of receipt and the adviser maintains the records required under subsections 69W-600.014(3)-(7), F.A.C.;

(b) "Independent representative" means a person who:

1. Acts as agent for an advisory client, including in the case of a pooled investment vehicle, for limited partners of a limited partnership, members of a limited liability company, or other beneficial owners of another type of pooled investment vehicle and by law or contract is obliged to act in the best interest of the advisory client or the limited partners (or members, or other beneficial owners);

2. Does not control, is not controlled by, and is not under common control with the investment adviser; and

3. Does not have, and has not had within the past two years, a material business relationship with the investment adviser.

(c) "Qualified custodian" means the following independent institutions or entities that are not affiliated with the adviser by any direct or indirect common control and have not had a material business relationship with the adviser in the previous two years:

1. A bank or savings association that has deposits insured by the Federal Deposit Insurance Corporation under the Federal Deposit Insurance Act;

2. A registered broker-dealer holding the client assets in customer accounts;

3. A registered futures commission merchant registered under Section 4f.(a) of the Commodity Exchange Act (7 U.S.C. § 6f), holding the client assets in customer accounts, but only with respect to clients' funds and security futures, or other securities incidental to transactions in contracts for the purchase or sale of a commodity for future delivery and options thereon; and

4. A foreign financial institution that customarily holds financial assets for its customers, provided that the foreign financial institution keeps the advisory clients' assets in customer accounts segregated from its proprietary assets.

(2) Safekeeping required. If the investment adviser is registered or required to be registered, it is unlawful and deemed to be a fraudulent, deceptive, or manipulative act, practice or course of business for the investment adviser to have custody of client funds or securities unless:

(a) Notice to Office. The investment adviser notifies the Office of Financial Regulation promptly in writing that the investment adviser has or may have custody. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.;

(b) Qualified Custodian. A qualified custodian maintains those funds and securities in a separate account for each client under that client's name or in accounts that contain only the investment adviser's clients' funds and securities, under the investment adviser's name as agent or trustee for the clients;

(c) Notice to Clients. If the investment adviser opens an account with a qualified custodian on their client's behalf, either under the client's name or under the investment adviser's name as agent, the investment adviser must notify the client in writing of the qualified custodian's name, address, and the manner in which the funds or securities are maintained, promptly when the account is opened and following any changes to this information.

(d) Account statements must be sent to clients, either:

1. By a qualified custodian for which the investment adviser has a reasonable basis for believing that the qualified custodian sends an account statement, at least quarterly, to each

of the adviser's clients for which it maintains funds or securities, identifying the amount of funds and of each security in the account at the end of the period and setting forth all transactions in the account during that period; or

2. By the adviser who sends an account statement, at least quarterly, to each client for whom the adviser has custody of funds or securities, identifying the amount of funds and of each security of which the adviser has custody at the end of the period and setting forth all transactions during that period; and an independent certified public accountant verifies all client funds and securities by actual examination at least once during each calendar year at a time chosen by the accountant without prior notice or announcement to the adviser and that is irregular from year to year, and files a copy of the auditors report and financial statements with the Office of Financial Regulation within 30 days after the completion of the examination, along with a letter stating that it has examined the funds and securities and describing the nature and extent of the examination; and the independent certified public accountant, upon finding any material discrepancies during the course of the examination, notifies the Office of Financial Regulation within one business day of the finding, by means of a facsimile transmission or electronic mail, followed by first class mail, directed to the attention of the Office of Financial Regulation;

3. If the investment adviser is a general partner of a limited partnership (or managing member of a limited liability company, or hold a comparable position for another type of pooled investment vehicle), the account statements required under paragraph (d) of this subsection must be sent to each limited partner (or member or other beneficial owner or their independent representative).

(e) Independent Representative. A client may designate an independent representative to receive, on his behalf, notices and account statements as required under paragraphs (c) and (d) of this subsection.

(f) Direct Fee Deduction. An adviser who has custody as defined in subparagraph (1)(a)1.b. of this rule by having fees directly deducted from client accounts must also provide the following safeguards:

1. Written Authorization. The adviser must have written authorization from the client to deduct advisory fees from the account held with the qualified custodian;

2. Notice of fee deduction. Each time a fee is directly deducted from a client account, the adviser must concurrently:

a. Send the qualified custodian an invoice of the amount of the fee to be deducted from the client's account; and

b. Send the client an invoice itemizing the fee. Itemization includes the formula used to calculate the fee, the amount of assets under managements the fee is based on, and the time period covered by the fee.

3. Notice of Safeguards. The investment adviser notifies the Office of Financial Regulation in writing that the investment adviser intends to use the safeguards provided

above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

4. Waiver of Net Capital Requirement. An investment adviser having custody solely because it meets the definition of custody as defined in subparagraph (1)(a)1.b. of this rule and who complies with the safekeeping requirements in paragraphs (2)(a)-(f) of this rule will not be required to meet the financial requirements for custodial advisers as set forth in paragraph 69W-600.016(3)(a), F.A.C.

(g) Pooled Investments. An investment adviser who has custody as defined in subparagraph (1)(a)1.c. of this rule and who does not meet the exception provided under paragraph (3)(c) of this rule must, in addition to the safeguards set forth in paragraphs (a) through (e) of this subsection, also comply with the following:

1. Engage an Independent Party. Hire an independent party to review all fees, expenses and capital withdrawals from the pooled accounts;

2. Review of Fees. Send all invoices or receipts to the independent party, detailing the amount of the fee, expenses or capital withdrawal and the method of calculation such that the independent party can determine that the payment is in accordance with the pooled investment vehicle standards (generally the partnership agreement or membership agreement) and forward, to the qualified custodian, approval for payment of the invoice with a copy to the investment adviser.

3. For purposes of this rule section, an Independent Party means a person that: is engaged by an investment adviser to act as a gatekeeper for the payment of fees, expenses and capital withdrawals from the pooled investment; does not control and is not controlled by and is not under common control with the investment adviser; and does not have, and has not had within the past two years, a material business relationship with the investment adviser. This shall not prohibit renewal of contracts with an existing independent third party.

4. Notice of Safeguards. The investment adviser notifies the Office of Financial Regulation in writing that the investment adviser intends to use the safeguards provided above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

5. Waiver of Net Worth or Bonding requirements and Audited Financial Statement. An Investment adviser having custody solely because it meets the definition of custody as defined in sub-subparagraph (1)(a)1.c. of this rule and who complies with the safekeeping requirements under paragraphs (2)(a)-(e) and (g) of this rule, will not be required to meet the financial requirements as set forth in paragraphs 69W-600.016(3)(a), F.A.C.



(h) Investment Adviser or Investment Adviser as Trustee. When a trust retains an investment adviser, investment adviser representative or employee, director or owner of an investment adviser as trustee and the investment adviser acts as the investment adviser to that trust, the investment adviser will instruct the qualified custodian of the trust as follows:

1. Payment of fees. The qualified custodian will not deliver trust securities to the investment adviser, any investment adviser representative or employee, director or owner of the investment adviser, nor will the investment adviser instruct the qualified custodian to transmit any funds to the investment adviser, any investment adviser representative or employee, director or owner of the investment adviser, except that the qualified custodian may pay trustees' fees to the trustee and investment management or advisory fees to investment adviser, provided that:

a. The grantor of the trust or attorneys for the trust, if it is a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust has authorized the qualified custodian in writing to pay those fees;

b. The statements for those fees show the amount of the fees for the trustee and, in the case of statements for investment management or advisory fees, show the value of the trust assets on which the fee is based and the manner in which the fee was calculated; and

c. The qualified custodian agrees to send to the grantor of the trust, the attorneys for a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, at least quarterly, a statement of all disbursements from the account of the trust, including the amount of investment management fees paid to the investment adviser and the amount of trustees' fees paid to the trustee.

2. Distribution of Assets. Except as otherwise set forth in sub-subparagraph a. below, the qualified custodian may transfer funds or securities, or both, of the trust only upon the direction of the trustee (who may be the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), who the investment adviser has duly accepted as an authorized signatory. The grantor of the trust or attorneys for the trust, if it is a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, must designate the authorized signatory for management of the trust. The direction to transfer funds or securities, or both, can only be made to the following:

a. To a trust company, bank trust department or brokerage firm independent of the investment adviser for the account of the trust to which the assets relate;

b. To the named grantors or to the named beneficiaries of the trust;

c. To a third person independent of the investment adviser in payment of the fees or charges of the third person including, but not limited to:

(I) Attorney's accountant's or custodian's fees for the trust; and

(II) Taxes, interest, maintenance or other expenses, if there is property other than securities or cash owned by the trust;

d. To third persons independent of the investment adviser for any other purpose legitimately associated with the management of the trust; or

e. To a dealer in the normal course of portfolio purchases and sales, provided that the transfer is made on payment against delivery basis or payment against trust receipt.

3. Statements. If the qualified custodian agrees to these instructions and is authorized to pay the fees, the investment adviser will send to the grantor of the trust, the attorney of the trust if it is a testamentary trust, the co-trustee (other than the investment adviser, investment adviser representative or employee, director or owner of the investment adviser), or a defined beneficiary of the trust, at the same time that it sends any statement to the qualified custodian, a statement showing the amount of the trustees' fees or investment management or advisory fee, the value of the assets on which the fees were based, and the specific manner in which the fees were calculated.

4. Notice of Safeguards. The investment adviser notifies the Office of Financial Regulation in writing that the investment adviser intends to use the safeguards provided above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

5. Waiver of Net Capital Requirements. An investment adviser having custody solely because it meets the definition of custody as defined in sub-subparagraph (1)(a)1.c. of this rule and who complies with the safekeeping requirements under paragraphs (2)(a)-(e) and (h) of this rule, will not be required to meet the financial requirements for custodial advisers as set forth in paragraphs 69W-600.016(3)(a), F.A.C.

(3) Exceptions.

(a) Shares of mutual funds. With respect to shares of an open-end company as defined in Section 5(a)(1) of the Investment Company Act of 1940 [15 U.S.C. 80a-5(a)(1)] ("mutual fund"), the investment adviser may use the mutual fund's transfer agent in lieu of a qualified custodian for purposes of complying with subsection (2) of this rule;

(b) Certain privately offered securities.

1. The investment adviser is not required to comply with subsection (2) of this rule with respect to securities that are:

a. Acquired from the issuer in a transaction or chain of transactions not involving any public offering;

b. Uncertificated, and ownership thereof is recorded only on books of the issuer or its transfer agent in the name of the client; and

c. Transferable only with prior consent of the issuer or holders of the outstanding securities of the issuer.

2. Notwithstanding subparagraph (b)1. of this subsection, the provisions of paragraph (b) of this subsection are available with respect to securities held for the account of a limited partnership (or limited liability company, or other type of pooled investment vehicle) only if the limited partnership is audited, the audited financial statements are distributed, as described in paragraph (c) of this subsection and the investment adviser notifies the Office of Financial Regulation in writing that the investment adviser intends to provide audited financial statements, as described above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(c) Limited partnerships subject to annual audit. The investment adviser is not required to comply with paragraph (2)(d) of this rule with respect to the account of a limited partnership (or limited liability company, or another type of pooled investment vehicle) that is subject to audit at least annually and distributes its audited financial statements prepared in accordance with generally accepted accounting principles to all limited partners (or members or other beneficial owners) within 120 days of the end of its fiscal year. The investment adviser must also notify the Office of Financial Regulation in writing that the investment adviser intends to employ the use of the audit safeguards described above. Such notification is required to be given on Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(d) Registered investment companies. The investment adviser is not required to comply with this rule with respect to the account of an investment company registered under the Investment Company Act of 1940 [15 U.S.C. 80a-1 to 80a-64].

(e) Beneficial Trusts. The investment adviser is not required to comply with safekeeping requirements of subsection (2) of this rule or the net capital requirements of paragraph 69W-600.016(3)(a), F.A.C., if the investment adviser has custody solely because the investment adviser, investment adviser representative or employee, director or owner of the investment adviser is the trustee for a beneficial trust, if all of the following conditions are met for each trust:

1. The beneficial owner of the trust is a parent, a grandparent, a spouse, a sibling, a child or a grandchild of the trustee. These relationships shall include "step" relationships.

2. For each account under subparagraph 1. the investment adviser complies with the following:

a. Provide a written statement to each beneficial owner of the account setting forth a description of the requirements of subsection (2) of this rule and the reasons why the investment adviser will not be complying with those requirements;

b. Obtain from each beneficial owner a signed and dated statement acknowledging the receipt of the written statement required under sub-subparagraph a. above;

c. Maintain a copy of both documents described in sub-subparagraphs a. and b. above until the account is closed or the investment adviser is no longer trustee.

(f) Any investment adviser who intends to have custody of client funds or securities but is not able to utilize a qualified custodian as defined in subsection (1) of this rule must first obtain approval from the Office of Financial Regulation and must comply with all of the applicable safekeeping provisions under subsection (2) of this rule, including taking responsibility for those provisions that are designated to be performed by a qualified custodian.

Specific Authority 517.03(1), 517.1215 FS. Law Implemented 517.1215 FS. History—New \_\_\_\_\_.

#### 69W-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current basis, and preserve for the periods of time specified, such records, prescribed herein, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a registered branch office in this state shall be exempt from the provisions of this rule.

(1) All dealers are required to prepare and maintain appropriate books and records relating to their business as described in either SEC Rules 17a-3 (17 CFR 240.17a-3) and 17a-4 (17 CFR 240.17a-4) or MSRB Rules G-7, G-8 and G-9 and G-8, as such rules existed on February 1, 2006 ~~May 2, 2003~~; and records evidencing compliance with NASD Conduct rule 3000, as published in the NASD Manual as of February 1, 2006 ~~July 2002~~, and ~~any amendments as existed on May 2, 2003~~.

(2) All issuer/dealers are required to maintain at least the following records:

(a) Ledgers, journals (or other records) reflecting all assets, liabilities, income and expenses, and capital accounts properly maintained in accordance with generally accepted accounting principals;

(b) Copies of all promotional sales materials and correspondence used in connection with the sales of all securities as distributed;

(c) A record of all sales of securities made by, or on behalf of, said issuer, including but not necessarily limited to name and address of purchaser, date of transaction, money amount involved, and name of agent or principal executing such transaction;

(d) Securities certificate and securities holder records reflecting names and addresses of all holders of record, certificates issued to such holders, number of shares or bonds issued, and full details as to transfers or cancellations;

(e) In lieu of the issuer/dealer preparing and maintaining such records as detailed in paragraph (d) above, a qualified transfer agent/registrar may be appointed, provided such information is accessible to the issuer/dealer.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2 (17 CFR 275.204-2) as it existed on February 1, 2006, ~~July 1, 2003~~ and general rules and regulations promulgated by the Securities and Exchange Commission; and have available for the Department at least the following records;

(a) All trial balances, financial statements prepared in accordance with generally accepted accounting principles, and internal audit working papers relating to the investment adviser's business as an investment adviser. For purposes of this paragraph, "financial statements" means balance sheets, income statements, cash flow statements and net worth computations as required by Rule 69W-300.002, F.A.C.

(b) A list or other record of all accounts with respect to the funds, securities, or transactions of any client.

(c) A copy in writing of each agreement entered into by the investment adviser with any client.

(d) A file containing a copy of each record required by SEC Rule 204-2(11) (17 CFR 275.204-2(11)) as it existed on February 1, 2006 ~~July 1, 2003~~ including any communication by electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(e) A copy of each written statement and each amendment or revision given or sent to any client or prospective client of the investment adviser in accordance with the provisions of SEC Rule 204-3 (17 CFR 275.204-3) as it existed on February 1, 2006 ~~July 1, 2003~~ and a record of the dates that each written statement, and each amendment or revision was given or offered to be given to any client or prospective client who subsequently becomes a client.

(f) For each client that was obtained by the adviser by means of a solicitor to whom a cash fee was paid by the adviser, records required by SEC Rule 206(4)-3 (17 CFR 275.206(4)-3) as it existed on February 1, 2006 ~~July 1, 2003~~.

(g) All records required by SEC Rule 204-2(16) (17 CFR 275.204-2(16)) as it existed on February 1, 2006 ~~July 1, 2003~~, including but not limited to electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(h) A file containing a copy of all communications received or sent regarding any litigation involving the investment adviser or any investment adviser representative or employee, and regarding any customer or client complaint.

(i) Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

(j) Written procedures to supervise the activities of employees and investment adviser representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

(k) A file containing a copy of each document, other than any notices of general dissemination, that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its investment adviser representatives. Such file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

(4) Notwithstanding other record preservation requirements of this Rule, the following records or copies shall be required to be maintained at the business location of the investment adviser from which the customer or client is being provided or has been provided with investment advisory services:

(a) Records required to be preserved under paragraphs (a)(3), (a)(7)-(11), (a)(14)-(15), (b) and (c) inclusive, of SEC Rule 204-2 of the Investment Advisers Act of 1940 (17 C.F.R. 275.204-2) as it existed on February 1, 2006; and

(b) Records or copies required under the provision of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2 of the Investment Advisers Act of 1940 (17 C.F.R. 275.204-2) as it existed on February 1, 2006 which records or related records identify the name of the investment adviser representative providing investment advice from that business location, or which identify the business locations' physical address, mailing address, electronic mailing address, or telephone number.

~~(5)(4)~~ No provisions of this rule, unless specifically designated as a required form, shall be deemed to require the preparation, maintenance, or preservation of a dealer's or investment adviser's books and records in a particular form or system, provided that whatever form or system utilized by such dealer's or investment adviser's course of business is sufficient to provide an audit trail of all business transactions.

(6)(5) Every investment adviser that has its principal place of business in a state other than this state shall be exempt from the requirements of this rule, provided the investment adviser is licensed in such state and is in compliance with that state's record keeping requirements.

(7)(6) All books and records described in this rule shall be preserved in accordance with the following:

(a) Those records required under subsection (1) of this rule shall be preserved for such periods of time as specified in either SEC Rule 17a-4 (17 CFR 240.17a-4), or MSRB Rule G-9, as such rules existed on February 1, 2006 July 1, 2003.

(b) Those records required under subsections (2) of this rule shall be preserved for a period of not less than five (5) years while effectively registered with the Department, nor for less than five (5) years after withdrawal or expiration of registration in this State.

(c) Books and records required to be prepared under the provisions of subsection (3) shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record, the first two years in the principal office of the investment adviser.

(d) Books and records required to be made under the provisions of subsection (3), shall be maintained and preserved for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record or for the time period during which the investment adviser was registered or required to be registered in the state, if registered less than five years.

(e) Each investment adviser registered or required to be registered in this state and which has a business location in this state shall maintain at such business location:

1. The records or copies required under the provisions of paragraphs (a)(3), (a)(7)-(10), (a)(14)-(15), (b), and (c) of SEC Rule 204-2 (17 CFR 275.204-2), as such rule existed on February 1, 2006; and

2. The records or copies required under the provisions of paragraphs (3)(a)-(j) above related to customers or clients for whom the investment adviser representative provides or has provided investment advisory services; and,

3. The records or copies required under the provisions of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2 (17 CFR 275.204-2), as such rule existed on February 1, 2006, which records or related records identify the name of the investment adviser representative or which identify the business locations' physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in subsections (d) and (e) of SEC Rule 204-2 (17 CFR 275.204-2), as such rules existed on February 1, 2006. The investment adviser shall be responsible for ensuring compliance with the provision of this subsection.

(8)(7) To the extent that the U.S. Securities and Exchange Commission promulgates changes to the above-referenced rules of the Investment Advisers Act of 1940, investment advisers in compliance with such rules as amended shall not be subject to enforcement action by the Department for violation of this rule to the extent that the violation results solely from the investment adviser's compliance with the amended rule.

Specific Authority 517.03(1), 517.121(1), 517.1215 FS. Law Implemented 517.121(1), 517.1215 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, 10-30-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget D. Dervish, Area Financial Manager, Bureau of Securities Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.: 6B-4.010                      RULE TITLE: Instructional Personnel Assessment

##### NOTICE OF CORRECTION

Notice is hereby given that the above proposed rule notice was submitted by the Department of Education, State Board of Education, and was changed by the publisher of the F.A.W. as shown in Vol. 32, No. 3, January 20, 2006 issue of the F.A.W.

#### DEPARTMENT OF COMMUNITY AFFAIRS

##### Division of Community Planning

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Governing the Procedure for Submittal and Review of Local Government Comprehensive Plans and Amendments                      9J-11

RULE TITLES:                      RULE NOS.:

Submittal Requirements for Proposed Local Government Comprehensive Plans                      9J-11.004

Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments                      9J-11.006

Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment	9J-11.009
Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment	9J-11.010
Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review	9J-11.011
Compliance Review and Notice of Intent	9J-11.012
Local Government Adoption of Comprehensive Plan Compliance Agreement(s) and Transmittal to the Department	9J-11.0131
Submittal Requirements for Adopted Amendments that are Exempt from State and Regional Review	9J-11.015
Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments	9J-11.018
Submittal Requirements for Public Schools Interlocal Agreement and Amended Agreements	9J-11.022

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. 50, December 16, 2005, edition of the Florida Administrative Weekly. The changes are incorporated within the amended portions as they appeared in the Florida Administrative Weekly.

9J-11.004 Submittal Requirements for Proposed Local Government Comprehensive Plans.

- (1) No change.
- (2) The local government shall submit three copies of all comprehensive plan materials, of which at least one copy shall be paper and up to the other two copies may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), F.A.C. Each proposed comprehensive plan shall be accompanied by the following documents:

(a) through (d) No change.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

- (1) The local government shall submit three copies of each proposed amendment, of which at least one copy shall be paper and up to the other two copies may be on CD ROM in Portable Document Format (PDF), including applicable supporting documents which include data and analyses directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, and one copy directly to the appropriate agencies list in subsection

9J-11.009(6), F.A.C. Proposed plan amendments, except those discussed under the exemption provisions of subparagraph 9J-11.006(1)(a)7., F.A.C., below, shall be consolidated into a single submission for each of the two plan amendment adoption times during the calendar year. The comprehensive plan submitted pursuant to Section 163.3167, F.S., shall be counted as one of the two plan amendment adoption times during the calendar year; however, only the submittal requirements of Rule 9J-11.004, F.A.C., must be followed. For each proposed plan amendment submittal package, the local governing body shall submit:

- (a) through (3) No change.
- 9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.
  - (1) through (7) No change.
  - (8) Local governments are prohibited from adopting some amendments to their comprehensive plans for failure to comply with the following statutory requirements:

(a) Pursuant to Section 163.3177(3)(b)1, F.S., future land use map amendments may not be adopted if the local government has failed to adopt the annual capital improvements update by December 1 each year beginning 2007, except a local government may adopt emergency amendments pursuant to Section 163.3187(1)(a), F.S.;

- (b) through (f) No change.
- (g) If local governments are prohibited from amending the comprehensive plan pursuant to paragraphs 9J-11.009(8)(a) through (f), F.A.C., then during the time period of the prohibition, amendments will not be processed by the Department; and will be returned to the local government. In order to secure review thereafter, the local government may readopt and resubmit the amendments in accordance with the requirements of Sections 163.3184, 163.3187, and 163.3189, F.S.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

- (1) through (4) No change.
- (5) The local government shall submit, within ten working days after adoption, three copies of all comprehensive plan and plan amendment materials, of which at least one copy shall be paper and up to the other two copies may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), F.A.C., and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies' copy of the adopted plan remains

complete by also transmitting copies of each subsequently adopted plan amendment and related documents to review agencies at the time of each adoption.

(a) through (7) No change.

(8) In the case where the local government amends the capital improvement element, the following information will be required:

(a) If the ~~local government amendment~~ adopts corrections and modifications of the capital improvements element concerning costs, revenue sources, or acceptance of facilities pursuant to dedications that are consistent with the plan pursuant to Section 163.3177(3)(b), F.S., a copy of the executed ordinance shall be submitted to the Department within ten working days after adoption. Copies of the referenced executed ordinances in this section of Rule 9J-11.011, F.A.C., shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and will not be subject to a compliance review.

(b) through (10) No change.

9J-11.0131 Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department.

(1) through (2) No change.

(3) Within ten working days after the local government has adopted the compliance agreement plan amendment(s), the local government shall submit to the Department a complete compliance agreement plan amendment(s) package consisting of: a transmittal cover letter signed by the chief elected official indicating compliance with paragraphs 9J-11.0131(2)(a), (b) and (c), F.A.C., the executed ordinance(s) adopting the compliance agreement plan amendment(s) and three copies of the compliance agreement plan amendment(s), of which at least one copy shall be paper and up to the other two copies may be on CD ROM in Portable Document Format (PDF). This material shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. The local government shall also submit one copy of the adopted compliance agreement plan amendment(s) to the appropriate regional planning councils, local governments or government agency in the state that has filed a written request and intervenors as indicated in Section 163.3184(16)(d), F.S.

9J-11.015 Submittal Requirements for Adopted Amendments that are Exempt from State and Regional Review.

(1) The local government shall submit, within ten working days after adoption, one copy of all plan amendment materials, which may be on CD ROM in Portable Document Format (PDF) or on paper, including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

(a) through (2) No change.

9J-11.018 Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments.

(1) No change.

(2) TRANSMITTAL REQUIREMENTS FOR PROPOSED EVALUATION AND APPRAISAL REPORT.

(a) If local government elects to submit a proposed Evaluation and Appraisal Report 90 days prior to the evaluation and appraisal report schedule, the local planning agency shall prepare and transmit a proposed evaluation and appraisal report to the local governing body for review and contemporaneously send a copy to the Department, which may be on CD ROM in Portable Document Format (PDF) or on paper, and each review agency as listed under subsection 9J-11.009(6), F.A.C. The local planning agency shall submit a transmittal letter which specifies the date or dates on which the local planning agency held the public hearing and the date that the proposed evaluation and appraisal report was transmitted to each review agency as listed under subsection 9J-11.009(6), F.A.C. At a minimum, the format and content of the proposed report will include a table of contents; numbered pages; element headings; section headings within elements; a list of included tables, maps and figures; titles and sources for all included tables, maps and figures; where applicable, maps shall include major natural and man-made geographic features, city, county and state lines; maps shall contain a legend indicating a north arrow, map scale and date; a preparation date; and the name of the preparer.

(b) through (e) No change.

(3) SUBMITTAL REQUIREMENTS FOR ADOPTED EVALUATION AND APPRAISAL REPORT.

(a) Within 90 days after receiving the proposed evaluation and appraisal report from the local planning agency, the local governing body shall adopt, or adopt with changes, the proposed evaluation and appraisal report. Within ten working days of adoption of the report, the local governing body shall submit three copies of the adopted report, of which at least one copy shall be paper and up to the other two copies may be on CD ROM in Portable Document Format (PDF), to the Department. If a proposed report was provided, the local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report to the local government. If a proposed report was not provided pursuant to Section 163.3191(5), F.S., the local government shall provide a copy of the report to all reviewing agencies as listed under subsection 9J-11.009(6), F.A.C., including adjacent local governments.

(b) through (5) No change.

(6) SUBMITTAL OF COMPLETE UPDATED PLAN.

The local government shall submit a complete copy of the updated comprehensive plan, which may be on CD ROM in Portable Document Format (PDF) or on paper, within 6 months after the effective date of the evaluation and appraisal report-based amendments.

9J-11.022 Submittal Requirements for Public Schools Interlocal Agreement and Amended Agreements.

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

(b) The local government shall submit three copies, of which at least one copy shall be paper and up to the other two copies may be on CD ROM in Portable Document Format (PDF), of the executed interlocal agreement or amended agreement to the Department, one copy to the Office of Educational Facilities and SMART Schools Clearinghouse.

(c) through (4) No change.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, Plan and DRI Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

RULE NO.: 59A-3.281  
RULE TITLE: Spontaneous Fetal Demise  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 3, January 20, 2006, issue of the Florida Administrative Weekly. Changes are made on the basis of comments and recommendations received from the Joint Administrative Procedures Committee.

**TEXT OF PROPOSED RULE CHANGES:**

59A-3.281 Spontaneous Fetal Demise.

When a spontaneous fetal demise occurs after a gestation of less than 20 completed weeks, the health care facility identified in subsection 383.33625(4), F.S., shall follow the provisions of that section and shall provide AHCA Form 3100-0006, January 2005, Notification of Disposition of Fetal Demise, to the mother for her completion. AHCA Form 3100-0006, January 2005 is incorporated in this rule by reference and available at [http://ahca.myflorida.com/MCHO/Health\\_Facility\\_Regulation /Hospital\\_Outpatient/hospital.shtml](http://ahca.myflorida.com/MCHO/Health_Facility_Regulation/Hospital_Outpatient/hospital.shtml), or from the

Hospital and Outpatient Services Unit at 2727 Mahan Drive MS #31, Tallahassee, FL 32308. A copy of the signed and completed form shall be retained in the mother's birth center file and shall be available for review by the Agency or Department of Health.

Specific Authority 383.33625(6) FS. Law Implemented 383.33625, 395.1055(1)(b), 395.3025(4)(c) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill McCort, Bureau of Health Facility Regulation, Division of Health Quality Assurance

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-1.010  
RULE TITLE: Definitions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 49, December 9, 2005, issue of the Florida Administrative Weekly. These changes are in response to written comments received from the Joint Administrative Procedures Committee.

59G-1.010 Definitions.

(1) "Abuse" is as defined in Section 409.913(1)(a), F.S. ~~means provider practices that are inconsistent with sound fiscal, business, or professional practices and result in an unnecessary cost to the Medicaid program, or in reimbursement for medical or allied care, goods, or services that are not medically necessary or that fail to meet professionally recognized standards for health care. It includes any unintentional violation of federal or state laws, regulations, rules, policies, directives or agreements relating to the Medicaid program. It also includes, or misutilization, whether intentional or inadvertent, including inappropriate prescribing, dispensing, or otherwise furnishing drugs or other medical or allied care, goods, or services by a provider. It also includes recipient practices that result in unnecessary cost to the Medicaid program.~~

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.008  
RULE TITLE: Pre-licensing Education for Broker and Sales Associates Applicants

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 22, May 28, 2004, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.009  
RULE TITLE: Continuing Education for Active and Inactive Broker and Sales Associates Licensees

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 22, May 28, 2004, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-3.020  
RULE TITLE: Post-licensing Education for Active and Inactive Broker and Sales Associates Licensees

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 22, May 28, 2004, Florida Administrative Weekly has been withdrawn.

**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 Podiatric Medicine**

RULE NOS.: 64B18-14.002, 64B18-14.010  
RULE TITLES: Penalties, Citations

**NOTICE OF CHANGE**

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 32, of the August 12, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows:

- 1. Paragraph 64B18-14.002(2)(rr) shall read as:  
(rr) Failure to submit or update required information. The Board shall impose a penalty ranging from a reprimand up to probation plus a fine from \$2,5000.00 to \$5,000.00 pursuant to Section 456.039(3), Florida Statutes.

Specific Authority 456.039(3), 456.073(3), 456.079, 461.003,461.005, 461.013 FS.

- 2. Subsection 64B18-14.010 shall read as:

(j) Failure to comply with Section 456.039(3)(b) a fine of \$50.00 per day.

Specific Authority 456.057, 456.072, 456.077, 456.077(2), 461.012, 461.13(7) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 69O-125.003  
RULE TITLE: Unfair Discrimination Because of Travel Plans

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 47, November 23, 2005, of the Florida Administrative Weekly. These changes are being made for clarification.

Subsection (1) of Rule 69O-125.003, F.A.C., is revised to remove the word "solely" from the text of the rule.

The remainder of the rule reads as previously published.

**Section IV  
Emergency Rules**

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section V**

**Petitions and Dispositions Regarding Rule Variance or Waiver**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Emergency Waiver on February 10, 2006, from Volusia County. The petitioner



seeks a waiver of paragraph 9B-43.014(1)(a), F.A.C., with respect to the procurement practice used by Volusia County in its Community Development Block Grant Disaster Recovery Initiative sub-grant award. This petition for waiver is being applied for under Section 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA06-WAI-061, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**DEPARTMENT OF LAW ENFORCEMENT**

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action at its February 9, 2006, meeting on a petition for waiver received from Shawn Jones, on January 27, 2006. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 32, No. 6, February 10, 2006. No public comment was received. The petition requested a waiver of Rules 11B-27.002, 11B-30.006, 11B-30.0062, 11B-30.013, and 28-104.002, F.A.C., pursuant to Section 120.542, F.S. Rule 11B-27.002, F.A.C., requires an officer to successfully complete basic recruit training, pass the State Officer Certification Examination, and gain employment as an officer within four years of beginning basic recruit training. The other rules deal with the State Officer Certification Examination or with other matters not applicable to the Petitioner's request to extend his time for completing training, passing the SOCE, and becoming employed. On February 9, 2006, the Criminal Justice Standards and Training Commission denied a waiver of this rule to Shawn Jones, in a final order, OGC File No.: VAR 06-1. This rule waiver was denied because the petitioner could not demonstrate that a strict application of the rule would result in undue hardship to him or would affect him differently than other similarly situated applicants and because he had not successfully fulfilled the requirements of Section 943.135, F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

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

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

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, F.S. (SFWMD

2006-020-DAO-ROW), on February 8, 2006, to Miami-Dade County Public Works Department. The Amended petition for waiver was received by the SFWMD on December 27, 2005. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 32, No. 1, on January 6, 2006. No public comment was received. This Order provides a waiver for the proposed installation of light poles located approximately three feet to ten feet from the top of the canal bank within the east right of way of C-2 to be located directly behind the existing guardrail along S.W. 117th Ave. from S.W. 24th St. to S.W. 8th St., and the proposed installation of guardrail sections approximately 5 feet from the top of the canal bank opposite the District's five existing maintenance access openings along S. W. 117th Ave. from S.W. 43rd St. to approximately S. W. 59th Street; S7/T50S/R40E, Miami-Dade County. Specifically, the Order grants a waiver from subsection 40E-6.011(4), 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 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 Miami-Dade County Public Works Department 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](mailto:kruff@sfwmd.gov).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on January 31, 2006 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Munch Time Wagon located in Cocoa. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on January 31, 2006 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Hammer's Catering located in Cocoa. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on January 27, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance Request for subsection 61C-4.010(7), F.A.C., from the Comfort Inn Northeast located in Fern Park. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for twenty (20).

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from Patricia Serley of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: Ocean Reef, Panama City Beach (Petition VW 2006-026).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from leLainya Koutebera of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: The Residence at Sandpearl, Clearwater Beach (Petition VW 2006-027).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on January 25, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Food to You, Inc. located in North Port. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), F.A.C., from Stefano's Gelato Cafe located in Oviedo. The above referenced F.A.C. state that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C. Petitioner is requesting a variance to not have water plumbed in their kiosk and use alternative methods for sewage disposal.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(5), F.A.C., from Quality Inn Little Bite located in Orlando. The above referenced Florida Administrative Code address food equipment, utensils, and linens as specifically provided in this rule, public food service establishments shall be subject to the provisions of Chapter four of the FDA Food Code. They are requesting to operate without a three-compartment sink or other methods of warewashing.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), F.A.C., from Liza's located in Orlando. The above referenced FACs address food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from leLainya Koutebera of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: The Waters Edge, Clearwater (Petition VW 2006-029).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 9, 2006, the Bureau of Elevator Safety received Petitions for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from leLainya Koutebera of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: The University of Tampa Residence Hall VI, Tampa (Petition VW 2006-031).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on October 13, 2005, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1, and 2.7.6 and, ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc, requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Advance Medical Imagine, Port St. Lucie (Petition VW 2006-020).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Bureau of Elevator Safety hereby gives notice that on February 9, 2006, it issued an Order Granting Variance Requests in response to a petition filed on November 21, 2005 and advertised in FAW Vol. 31, No. 49, by William O. Williams of Otis Elevator regarding Fidelity National Financial (VW 2005-166). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1,

2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on January 23, 2006, it issued an Order Granting Variance Requests in response to a petition filed on October 24, 2005 and advertised in FAW Vol. 31, No. 45 by Kenin Lynes of Otis Elevator regarding The Valencia in Old Hyde Park (VW 2005-154). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on January 23, 2006, it issued an Order Granting Variance Requests in response to a petition filed on October 24, 2005 and advertised in FAW Vol. 31, No. 45 by Kenin Lynes of Otis Elevator regarding Alta Vista Condominium Project (VW 2005-153). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on January 9, 2006, it issued an Order Granting Variance Requests in response to a petition filed on October 11, 2005 and advertised in FAW Vol. 31, No. 45 by Robert Gerdt of Otis Elevator regarding Marina South II at Cape Harbour (VW 2005-151). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine

room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on January 9, 2006, it issued three Orders Granting Variance Requests in response to petitions filed on December 27, 2005 and advertised in FAW Vol. 32, No. 2 by Jennifer Livingston of Otis Elevator regarding One Singer Island – Group 1 through 3 (VW 2005-192, 191 and 190). The petitions sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on February 9, 2006, it Issued an Order Granting Emergency Variance Request in response to a petition filed on January 12, 2006, (as advertised in FAW Vol. 32, No. 5) by Jeanne Martin of Accessibility Lifts, Inc. regarding Windoor Incorporated Tract (VW 2006-006), seeking a waiver from Rule 2000.7a of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have a vertical wheelchair lift exceed the 12 foot limit of rise by 3 inches. The variance was granted as the petitioner demonstrated that the unit was designed and approved to travel up to 14 feet in height.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on February 9, 2006, it Issued an Order Granting Variance Request in response to a petition filed on November 18, 2005, (as advertised in FAW Vol. 31, No. 49) by Jeanne Martin of Accessibility Lifts, Inc. regarding University of Tampa Baseball Stadium (VW 2006-006), seeking a waiver from Rule 2000.7a of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have a vertical wheelchair lift exceed the 12 foot limit of rise by 24 inches. The variance was granted as the petitioner demonstrated that the unit was designed and approved to travel up to 14 feet in height.

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A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on February 9, 2006, it Issued an Order Granting Emergency Variance Request in response to a petition filed on January 12, 2006, (as advertised in FAW Vol. 32, No. 5) by Jeanne Martin of Accessibility Lifts, Inc. regarding Native Sun Natural Foods (VW 2006-005), seeking a waiver from Rule 2000.7a of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have a vertical wheelchair lift exceed the 12 foot limit of rise by 12 inches. The variance was granted as the petitioner demonstrated that the unit was designed and approved to travel up to 14 feet in height.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on January 9, 2006, it Issued an Order Granting Variance Request in response to a petition filed October 13, 2005 and advertised in FAW Vol. 31, No. 49, by Steve Powell of KONE, Inc. regarding The Rivers IV, FL (VW 2005-155). The variance granted a waiver from Rules 2.1.3.1 and 2.7.6, of ASME A17.1, 2000 Edition and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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NOTICE IS HEREBY GIVEN that on January 17, 2006, the Bureau of Elevator Safety received a Petition for Emergency Variance from 2.7.2.1, A.S.M.E. 17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, prohibiting machinery and equipment not directly related to the elevator from the elevator machine room. The petition was received from Frank E. Scerbo of CH2M Hill on behalf of MOSI Walkway located in Tampa, Florida (Petition VW 2006-046).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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The Board of Accountancy hereby gives notice that it has received a petition, filed on February 7, 2006, by Keisha Hall, seeking a variance or waiver of Rule 61H1-28.0052, F.A.C., to allow for an additional sitting for the FAR section of the CPA examination.

Comments on this petition should be filed with the Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact John Johnson, Division Director, Board of Accountancy, at the above address or by telephone at (352)333-2505.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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#### **DEPARTMENT OF HEALTH**

NOTICE OF WITHDRAWAL – NOTICE IS HEREBY given that at the Board of Dentistry meeting on February 10, 2006, Laurence Jerrold, D.D.S., withdrew his Petition for Variance or Waiver of subsection 64B5-7.005(1), F.A.C., published in the January 20, 2006, issue of the Florida Administrative Weekly.

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NOTICE OF WITHDRAWAL – NOTICE IS HEREBY given that on February 13, 2006, Alexis H. Spano, withdrew her Petition for Variance from Rule 64B21-500.05, F.A.C., published in the February 3, 2006, issue of the Florida Administrative Weekly.

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NOTICE IS HEREBY GIVEN that on February 8, 2006 the Department of Health received a Petition for Variance from paragraph 64E-15.002(2)(b), F.A.C., from Ron Welcom, Petitioner, on behalf of Islanders Landing, Inc. That rule requires minimum lot size for a double wide mobile home of 3500 square feet with no less than 50 feet of width. Islanders' Landing is located in Lee County.

Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4277.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on February 15, 2006, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.004(14)(d), F.A.C., and Part II, A.2(b), of the Universal Instructions to Change Status from Non-Profit to For-Profit Entity, from HPT-Cypress Grove Associates, Ltd. (“Petition”). The Petition is seeking a variance from the rule which prohibits changing the status of an applicant designated as a non-profit entity for obtaining loan proceeds and throughout the development process.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: March 16, 2006, 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

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 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 for all activities 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 Department of Education will finalize agency action on the business of the Florida Department of Education.

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 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 mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will 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 (when applicable) may be obtained by contacting each 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.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

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 LEGAL AFFAIRS**

The **Florida Commission on the Status of Women** will hold telephone calls during the week of March 6, 2006 to which all persons are invited.

Annual Report Committee

DATE AND TIME: March 8, 2006, 10:00 a.m.

PLACE: telephone calls

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

Please call (850)414-3300 for instructions on participation. If you need an accommodation because of disability in order to participate, please notify FCSW at least 5 days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The Florida **Commission on the Status of Women** will hold a meeting:

DATES AND TIMES: Monday, March 13, 2006, 1:00 p.m. – 5:00 p.m.; Tuesday, March 14, 2006, 10:00 a.m. – 1:00 p.m.; 1st Day Meeting Site: March 13, 2006, Turlington Building, Florida Education Center, 325 West Gaines Street, Room 1707, Tallahassee, FL 32301; 2nd Day Meeting Site: March 14, 2006, Florida Office of the Attorney General, Collins Building, 107 W. Gaines Street, Room 138, Tallahassee, FL 32301

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Review Council.

DATE AND TIME: March 14, 2006, 11:00 a.m.

PLACE: DeLand Middle School, 1400 South Aquarius Avenue, DeLand, Florida 32724

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 (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 **Commission for Independent Education** announces a committee meeting and a Commission meeting to which all persons are invited.

**DATES AND TIMES:** March 21, 2006 – Rules Committee meeting, 9:00 a.m.; March 21, 2006 – Commission Meeting – 1:30 p.m.; March 22, 2006 – Commission Meeting – 9:00 a.m.

**PLACE:** Keiser College, 1700 Halstead Boulevard, Tallahassee, Florida 32309

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct the general committee business of the Rules Committee on March 21, 2006. The Commission for Independent Education will consider disciplinary matters, Informal hearings, Institutions Ordered to Appear Back before the Commission, New Applications for Licensure, and Institutional Applications for Program Modifications and Additional Programs, as well as other Commission business on March 21, 2006. All other licensure applications and other general Commission business will be considered on March 22, 2006 to include committee reports, Annual Licensure, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Licensure Extensions, Requests for Extension of Time and Extension to Comply with Contingencies, Substantive Change Applications, Name Change Applications, and Elective Clerkships Applications, Attorney and Executive Director reports, as well as Applications for Exemptions for Religious Colleges, Reports of School Closures, Agent License Reports and Applications.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern at (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State concern using the Florida Dual Relay System, which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The **Florida Rehabilitation Council** announces the following Conference call/Meetings:

Evaluation Committee Conference Call

**DATE AND TIME:** March 2, 2006

Session Training (FRC Members)

**DATE AND TIME:** March 6, 2006

Coordination Committee Conference Call

**DATE AND TIME:** March 16, 2006

FRC Quarterly Meeting

**DATES AND TIME:** April 19-21, 2006

**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.

**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: Yolanda Manning at the Council's address.

A copy of the agenda may be obtained by contacting the 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, (850)245-3320.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Department of Community Affairs** announces a public meeting to which all interested parties are invited.

**DATE AND TIME:** March 13, 2006, 1:00 p.m. – 3:00 p.m.

**PLACE:** Best Western Hotel, 119 Highway 17 South, East, Palatka, FL 32131

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Department of Community Affairs (DCA) is seeking a public or nonprofit entity or entities to administer the Low-Income Home Energy Assistance Program (LIHEAP) in Batman, Clay and Flagler counties. Entities interested in contracting with DCA to provide this service should attend this meeting to learn about the application requirements.



Selection will be based on the entity's experience and performance in related federal or state programs in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective program. Special consideration in the designation of a service provider will be given to any Community Action Agency or other public or nonprofit entity which is currently administering an effective program under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity, and (4) maintain compliance with administration and financial management requirements.

**ACTIONS TO BE TAKEN:** At this meeting, the DCA will disseminate information about the programs, the application requirements, the deadline for submitting all applications and the appeals information. Only one entity will be selected per county, but an entity may apply for and be designated to serve more than one county. After the application deadline date (due to be submitted to DCA by 5:00 p.m. EDT, March 27, 2006), DCA staff will review the application(s) received and make a decision regarding each entity's eligibility to provide program services in the unserved counties. A recommendation for the selected entity or entities will then be prepared by DCA staff for subsequent consideration and approval or disapproval by DCA's Secretary. Announcement of the selected entity or entities along with the appeals process for non-selected entities wishing to challenge the selection will then be sent by U.S. Mail to all applicants.

**ADDITIONAL INFORMATION:** Requests for an application, additional information or questions may be addressed to Ms. Hilda Frazier, Planning Manager, Florida Department of Community Affairs, Community Assistance Section, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or FAX (850)488-2488 or e-mail at [hilda.frazier@dca.state.fl.us](mailto:hilda.frazier@dca.state.fl.us).

**SPECIAL ACCOMMODATIONS:** Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Community Affairs at (850)488-7541 at least five (5) calendar days prior to the meeting. 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 at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

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The **Department of Community Affairs** (DCA) announces a workgroup meeting and a public hearing, to which all interested parties are invited.

**DATE AND TIME:** Workgroup Meeting, March 17, 2006, 3:00 p.m. – 4:00 p.m.

**PLACE:** Department of Community Affairs, Room 250-L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

**DATE AND TIME:** Public Hearing on the Draft of the Action Plan, March 17, 2006, 3:00 p.m. – 5:00 p.m.

**PLACE:** Department of Community Affairs, Room 250-L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the preparation of the Annual Action Plan for Federal Fiscal Year 2006 and to review the draft of the Action Plan once it is completed.

**SUMMARY:** The State of Florida is required to submit an Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) in order to receive federal funding from that agency. The plan must cover the grant programs funded by HUD. Grant programs included in the Plan are the Florida Small Cities Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Home Investment Partnership (HOME) and Housing Opportunities for Persons with Aids (HOPWA). The Plan must specify the manner in which the funds will be distributed to eligible applicants.

**ACTION TO BE TAKEN:** At the workgroup meeting, staff from the CDBG, ESG, HOME and HOPWA programs will provide an overview of the programs and answer questions. Interested parties are encouraged to attend. At the public hearing, a draft of the Action Plan will be available for review and comment. Comments will be accepted from the date of the public hearing until May 8, 2006.

A copy of the agenda(s) may be obtained by appearing in person at the agency headquarters or by email or calling: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Telephone: (850)487-3644, Email: [judy.peacock@dca.state.fl.us](mailto:judy.peacock@dca.state.fl.us)

A copy of the draft will be posted to the following website on April 7, 2006: <http://www.floridacommunitydevelopment.org/Florida-Consolidated-Plan/index.htm>

Written comments on the draft of the Annual Action Plan are encouraged. They may be made at the public hearing or mailed to the address listed.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs at (850)487-3644 at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System at 1(800)922-8771 (TDD).

**DEPARTMENT OF TRANSPORTATION**

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

**DATE AND TIME:** Wednesday, March 22, 2006, Project information from 5:00 p.m. – 6:30 p.m.; 6:30 p.m. the formal portion of the public hearing begins with a project presentation followed by a public testimony period.

**PLACE:** Radisson Resort at the Port (Pavilion Room), 8701 Astronaut Blvd., Cape Canaveral, Florida 32920

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing is being held to afford interested persons an opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project ID Number: 407402-1-22-01, otherwise known as the SR 528 Project Development and Environment (PD&E) Study in Orange and Brevard Counties, Florida. The project study limits are from SR 520 in Orange County to Port Canaveral Terminal B Interchange (George King Boulevard) in Brevard County, a distance of approximately 23.5 miles. The project involves the widening of SR 528 from four to six lanes. The project also includes operational enhancements at existing interchanges; widening/reconstruction of bridge structures; access management controls specifically along the existing causeway; and, stormwater management controls.

Anyone needing Project or Public Hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write: Ms. Melaina Petit, Public Involvement Coordinator, CH2M HILL, 225 E. Robinson St., Suite 505, Orlando, Florida 32801, or contact Ms. Petit at (407)423-0030 or toll free at 1(866)893-9378, or email mpetit@ch2m.com.

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

A copy of the agenda may be obtained by writing to Ms. Petit at the above address.

The Florida **Department of Transportation**, District 6 announces a public hearing to which all persons are invited.

**DATE AND TIME:** Wednesday, March 22, 2006, 6:00 p.m.

**PLACE:** Country Club of Miami Golf Course, 6801 N.W. 186th St., Miami, Dade County, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This hearing is being conducted to afford interested persons the opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the roadway improvement project FM #407736-3-22-01 otherwise known as SR 860 (Miami Gardens Drive). The limits of the project corridor begin just East of I-75 and terminate at the intersection with N.W. 57th Avenue (Red Rd.) in Miami Dade County, a distance of 3.2 miles. The

purpose of the project is to provide improvements to safety, operations, pedestrian facilities, and aesthetics along this segment of Miami Gardens Drive Corridor.

This project is being developed in compliance with Titles VI and VIII of the Civil Rights Act. Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call telephone number (305)470-5208. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Andre Goins, P.E., Project Development Manager, Florida Department of Transportation, 1000 N.W. 111th Avenue, Room 6111-A, Miami, FL 33172.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

**DATE AND TIME:** March 9, 2006, 8:30 a.m.

**PLACE:** Sheraton Suites Cypress Creek Hotel, 555 N.W. 62nd St., Ft. Lauderdale, Florida 33309

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Christine Jones at (850)245-7914.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, Florida 32303.

The **Florida Seaport Transportation and Economic Development Council** announces a teleconference meeting of the Seaport Environmental Management Committee in which all interested persons are invited to participate.

DATE AND TIME: February 27, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Call-in Number: (877)540-9892; Participant Code: 833035

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.

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

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

**STATE BOARD OF ADMINISTRATION**

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, March 9, 2006, 11:30 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.

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, at (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, March 9, 2006, 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, at (850)488-3555, no later than five (5) days prior to the meeting.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 050119-TP – Joint petition by TDS Telecom d/b/a TDS Telecom/Quincy Telephone; ALLTEL Florida, Inc.; Northeast Florida Telephone Company d/b/a NEFCOM; GTC, Inc. d/b/a GT Com; Smart City Telecommunications, LLC d/b/a Smart City Telecom; ITS Telecommunications Systems, Inc.; and Frontier Communications of the South, LLC [“Joint Petitioners”] objecting to and requesting suspension and cancellation of proposed transit traffic service tariff filed by BellSouth Telecommunications, Inc.

Docket No. 050125-TP – Petition and complaint for suspension and cancellation of Transit Traffic Service Tariff No. FL2004-284 filed by BellSouth Telecommunications, Inc., by AT&T Communications of the Southern States, LLC.

DATE AND TIME: March 15, 2006, 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 (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing 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 prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (VOICE).

**EXECUTIVE OFFICE OF THE GOVERNOR**

The next meeting of the **Governor’s Ex-offender Task Force** will be meet:

DATE AND TIME: Monday, February 27, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Lawtey Prison near Stark, Florida

**Volunteer Florida**, the Governor’s Commission on Volunteerism and Community Service, is pleased to announce a meeting to which all persons are invited.

DATES AND TIME: Wednesday, March 1, 2006, 9:00 a.m. – 5:00 p.m. and Friday, March 3, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Please contact Gwen Erwin at (850)921-5172 for a detailed schedule and meeting agenda.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Liz Seale, Chief Operating Officer, and Mikel Herrington, AmeriCorps Programs Deputy Director for the Corporation for National and Community Service, will tour AmeriCorps, Senior Corps, VISTA and Learn & Serve Programs, in the Florida. Commissioners will join the tour in their Communities.

If you require a reasonable accommodation to participate, please contact: Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

**Volunteer Florida**, the Governor’s Commission on Volunteerism and Community Service, Emergency Management Committee, is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Wednesday, March 8, 2006, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business and planning.

Please contact Gwen Erwin at (850)921-5172 for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

**REGIONAL PLANNING COUNCILS**

The **Central Florida Regional Planning Council** will hold its public meeting and the Council’s Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, March 8, 2006, 9:30 a.m.

PLACE: Bob Crawford Agricultural Center, 605 East Main Street, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing to: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, March 8, 2006, 10:00 a.m.

PLACE: Hardee County Health Department, 115 K.D. Revell Road, Wauchula, Florida 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees, and to discuss the provisions of the Emergency Planning and Community Right To Know Law (EPCRA).

A copy of the agenda may be obtained by writing to: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: March 17, 2006, 9:30 a.m.  
PLACE: Wolf High-Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based. Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact: Liz Gulick (561)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces the following meeting of its Regional Resource Committee to which all persons are invited:

DATE AND TIME: April 3, 2006, 12:00 Noon  
PLACE: IGFA Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Regional Resource Committee will have a joint meeting with the Executive Committee of the South Florida Regional Planning Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994. If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick (772)221-4060, at least 48 hours before the meeting.

The Florida District X **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: May 4, 2006, 10:00 a.m.  
PLACE: Wolf High, Technology Center, Indian River Community College Chastain Campus, 2400 S.E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X Local Emergency Planning Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994. If a person decides to appeal any decision made by the Florida District X LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

**WATER MANAGEMENT DISTRICTS**

The **Suwannee River Water Management District** Governing Board announces a meeting to be held:

DATE AND TIME: March 1, 2006, 1:00 p.m. – 5:00 p.m.  
PLACE: Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida

The **Southwest Florida Water Management District** (SWFWMD) announces the following meeting to which all interested person are invited:

**MANATEE CHAMBER WATER ALTERNATIVES COMMITTEE**  
DATE AND TIME: Friday, March 3, 2006, 8:00 a.m.  
PLACE: Manatee Chamber Building, 222 – 10th Street, West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Committee business.

This is a public meeting; an agenda is available by contacting: Executive Department, 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, may call 1(800)423-1476 (Florida only), ext, 4615; TDD, 1(800)231-6103 (Florida only); or fax (352)754-6874.

The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

**ENVIRONMENTAL ADVISORY COMMITTEE**  
DATE AND TIME: Wednesday, March 8, 2006, 1:00 p.m.  
PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business. Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing to the Southwest Florida Water Management District at 2379 Broad Street (U.S. 41 South), Brooksville, Florida 34604 or by calling the Southwest Florida Water Management District at

(352)796-7211, extension 4402 or 1(800)423-1476, extension 4402; or SUNCOM 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

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 calling (352)796-7211, extension 4402; 1(800)423-1476, extension 4402; or SUNCOM 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

The **Southwest Florida Water Management District** (SWFWMD) announces CANCELLATION of the March 14, 2006, Basin Board Education Committee meeting.

The next meeting is Tuesday, July 11, 2006, at South Cross Bayou, 7401 – 54th Avenue, North, St. Petersburg, FL.

The **Southwest Florida Water Management District** (SWFWMD) announces the following workshop, which some Governing and Basin Board members may attend:

FOSTERING SUSTAINABLE BEHAVIOR WORKSHOP

DATE AND TIME: Tuesday, March 7, 2006, 8:30 a.m. – 4:30 p.m.

PLACE: Leu Botanical Gardens, 1920 N. Forest Avenue, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introduction to community-based social marketing.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA, may call 1(800)423-1476 (Florida only), ext, 4615; TDD, 1(800)231-6103 (Florida only); or fax (352)754-6874.

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

DATE AND TIME: Wednesday, March 1, 2006, 1:00 p.m. until complete

PLACE: Cabinet Room, Lower Level, The Capitol, Tallahassee, Florida 32399-0001

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Workshop Meeting of all of the Governing Boards of all Florida Water Management Districts to discuss and consider regulatory and non-regulatory matters common to the Districts. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained: (1) at the District Website: [http://my.sfwmd.gov/portal/page?\\_pageid=153,351022&\\_dad=portal&\\_schema=PORTAL](http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_schema=PORTAL) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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

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

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

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, March 8, 2006, 9:00 a.m. – completed

PLACE: B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8), F.S. (2005), 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 at: (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to the 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: Wednesday, March 8, 2006, 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 Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website: [http://my.sfwmd.gov/portal/page?\\_pageid=153,351022&\\_dad=portal&\\_schema=PORTAL](http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_schema=PORTAL)

or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, 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 private closed door attorney-client session:

DATE AND TIME: Wednesday, March 8, 2006, 9:00 a.m. – completed

PLACE: South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen against destruction of the Environment, Inc. vs. South Florida Water Management District, et al., US District Court for the Southern District of Florida, Case No. 02-80309-CV-ALTONAGA/Turnoff; Micosukee Tribe of Indians of Florida vs. South Florida Water Management, et al., U.S. District Court for the Southern District of Florida, Miami Division, Case No. 98-6056-CIV-LENARD/KLEIN; and

Friends of the Everglades vs. South Florida Water Management District, U.S. District Court For the Southern District of Florida, Miami Division, Case No. 98-6057-CIV-LENARD/KLEIN. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members: Kevin McCarty, Irela Bagué, Pamela Brooks-Thomas, Alice Carlson, Michael Collins, Nicolás Gutiérrez, Jr., Lennart Lindahl, Harkley Thornton; Executive Director Carol Wehle; District attorneys Sheryl Wood, Scott Glazier, James Nutt, Edward Artau, Michael Compagno, Robert Olian and Santiago Echemendia. Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to the 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: Thursday, March 9, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: South Florida Water Management District headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to provide District Project Managers in the Science & Technology Services (STS) area and consultants an opportunity to get acquainted.

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 Bruce Adams, project manager, at (561)682-6785.

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

DATE AND TIME: Wednesday, March 8, 2006 immediately following the meeting of the Governing Board of the South Florida Water Management District until complete

PLACE: SFWMD Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the South Florida Water Management District Leasing Corporation to discuss leasing corporation business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website: [http://my.sfwmd.gov/portal/page?\\_pageid=153,351022&\\_dad=portal&\\_schema=PORTAL](http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_schema=PORTAL) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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

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

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

**The South Florida Water Management District** announces a private closed door attorney-client session:

DATE AND TIME: Wednesday, March 8, 2006, 9:00 a.m. – completed.

PLACE: 3301 Gun Club Road, West Palm Beach, Florida 33406. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005), F.S., to discuss strategy related to litigation in the case of South Florida Water Management District vs. Eco-Engineering, LLC f/k/a Enviroglades, LLC, State of Florida Division of Administrative Hearings, Case No. 05-4514. 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, M. Wade, K. McCarty, and H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, G. Miller, C. Linton; and outside counsel, L. Hogan.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to the 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 private closed door attorney-client session:

DATE AND TIME: Thursday, March 2, 2006, 9:00 a.m. – completed.

PLACE: Keys Gate Golf and Country Club, Golf View Room, 2300 Palm Drive, Homestead, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Regular Meeting.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/wrac/agenda.html>) or (2) by writing to the 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 Rick Smith, WRAC Facilitator, at Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, or call him at (561)682-6517.

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

DATE AND TIME: Wednesday, March 8, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: South Florida Water Management District Okeechobee Service Center Auditorium, 205 N. Parrott Ave., Suite 201, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: To disseminate information on the “Edge-of-Farm” treatment systems recently constructed to reduce phosphorus loads on four dairies in the Lake Okeechobee watershed. A brief overview of the systems will be presented prior to a discussion of system performance to date.

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 Jim Laing, at the SFWMD headquarters in West Palm Beach, Phone Number (561)682-6667, or (800)432-2045, ext. 6667; Mail Stop 4430, P. O. Box 24680, West Palm Beach, FL 33416-4680.



**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, March 1, 2006, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, 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 to the 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.

**FLORIDA SPACE AUTHORITY**

The **Florida Space Authority** announces a Pioneer Cup Committee meeting to which the public is invited.

DATE AND TIME: March 10, 2006, 2:00 p.m. – 4:00 p.m. 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 at (321)730-5301, ext. 244. To obtain a copy of the agenda, write to the Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003 or visit their website at [www.floridaspaceauthority.com](http://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 Florida **Department of Elder Affairs** announces 3 telephonic meetings of the Direct Support Organization (DSO) of the Statewide Public Guardianship Office to which all persons are invited.

DATES AND TIME: March 7, 2006, April 4, 2006; May 2, 2006, 8:00 a.m. – 10:00 a.m.

PLACE: Callers with Tallahassee: 922-7892, Callers outside Tallahassee: Toll Free (800)416-4132, Suncom callers: 292-7892

GENERAL SUBJECT MATTER TO BE CONSIDERED: These will be general business meetings 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** would like to announce a meeting of the Family Practice Physician Recruitment and Retention Advisory Committee to which all interested persons are invited to participate.

DATE AND TIME: Saturday, March 18, 2006, 8:30 a.m. – 11:00 a.m.

PLACE: Hilton Daytona Beach Oceanfront Resort, 100 North Atlantic Avenue, Executive Boardroom A, Daytona Beach, FL 32118, phone: (850)410-0966, SC 210-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss the first draft of the Florida Family Practice Physician Recruitment and Retention Advisory Committee Annual Report to the Legislature. Authority for this committee is granted by Section 395-807, Florida Statutes.

For additional information, please contact: Margaret Cavendish, (850)921-5505 or by email at [cavendim@ahca.myflorida.com](mailto:cavendim@ahca.myflorida.com).

The **Agency for Health Care Administration** announces a meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, March 15, 2006, 9:30 a.m. – 2:30 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations for drugs to be included on the Preferred Drug List are made at this meeting. Members of the public who wish to testify at this meeting must contact: Debbie Iarossi (850)487-4441. The number of speakers will be limited and

will be accommodated in order of notification to Mrs. Iarossi. Because of unforeseen events that may cause changes, interested parties are encouraged to watch the website at [http://www.fdhc.state.fl.us/Medicaid/Prescribed\\_Drug/index.shtml](http://www.fdhc.state.fl.us/Medicaid/Prescribed_Drug/index.shtml). Procedures for speakers to follow are also available on the website.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Governor's Mansion Commission** announces a joint meeting of the Governor's Mansion Commission and the Governor's Mansion Foundation to which all interested persons are invited:

DATE AND TIME: Tuesday, February 28, 2006, 2:00 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing or by telephone to: Department of Management Services, Facilities Management, 4050 Esplanade Way, Suite 615, Tallahassee, Florida 32399-0950, (850)488-2074.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, March 14, 2006, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032. The meet-me telephone number is (850)414-1707 or SUNCOM 994-1707.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA Notice: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, ext. 1032, at least five working days prior to the meeting.

The **Florida Black Business Investment Board**, Inc. (FBBIB) announces a teleconference meeting of its board of directors to which all interested persons are invited.

DATE AND TIME: Tuesday, March 7, 2006, 10:00 a.m.

PLACE: Teleconference Meeting

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, 2019 Centre Pointe Boulevard, Suite 101, Tallahassee, FL 32308, Telephone (850)878-0826.

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 at (850)878-0826 at least seven (7) days prior to the meeting.

The **Florida Correctional Finance Corporation** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Thursday, March 9, 2006, 10:00 a.m. – 11:00 a.m.

PLACE: Department of Management Services, 4050 Esplanade Way, Suite 160J, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Correctional Finance Corporation announces the meeting of its Board to consider corporate resolutions, contracts and other documents approving bond financing, along with any other matters that may come before the Board.

**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: Thursday, March 16, 2006, 10:00 a.m. (EST) or soon thereafter.

PLACE: The Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399

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 1(800)955-8771 (TDD).

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

For further information, contact: Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: February 28, 2006, Beginning at approximately 9:00 a.m. and 10:00 a.m. or soon thereafter

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 to 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 at (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 **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: February 28, 2006, Beginning at approximately 9:45 a.m. or soon thereafter.

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: An emergency probable cause panel meeting 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 to 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 at (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 **Board of Professional Surveyors and Mappers** announces a Probation Review Committee, Continuing Education Committee, Application Review Committee, Privatization Committee, Rules Workshop, and a General Business Meeting. All interested parties are invited to attend at the address listed below.

DATES AND TIMES: April 12, 2006, 8:30 a.m., Continuing Education Committee meeting followed by a Application Review Committee meeting, followed by a Privatization Committee meeting, followed by a Rules Workshop followed by a General Business Meeting, if time allows.

April 13, 2006, 8:00 a.m., Probation Review Committee meeting followed by a General Business meeting.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32259

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing to John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756 or by calling (850)487-1395.

Persons 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 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Monday, April 10, 2006.

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

DATE AND TIME: Monday, March 6, 2006, 9:30 a.m., or the soonest thereafter (Portions of the probable cause proceedings are not open to the public).

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida or Meet Me Number: (850)921-6513

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

NOTE: In accordance with the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Florida Center for Solid and Hazardous Waste Management Advisory Board**, Research Selection Committee, will conduct a conference call:

DATE AND TIME: February 27, 2006, 10:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the call is to evaluate preproposals received in response to the request for proposals.

Contact the Florida Center at (352)392-6264 to receive call-in information. Visit [www.floridacenter.org](http://www.floridacenter.org) to learn more about the Florida Center.

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

**DEPARTMENT OF HEALTH**

The **Department of Health, 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: March 10, 2006, 9:00 a.m. – 10:00 a.m.

PLACE: 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 at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

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: March 10, 2006, 9:00 a.m. – 10:00 a.m.

PLACE: 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 at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Dentistry**, will hold a Probable Cause Panel meeting where reconsiderations will be heard:

DATE AND TIME: March 10, 2006, 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 MATTER 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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Health, Board of Pharmacy**, announces a public meeting via conference call to which all persons are invited.

DATES AND TIMES: March 3, 2006, April 7, 2006; May 5, 2006, 10:00 a.m.

PLACE: Conference Call (850)487-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to discuss pending legislative issues.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: 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 1(800)955-8770 (Voice) and 1(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.

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The **Department of Health, Board of Pharmacy**, announces a public meeting via conference call to which all persons are invited.

DATES AND TIME: March 10, 2006, March 17, 2006, March 24, 2006, March 31, 2006, April 14, 2006, April 21, 2006; April 28, 2006, 10:00 a.m.

PLACE: Conference Call (850)922-2903, (800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to discuss pending legislative issues.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: 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 1(800)955-8770 (Voice) and 1(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.

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The **Department of Health, the Board of Psychology** announces a meeting of the board to which all persons are invited:

DATES AND TIMES: July 27, 2006, 3:00 p.m., or soon thereafter and July 28, 2006 and July 29, 2006 beginning at approximately 9:00 a.m. or soon thereafter.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rules Hearing and General Business Meeting.

A copy of the agenda may be obtained by writing to Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373 ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Department of Health, Board of Athletic Training**, announces an Official Board Meeting. All interested parties are invited to attend at the address below, which is open to the public.

DATE AND TIME: March 10, 2006, 9:30 a.m.

PLACE: The Hyatt Regency, 225 Coast Line Drive, East, Jacksonville, FL 32202, (904)633-9095

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by writing to Sue Foster, Executive Director, Board of Athletic Training, Department of Health, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399.

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 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 at (800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at least a week in advance at (850)245-4474.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Families** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: Monday, February 20, 2006, 9:00 a.m.

PLACE: Tacachale Staff Development Center, 1621 N.E. Waldo Rd., Gainesville, FL 32609

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Tom Porter, (352)955-5012.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (352)955-5012.

The **Department of Children and Families** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: February 28, 2006, 9:00 a.m.

PLACE: DCF, 210 N. Palmetto Avenue, Suite 148, Daytona Beach, Florida 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and

communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Cheri Kiffer, (386)258-4401.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (386)258-4401 or e-mail [cheri\\_kiffer@dcf.state.fl.us](mailto:cheri_kiffer@dcf.state.fl.us).

The **Department of Children and Families** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: February 28, 2006, 9:30 a.m.

PLACE: Department of Children and Families Service Center, 340 Beal Parkway, N.W., Room 128 (Economic Self-Sufficiency Entrance), Fort Walton Beach, FL 32548

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Denise Parker, 833-3713 or Roberta Hale, 833-3707. Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (850)833-3713 or (850)833-3707 or email at [Denise\\_Parker@dcf.state.fl.us](mailto:Denise_Parker@dcf.state.fl.us) or [Roberta\\_Hale@dcf.state.fl.us](mailto:Roberta_Hale@dcf.state.fl.us)

The **Department of Children and Families** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including the general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: February 28, 2006, 2:00 p.m.

PLACE: Northside Service Center, 8190 Pensacola Boulevard, Conference Room 180 A & B, Pensacola, FL 32534

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and

communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Jim Maddox at (850)494-5880.

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (850)494-5880 or e-mail Linda Logan at Jim\_Maddox@dcf.state.fl.us

The **Department of Children and Families** announces a public meeting to discuss the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. Interested parties, including general public, recipients, family members, advocates and service providers are invited to provide comments and suggestions on the process.

DATE AND TIME: Tuesday, February 28, 2006, 4:00 p.m. – 6:00 p.m.

PLACE: Central Service Center, Diamond Room, 311 North State Road 7, Plantation, FL 33317

GENERAL SUBJECT MATTER TO BE CONSIDERED: To gather information and comments on the eligibility determination process for Medicaid benefits based on age or disability, including nursing home care. The process includes the electronic web based application, referrals, notices and communication with staff. (Note: The meeting is not intended to address eligibility criteria such as income and asset limits, or service issues such as access to prescription drugs.)

For additional information, contact: Nancy L. Spencer at (954)267-2135

Any person requiring special accommodations due to disability or physical impairment should contact the department at least five days prior to the meeting by calling (954)267-2135.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public workshop and workgroup video conference meeting for the purpose of rule development concerning Due Process Procedures and Standards to which all interested persons are invited:

TIME AND DATE: March 16, 2006, 6:00 p.m. – 8:00 p.m. Standard Time

PLACE: Farris Bryant Building, Room G52C, 620 South Meridian Street, Ground Floor, Tallahassee, Florida

The video conference meeting will be held March 16, 2006, 6:00 p.m. – 8:00 p.m. EST (5:00 p.m. to 7:00 p.m. CST for the Panama City location). The public may access this video conference at the following locations:

Florida Fish and Wildlife Conservation Commission  
Farris Bryant Building, Room 272  
620 South Meridian Street  
Tallahassee, FL 32399, (850)488-8676

Northwest Regional Office  
3911 Hwy. 2321  
Panama City, FL 32409  
(850)265-3676

North Central Regional Office  
3377 E. U.S. Hwy. 90  
Lake City, FL 32055  
(386)758-0525

Northeast Regional Office  
1239 S.W. 10th Street  
Ocala, FL 34474  
(352)732-1225

Southwest Regional Office  
3900 Drane Field Road  
Lakeland, FL 33811  
(863)648-3203

South Regional Office  
8535 Northlake Boulevard  
West Palm Beach, FL 33412  
(561)625-5122

Fish and Wildlife Research Institute  
100 Eighth Avenue, S.E.  
St. Petersburg, FL 33701  
(727)896-8626

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workgroup video conference meeting to gather public testimony regarding a proposed rule to place Commission procedural rules in a new chapter designated to apply to the entire agency, to incorporate by reference into the procedural rule the Commission’s Due Process Procedures adopted by the Commission at its inception in 1999, and to create standards to guide agency rulemaking relating to fishing and hunting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting 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 James V. Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

The **Fish and Wildlife Conservation Commission (FWC)**, Division of Law Enforcement, Boating Advisory Council, announces the following public meetings to which all persons are invited.

**DATES AND TIMES:** April 6, 2006, 1:00 p.m. – 5:00 p.m., Boating Advisory Council's Non-Motorized Vessels' Subcommittee; April 7, 2006, 9:00 a.m. – 5:00 p.m., Boating Advisory Council

**PLACE:** Fish and Wildlife Conservation Commission, 620 South Meridian Street, Bryant Building, Conference Room (Room 272), Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meetings of the Boating Advisory Council's Non-Motorized Vessels' Subcommittee and Boating Advisory Council.

An agenda for either meeting may be obtained by contacting: Ms. Shelly Gurr, FWC, Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399-1600, (850)488-5600.

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

#### **FINANCIAL SERVICES COMMISSION**

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

**DATE AND TIME:** March 3, 2006. The hearing session starts at 1:00 p.m.

**PLACE:** State of Florida, Larson Building, Rm. 116, 200 East Gaines Street, Tallahassee, Florida 32399

**CONTACT NAME AND NUMBER:** Kristopher Duer, Esquire (850)413-4276 or Sam Coskey (850)413-2616.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Homesite Insurance Company of Florida has requested a 21.8% average statewide rate increase. The requested rate increase was not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to Kristopher Duer at [kristopher.duer@fldfs.com](mailto:kristopher.duer@fldfs.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email Sam Coskey at (850)413-2616 or email at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.com) at least 48 hours before the hearing.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

**DATE AND TIME:** March 16, 2006, 9:00 a.m. during a regular meeting of the Financial Services Commission

**PLACE:** Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**SUBJECT MATTER TO BE CONSIDERED:** This is the Final Public Hearing on the adoption of proposed adoption of new Rule 69O-167.013, Florida Administrative Code, published on December 9, 2006, in Vol. 31, No. 49, of the Florida Administrative Weekly. A Notice of Change was published on February 10, 2006.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Michael Milnes at E-mail [michael.milnes@fldfs.com](mailto:michael.milnes@fldfs.com).

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-167.013 Residential Property Insurance Checklists and Disclosures.

(1) A basic homeowners', mobile homeowners', dwelling, or condominium unit owners' policy may not be delivered or issued for delivery in this state unless a comprehensive checklist of coverage on a form adopted by the commission and an appropriate outline of coverage have been delivered prior to issuance of the policy or accompany the policy when issued. The commission hereby adopts Form OIR-B1-1670, "Checklist of Coverage" (New 01/01/06), which is incorporated herein by reference. This form is available on the Office's website at [www.floir.com/HotTopics\\_Other.htm](http://www.floir.com/HotTopics_Other.htm).

(2) The term "prominently display" as used in Section 627.701, F.S., means that printed matter is of bold type no less than 12 point type and is of greater size than the surrounding text.

Specific Authority 624.308(1), 627.4143 FS. Law Implemented 627.4143, 627.701 FS. History—New \_\_\_\_\_.

#### **CITIZENS PROPERTY INSURANCE CORPORATION**

**NOTICE OF CHANGE** – There has been a change in time for the public meeting to be held in New Port Richey:



DATE AND TIME: Wednesday, March 1, 2006, 10:00 a.m. – 3:00 p.m.

PLACE: Spartan Manor Restaurant, 6121 Massachusetts in which the Members of the Board of Governors of Citizens Property Insurance Corporation plan to attend. It will now be from 10:00 a.m. – 3:00 p.m.

**SUMTER COUNTY**

**Sumter County** and the Florida Department of Environmental Protection announce a meeting for the Florida Organics Recycling Center for Excellence to which all persons are invited.

DATE AND TIME: Thursday, March 9, 2006, 10:00 a.m. – 2:00 p.m.

PLACE: Sumter County Public Works Facility, Bushnell, Florida. Please call (800)566-4413 for directions and meeting room location.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a public meeting of the technical advisory group for the Florida Organics Recycling Center for Excellence (FORCE) project being developed by Sumter County under a Department contract. Sumter County and the Department will seek guidance as the project progresses and tasks associated with Year Five of the project continue. If accommodation for a disability is needed to participate in this activity, please notify Miriam Zimms at (813)971-8333 at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Department by using the Florida Relay service at 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing or calling: Miriam Zimms at Kessler Consulting, Inc., 14620 N. Nebraska Ave., Bldg. D, Tampa, FL 33613, (813)971-8333, extension 22.

**COMMISSION ON MARRIAGE AND FAMILY SUPPORT INITIATIVES**

The **Commission on Marriage and Family Support Initiatives** announces the following meetings of the commission to which all persons are invited to attend.

MEETING TYPE: EXECUTIVE COMMITTEE  
DATE AND TIME: Wednesday, March 1, 2006, 8:30 a.m. – 9:30 a.m.

MEETING TYPE: PROGRAM COMMITTEE  
DATE AND TIME: Wednesday, March 1, 2006, 10:00 a.m. – 11:30 a.m.

MEETING TYPE: POLICY COMMITTEE  
DATE AND TIME: Thursday, March 2, 2006, 9:00 a.m. – 11:00 a.m.

MEETING TYPE: PUBLIC AWARENESS COMMITTEE  
DATE AND TIME: Friday, March 17, 2006, 10:00 a.m. – 12:00 Noon

MEETING TYPE: RESOURCE DEVELOPMENT COMMITTEE

DATE AND TIME: Thursday, March 9, 2006, 11:00 a.m. – 12:00 Noon

PLACE: All meetings will be held via conference call, 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agendas and more information about how to attend the meetings contact: Heidi Rodriguez, hrodriguez@ounce.org or (850)488-4952, ext. 135.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

**OFFICE OF EARLY LEARNING**

The **Office of Early Learning** announces a meeting of their Advisory Council to which all interested parties are invited.

DATE AND TIME: March 3, 2006, 9:00 a.m. – 2:00 p.m.

PLACE: The Royal Plaza, 1905 Hotel Plaza Boulevard, Buena Vista, Florida

For reservations, please contact the hotel at (407)828-2828 and state that you are part of the Florida Office of Early Learning block in order to get the \$101.00 per night room rate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

For more information, please contact: Cynthea Fitzhugh, (850)921-3209 or cynthea.fitzhugh@awi.state.fl.us.

**FLORIDA LEAGUE OF CITIES**

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 23, 2006, 11:00 a.m.

PLACE: Riverside Hotel, 620 East Los Olas Blvd., Fort Lauderdale, Florida, (954)467-0671

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held Thursday, March 23, 2006, 1:00 p.m. at the same location. The purpose of this meeting is to receive reports from investment manager and performance monitor.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting: Jeannie Garner, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, x277.

The **Florida Municipal Investment Trust (FMIvT)** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 23, 2006, 2:00 p.m.  
PLACE: Riverside Hotel, 620 East Los Olas Blvd., Fort Lauderdale, Florida, (954)467-0671

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will also be held Thursday, March 23, 2006, 1:00 p.m at the same location. The purpose of this meeting is to receive reports from investment manager and performance monitor.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Investment Trust (FMIVT) to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting: Jeannie Garner, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, x 277.

The **Florida Municipal Loan Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 23, 2006, 2:30 p.m., or immediately upon adjournment of the Florida Municipal Investment Trust, FMIVT, which begins at 2:00 p.m.

PLACE: Riverside Hotel, 620 East Los Olas Blvd., Fort Lauderdale, Florida, (954)467-0671

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors for the Florida Municipal Loan Council to discuss general business of the Council.

A copy of the meeting agenda may be obtained by contacting: Jeannie Garner, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, x277.

**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office**, Board of Governors' announces public meetings to which all interested parties are invited:

FSLSO AUDIT COMMITTEE MEETING

DATE AND TIME: Monday, April 17, 2006, 12:00 Noon

FSLSO BOARD OF GOVERNORS' QUARTERLY MEETING

DATE AND TIME: Monday, April 17, 2006, 1:00 p.m.

PLACE: Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, ext. 101.

**HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

The **Hardee County Economic Development Authority** (Independent Board) announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, March 7, 2006, 8:30 a.m.

PLACE: County Commission Chambers, 412 West Orange Street, Room 102, Wauchula, Florida

For more information call: County Manager's Office, (863)773-9430

This is a Disabled-Accessible facility. Any disabled person needing to make special arrangements should contact the County Commissioner's office at least forty-eight (48) hours prior to the public meeting. This notice is published in compliance with Section 286.0105, F.S.

Interested parties may appear at the public meeting and be heard. If a person decides to appeal any decision made by the members, with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may 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.

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL**

The **Florida Developmental Disabilities Council, Inc.** announces it's regularly scheduled business meeting.

DATES AND TIMES: March 8-9, 2006, Thursday, March 8, 2006, Committee Meetings; 8:30 a.m. – 5:30 p.m.; Friday, March 9, 2006, Full Council Meeting, 8:30 a.m. – 2:30 p.m.

PLACE: Caribe Royale Hotel, 8101 World Center Drive, Orlando, Florida 32821

\*\*\*\*\*Please Note\*\*\*\*\*

Meeting times are subject to change.

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.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that on January
18, 2006, it received a Petition for Declaratory Statement filed
by Erin Smith Aebel, Esquire, on behalf of Mark Dielman,
Ph.D. The petition seeks the Board's interpretation of Section
490.003(4) and Section 490.006(1)(a), Florida Statutes and
whether petitioner must obtain a Florida psychology license to
provide treatment while in Florida to his patients in Ohio via
telecommunications and whether petitioner may obtain
licensure by endorsement in order to practice psychology in
Florida.

Copies of the petition may be obtained from: Susan Love,
Executive Director, Board of Psychology, 4052 Bald Cypress
Way, Bin #C05, Tallahassee, FL 32399-3253.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of
Financial Services has issued an order disposing of the petition
for declaratory statement filed by James Fletcher, Perry Fire
Extinguisher Company, on October 24, 2005. The following is
a summary of the agency's disposition of the petition.

1. Question: Did Petitioner, under Section 633.021, Florida
Statutes, or Sections 69A-21.301, .302, or .304, have a duty to
inform the business of the servicing and/or maintenance
requirements of the pre-installed/pre-engineered suppression
system absent any contract or agreement between the parties to
do so?

1. Response: Although it would have been prudent and in the
public interest to inform the business of the servicing and/or
maintenance requirements, and while the Division of State Fire
Marshal cannot respond as to the duties and responsibilities of

a contractual agreement, the only legal requirement is that the
person recharging the canister must be properly licensed to do
so. If the canister worked properly as alleged by Petitioner, and
if Petitioner was properly licensed to recharge it, the
Petitioner's legal duties have been fulfilled.

2. Question: Did Petitioner, under Section 633.021, Florida
Statutes, or Sections 69A-21.301, .302, or .304, have a duty to
inquire as to the training and/or qualification of the employees
of the business who provided Petitioner with the canister from
the pre-installed/pre-engineered system?

2. Response: No, for the same reasons stated in the previous
response.

A copy of the order may be obtained from: Gabriel Mazzeo,
Attorney, Division of State Fire Marshal, 200 East Gaines
Street, Tallahassee, Florida 32399-0340, phone (850)413-3688,
or you may fax your request to fax number (850)414-6119. An
unsigned but exact copy of the order is also available on the
Division of State Fire Marshal website which may be accessed
at: http://www.fldfs.com/SFM/sfmdeclaratorysummaries.htm.

Section 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 PROFESSIONAL CONSULTANTS

Florida A&M University (FAMU) announces that Professional Services in the discipline of Architecture will be required for the following: Project No.: FM-301, Sampson and NB Young Halls Remodeling, Florida A&M University, Tallahassee, Florida.

This project consists of renovations to the existing Sampson Hall, a 38,280 gsf five-story facility constructed in 1938 and renovated in 1979. NB Young Hall, a 17,822 gsf three-story facility constructed in 1928 and originally called College Men's Building. Minor renovations and maintenance are no longer able to keep the buildings in a habitable condition. The buildings have been closed down because of fire code violations, are abandoned and unusable. The fire doors do not conform to code; fire alarm and sprinkler protection systems are inadequate; there are numerous life safety problems, and the buildings do not meet ADA Standards. The existing HVAC systems require upgrading, electrical wiring need upgrading to meet code, there are no cable TV and internet connections in student rooms; plumbing systems have deteriorated, restroom facilities are in poor condition throughout the buildings and existing services and switchgear are in need of replacement. Structural problems exist. Partitions cannot be removed without structural modifications. Large areas of the existing roofs are in poor condition. Complete window replacement are necessary due to the poor condition and lack of thermal efficiency. One particularly severe problem is the unsuitability of the mechanical equipment. The project scope includes restoration of the building's envelope, replacement of the buildings plumbing and air conditioning system, total replacement of the electrical wiring, complete roof replacement, asbestos abatement, replacement of structural systems and correction of life safety and ADA standards.

The estimated construction budget is \$9,000,000.

The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$500,000 and will be provided as a part of Basic Services.

**INSTRUCTIONS:** Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Professional Qualifications Supplement" (PQS); form is to be obtained from the FAMU Facilities Planning & Construction Office. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit eight (8) ring, comb or spiral (no hard, solid or tack) bound copies of the requested data in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement (PQS) forms, descriptive project information, and selection criteria may be obtained by contacting: Samuel J. Houston, Director, Office of Facilities Planning and Construction, Florida A&M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, Phone (850)599-3197, Fax: (850)561-2289, e-mail: samuel.houston@famuedu. Submittals must be received in the Office of Facilities Planning and Construction, by 2:00 p.m. local time, on March 29, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### CALL FOR BIDS

The University of West Florida, Board of Trustees is soliciting sealed bids for the following:

Bldg. 36 HVAC/Lighting/Electrical Upgrade

A Mandatory Pre-Solicitation Conference will be held on March 9, 2006 at 2:00 p.m. CST in Bldg. 92, Rm 110, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514

All bidders are required to attend the pre-solicitation conference. Potential subcontractors are invited to attend to become familiar with the project specifications and to become acquainted with contractors who may bid the project.

Sealed bids will be received until March 28, 2006, 2:00 p.m. CST at the Department of Procurement Services, Bldg. 8, Room 102, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number 05/ITB-17/ES must be marked on outside of bid package. The University will not be responsible for unopened bid packages at the bid opening when the package is not

properly identified. Bids must be submitted in full and in accordance with the requirements of all terms and conditions of the Invitation to Bid.

View this solicitation and related information on the Department of Procurement Services' website: <http://uwf.edu/procurement>.

A CD containing plans and specifications may be obtained from Procurement Services, The University of West Florida. Contact Elaine Smith, e-mail: [etsmith@uwf.edu](mailto:etsmith@uwf.edu) or (850)474-2627, to arrange pick up.

**NOTICE TO  
CONSTRUCTION MANAGERS**

The University of North Florida, Board of Trustees, a public body corporate, announces that Construction Management Services will be required for two (2) UNF capital construction projects. These two projects are as follows:

1. College of Health Addition: This project consists of approximately 26,000 gross square feet. This facility will be a multi-story building, not to exceed four (4) floors in height, designed to be compatible with the existing campus architecture. The project site is adjacent to the University's existing Building Number 39, east of the Boathouse. Interior spaces to be provided include classrooms, laboratories, and support facilities. The estimated construction budget for this project is \$5,700,000. This is a LEED project that will require the input, effort and cooperation of the CM and subtrades to achieve certification.
2. The Housing Administration and Student Health Building: This project consists of a new stand alone building of approximately 22,000 gross square feet, which is to accommodate the Housing and Residence Life Administration offices, Student Life Program space, and a Student Health Services component which includes a pharmacy. The estimated construction budget for this project is \$5,300,000. This is a LEED project that will require the input, effort and cooperation of the CM and subtrades to achieve certification.

CM Firms can choose to submit their qualifications for either project or for both. However, submissions must be submitted separately in separate packages. The University may choose to award this service contract to one firm based on the responses received and subsequent evaluations.

Firms desiring to provide construction management services shall submit a letter of application and a complete "University of North Florida Construction Manager Qualifications Supplement". No submittal material will be returned.

Minority Business participation will not be considered in the scoring process.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed

within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

UNF Construction Manager Qualifications Supplement forms and additional information may be obtained by contacting:

Dottie Fischetti  
University of North Florida  
4567 St. Johns Bluff Road, South  
Jacksonville, Florida 32224  
(904)620-2016, Fax (904)620-2020

Submit seven (7) copies of application to: University of North Florida, Facilities Planning Office, Attn: Dottie Fischetti, J. J. Daniel Hall, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224-2648. Application packages must be received no later than 2:00 pm local time, on Tuesday, March 28, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

**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 March 9, 2006 for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

**ROOF REPLACEMENT – Bid #06-968-595**

Clearwater High School  
540 S Hercules Avenue  
Clearwater, FL 33764

**SCOPE OF PROJECT:** Provide labor, material and all necessary equipment to install a multi-ply modified bitumen roofing system on buildings 2, 17, 19, 21, 24 and 25. This project requires a Bid, Performance and Security Payment bond.

A pre-bid conference will be held at the Main Office, Clearwater High School, 540 S Hercules Avenue, Clearwater, FL 33764, February 23, 2006, 10:00 a.m. Attendance at this pre-bid conference 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 So. 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 SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	NANCY N. BOSTOCK CHAIRMAN  MARK C. LINDEMANN DIRECTOR, PURCHASING
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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 March 9, 2006 for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

ROOF REPLACEMENT – Bid #06-968-594

Seminole High School  
8401 – 131st Street, North  
Seminole, FL 33776

SCOPE OF PROJECT: Provide labor, material and all necessary equipment to install a multi-ply modified bitumen roofing system on building. The Scope of work will be divided into two Projects, "A" and "B". Contractors may bid on one or both projects. Contractors bidding on both projects shall have (2) two separate and independent crews for each project that can work simultaneously. Project "A" consists of buildings 2, 27, 28a, 28b and 29. Project "B" consists of buildings 6c, 9, 12b, 17c and 30. This project requires a Bid, Performance and Security Payment bond.

A pre-bid conference will be held at the Main Office, Seminole High School, 8401 – 131st Street, North, Seminole, FL 33776, February 22, 2006, 10:00 a.m. Attendance at this pre-bid conference 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 So. 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 SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	NANCY N. BOSTOCK CHAIRMAN  MARK C. LINDEMANN DIRECTOR, PURCHASING
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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 March 14, 2006 for the purpose of selecting a supplier to provide Main Line Food per the bid specifications for:

Main Line Food Contract  
Bid 06-393-587

The purpose and intent of this Invitation to Bid is to select one (1) Main-Line Food Service Distributor to provide and deliver all types of Food Products, including, but not limited to: Meat (fresh & frozen), Various beverages, Grocery/Staple items AND Cafeteria Paper Products for direct delivery to approximately 140 District facilities, and to secure firm fixed fees for the specified contract period.

A pre-bid conference will be held at the Walter Pownall Service Center in Royal Palm Room on March 1, 2006, 10:00 a.m.. Attendance at this pre-bid conference is MANDATORY in order for all potential bidders to receive the benefit of answers to theirs and other's technical questions first hand. If you are not the prime bidder but are attending on behalf of someone else, please make note of this when signing the attendance roster where indicated. We apologize for any inconvenience this may cause you, but it is imperative that all information be disseminated in a public forum with all potential bidders present to minimize confusion or misunderstandings. Additions or changes to the original bid documents resulting from this conference of a material nature, will be documented in the form of written addenda and distributed to all attendees. Please note that if you are late to the pre-bid conference and are unable to sign the attendance roster, you will lose eligibility to submit a bid. You may still, however, attend the conference if you wish.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department  
Walter Pownall Service Center  
11111 S. Belcher Road  
Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

DR. CLAYTON WILCOX SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	NANCY N. BOSTOCK CHAIRMAN  MARK C. LINDEMANN DIRECTOR, PURCHASING
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**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**METROPOLITAN PLANNING ORGANIZATIONS**

**REQUEST FOR PROPOSALS**

The Pinellas County Metropolitan Planning Organization (MPO), acting as the Community Transportation Coordinator (CTC) for Pinellas County, is accepting proposals from qualified organizations to provide services related to call intake, ride scheduling, and client database management for the Pinellas County Transportation Disadvantaged (TD) Program. The selected provider will also be responsible for the provision of similar services for the Pinellas County Medicaid Non-Emergency Transportation (NET) Program. Proposers must have experience in work of the same or similar nature and must demonstrate that their services are compliant with the requirements of the Pinellas County TD Program.

The complete Request for Proposals (RFP) packet can be obtained from the MPO website: [www.pinellascounty.org/mpo](http://www.pinellascounty.org/mpo) or from the address listed below. Requests for clarification of the requirements or inquiries about information contained in the RFP package must be submitted in writing, via email or letter by 3:00 p.m. on March 2, 2006. RFP Proposals must be received by 5:00 p.m. on March 15, 2006 at the office of the Pinellas County MPO. One original and seven copies of the RFP Proposal must be submitted to:

Heather Sobush  
Pinellas County Metropolitan Planning Organization  
600 Cleveland St., Suite 750  
Clearwater, FL 33755  
e-mail: [hsobush@pinellascounty.org](mailto:hsobush@pinellascounty.org)  
Phone: (727)464-8200  
Fax: (727)464-8201

Proposals must follow the format of the RFP and structure responses to follow the sequence of the RFP. MPO staff and Local Coordinating Board members will evaluate the proposals received based on the responsiveness to the evaluation criteria and on the information being provided in the required sequence.

The outside of the envelope containing the Proposal must be marked “PROPOSAL TO PROVIDE PROFESSIONAL MANAGEMENT SERVICES TO THE PINELLAS COUNTY TRANSPORTATION DISADVANTAGED PROGRAM.” The Pinellas County MPO will accept no responsibility for proposals not so marked. Proposals are to remain in effect for 90 calendar days from the date of submission. The Pinellas County MPO reserves the right to reject any and all proposals,

to waive any formality concerning proposals, or negotiate changes to the proposals whenever such rejection or waiver or negotiation is in the best interest of the Pinellas County Transportation Disadvantaged Program.

Lobbying of Local Coordinating Board members, Pinellas County Metropolitan Planning Organization employees, and elected officials regarding the Pinellas County Transportation Disadvantaged Program professional management and transportation brokerage services RFP or contract by any member of a Proposer’s staff, or those people who are members of, or employed by, any legal entity affiliated with an organization that is responding to the RFP is strictly prohibited. Such actions may cause your proposal, or the proposal you are supporting to be rejected.

The MPO does not discriminate on any basis, as required by 49 USC 5332 prohibiting discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity, Title VI of the Civil Rights Act of 1965, as amended 42 USC 2000d to 2000d-4, and Title 49 CFR, Part 21. The MPO ensures, in accordance with 49 CFR Part 26, that certified FDOT Disadvantaged Business Enterprise Program participants have an equal opportunity to receive and participate in Department of Transportation assisted contracts.

**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 TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL  
SERVICES FOR ARCHITECTURE-ENGINEERING**

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction, announces that professional services are required for the project listed below. Applications being sent via the U. S. Mail or via overnight express service shall be sent to, Joel Hill, Architect-Project Manager, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin #B06, Tallahassee, Florida 32399-1734, Phone (850)245-4444, Ext. 3165, Facsimile (850)410-1474.

PROJECT NUMBER: DOH 70008150  
PROJECT NAME: New Charlotte County Health Department Building  
SERVICES TO BE PROVIDED: Architecture-Engineering  
ESTIMATED CONSTRUCTION BUDGET: \$11,000,000.00  
SAMAS NO: 64-30-2-141001-64200700-00-084093-01  
64-30-1-000319-64200700-00-084093-06

RESPONSE DUE DATE: Thursday, March 23, 2006, by 4:00 PM.

INSTRUCTIONS: Submit three (3) bound copies of the following information: \*

1. Table of contents
2. Letter of interest
3. A copy of the current Department of Health Professional Qualifications Supplement (PQS) Form DBC5112 Revised 10/97. A copy can be obtained by calling (850) 245-4066. Mandatory use of DOH financial statement forms are required.
4. A copy of the firm's current Florida Professional License registration. (Proper registration at the time of application is required.)
5. (CORPORATIONS ONLY) Current Corporate Certificate providing evidence of validation date and designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
6. Completed Standard Form 254
7. Completed Standard Form 255

\*In Article Eight, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.

8. A stamped self-addressed if the applicant would like a Notice of Selection result.

\* All applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and any section dividers. However, this is not a mandatory requirement.

EVALUATION: All proposals submitted shall become the property of the Department of Health. The submitted proposals will be placed on file and not returned. Any proposals that do not comply with the above instructions as set forth and/or do not include the required qualification data will be considered improper and disqualify the applicant. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida Administrative Code and Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the department shall shortlist a minimum of three (3) firms.

SAMAS NO.: 64-30-2-141001-64200700-00-084093-01  
 64-30-1-000319-64200700-00-084093-06

PROJECT LOCATION: PORT CHARLOTTE, FLORIDA

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction requests qualifications from construction management firms to provide construction management services for this project. The construction budget for this project is up to \$11.0 Million. Overall Project may consist of several Phases negotiated as separate GMP deliverables. First anticipated construction start date is October 2006. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3) F.S. and the procedures and criteria of Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit Four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. Letter of interest detailing the firm's qualification to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085. Mandatory use of DOH financial statement forms are required.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.

Response Due Date: Thursday, March 23, 2006, by 4:00 p.m.

Applications are to be sent to: Joel Hill, Architect-Project Manager, Department of Health, 4052 Bald Cypress Way, Bin #B06, Tallahassee, FL 32399-1734, Phone (850)245-4444, Ext. 3165.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications which do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Chapter 60D-2, Florida

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

PROJECT NUMBER: DOH 70008150  
 PROJECT NAME: CHARLOTTE COUNTY HEALTH DEPARTMENT BUILDING PHASED CONSTRUCTION



Administrative Code and Section 287.055, Florida Statutes. The Department of Health shall shortlist a minimum of three (3) firms.

Phases to be implemented are dependent on the availability of funding subject to actions of the Florida Legislative process and at sole discretion of the Department of Health. Presently funded is \$5,550,000.00 for construction of a replacement facility on a new site. Additional Phases may include expansion of the scope and square footage of the building.

**Section XII  
Miscellaneous**

**DEPARTMENT OF EDUCATION**

**NOTIFICATION OF INTENT  
TO OPERATE THE SUMMER FOOD SERVICE PROGRAM  
FOR CHILDREN**

In accordance with Title 7 Code of Federal Regulations, Part 225, it is the intent of the Florida Department of Education, Food and Nutrition Management Section, to continue to administer the Summer Food Service Program for the Fiscal Year 2006.

The primary purpose of the program is to provide food service to children from needy areas during periods when area schools are closed for vacation.

Eligible children are those 18 years of age and under, and persons over 18 years of age who are determined by the State educational agency or a local public educational agency of the State to be mentally or physically handicapped and who participate in a public or nonprofit private school program established for the mentally or physically handicapped.

The program will be made available throughout Florida by State approved sponsors. Sponsors for the program may be a public or nonprofit private school, nonprofit private organization, residential or non-residential camp, government organization, or a National Youth Sports Program.

For more information please contact: Food and Nutrition Management, Summer Food Service Program for Children, 1(800)504-6609.

The Individuals with Disabilities Education Improvement Act (IDEA 2004) (34 CFR Sections 300.148 and 300.280-300.284) requires that the state make available to the public The Annual State Application under Part B of the Individuals with Disabilities Education Act as Amended in 2004 for Federal Fiscal Year 2006 (Part B Application) for a period of 60 days, and accept comments for a period of 30 days. The Part B Application will be available to the public on the Florida Department of Education, Bureau of Exceptional Education and Student Services website from February 24, 2006 until April 26, 2006 at <http://www.firn.edu/does/commhome/index.html>.

Comments will be accepted between February 24, 2006 and March 25, 2006. Comments may be sent to: Eileen L. Amy, Administrator, ESE Program Administration and Quality Assurance, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399, (850)245-0476, e-mail: PAQA@fldoe.org. Copies may be obtained by contacting Ms. Amy at the listed address or e-mail.

The Cooperative Agreement between the Florida Department of Health, Children's Medical Services, Early Steps and the Florida Department of Education, Bureau of Exceptional Education and Student Services is subject of the same posting and comment period.

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIVR-06-2006-004  
DATE RECEIVED: February 13, 2006  
DEVELOPMENT NAME: Speedplex Office Park  
DEVELOPER/AGENT: International Speedway Corp/  
Cecilia Bonifay  
DEVELOPMENT TYPE: 28-24.016, 28-24.031,  
28-24.020, F.A.C.  
LOCAL GOVERNMENT: Daytona Beach City

**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, Hyosung Motors America, Inc., intends to allow the establishment of Charlie Dyches Power Sports, LLC, as a dealership for the sale of Hyosung motorcycles, at 2314 East Edgewood Drive, Lakeland (Polk County), Florida 33803, on or after February 15, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Charlie Dyches Power Sports, LLC, are dealer operator(s): Charlie Dyches, 3455 Blueberry Drive, Lakeland, Florida 33803; principal investor(s): Charlie Dyches, 3455 Blueberry Drive, Lakeland, Florida 33803.

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: Edward Park, President, Hyosung Motors America, Inc., 5815-B Brook Hollow Parkway, Norcross, Georgia 30071.

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, Forest River, Inc., intends to allow the establishment of Atlantic Bus Sales, as a dealership for the sale of Glaval buses, at 548 South Dixie Highway, Pompano Beach (Broward County), Florida 33060, on or after January 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Atlantic Bus Sales are dealer operator(s): Rick Mahoney, 548 South Dixie Highway, Pompano Beach, Florida 33060; principal investor(s): Rick Mahoney, 548 South Dixie Highway, Pompano Beach, Florida 33060.

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: Phil Hayes, General Manager, Glaval Bus, Division of Forest River, Inc., 914 County Road 1, North, Elkhart Indiana 46514.

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, Forest River, Inc., intends to allow the establishment of Getaway Marketing, Inc., as a dealership for the sale of Glaval buses, at 212 301 Boulevard East, Bradenton (Manatee County), Florida 34208, on or after January 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Getaway Marketing, Inc., are dealer operator(s): Susan Gould, 212 301 Boulevard, East, Bradenton, Florida 34208; principal investor(s): Susan Gould, 212 301 Boulevard East, Bradenton, Florida 34208.

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: Phil Hayes, General Manager, Glaval Bus, Division of Forest River, Inc., 914 County Road 1 North, Elkhart Indiana 46514.

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, Forest River, Inc., intends to allow the establishment of Transit Plus, Inc., as a dealership for the sale of Glaval buses, at 58 West 9th Street, Atlantic Beach (Duval County), Florida 32233, on or after January 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Transit Plus, Inc., are dealer operator(s): Ted Jackrel, 58 West 9th Street, Atlantic Beach, Florida 32233; principal investor(s): Ted Jackrel, 58 West 9th Street, Atlantic Beach, Florida 32233.

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: Phil Hayes, General Manager, Glaval Bus, Division of Forest River, Inc., 914 County Road 1, North, Elkhart Indiana 46514.

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, Focus, Inc., intends to allow the establishment of BMC, LLC, d/b/a Prestige Auto Sales & Rentals, as a dealership for the sale of Independence motorcycles, at 5050 34th Street, North, St. Petersburg (Pinellas County), Florida 33714, on or after February 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of BMC, LLC, d/b/a Prestige Auto Sales & Rentals are dealer operator(s): Raymond A. Bonnell, 9422 Sun Isle Drive, Northeast, St. Petersburg, Florida 33702;

principal investor(s): Martin Coulombe, 5010 Myrtle Lane, St. Petersburg, Florida 33708, and Eugene Myers, 9251 98th Avenue North, Seminole, Florida 33777.

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: Valerie Annibal, Manager, Focus Inc., d/b/a Independence Motorcycle Company, 1331 East 21st Street, Tucson, Arizona 85719.

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

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that STR Motorsports, Inc., intends to allow the establishment of Motorcycle Enthusiasts, Inc., as a dealership for the sale of KYMCO motorcycles, at 5138 Commercial Way, Spring Hill (Hernando County), Florida 34606, on or after January 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Motorcycle Enthusiasts, Inc., are dealer operator: David Bernard, 5130 Commerical Way, Spring Hill, Florida 34606; principal investor(s): David Bernard, 5130 Commercial Way, Spring Hill, Florida 34606.

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: Bruce Ramsey, VP of Sales/Marketing, 1770 Compton Road, Inman, South Carolina 29349.

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

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, Polaris Sales, Inc., intends to allow the establishment of 2 Wheel Investment Group, Inc., d/b/a Big Bike of Jacksonville, as a dealership for the sale of Victory motorcycles, at 3842 Sunbeam Road, Jacksonville (Duval County), Florida 32257, on or after March 15, 2006.

The name and address of the dealer operator(s) and principal investor(s) of 2 Wheel Investment Group, Inc., d/b/a Big Bike of Jacksonville are dealer operator(s): Keith L. Berryman, 2011 Sandhill Crane Drive, Jacksonville, Florida 32224, and Richard L. Berryman, 10853 Peaceful Harbor Drive, Jacksonville, Florida 32218; principal investor(s): Keith L. Berryman, 2011 Sandhill Crane Drive, Jacksonville, Florida 32224, and Richard L. Berryman, 10853 Peaceful Harbor Drive, Jacksonville, Florida 32218.

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: Michael W. Malone, VP Finance CFO, Polaris Sales, Inc., 2100 Highway 55, Medina, Minnesota 55340.

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, Infiniti Division of Nissan North America, Inc., intends to allow the establishment of TT of Millenia, Inc., d/b/a Millenia Infiniti as a dealership for the sale of Infiniti vehicles, at:

A PORTION OF LOT 1, OF THE PLAT "MILLENNIA UNIT V" AS RECORDED IN PLAT BOOK 47, PAGES 60 AND 61 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1, SAID POINT BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF CONROY ROAD (VARIABLE WIDTH RIGHT OF WAY); THENCE S1650'06"W, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID CONROY ROAD, A DISTANCE OF 47.45 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF MILLENIA BOULEVARD (VARAIBLE WIDTH RIGHT OF WAY); THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF SAID CONROY ROAD, S5758'07"W, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MILLENIA BOULEVARD, A DISTANCE OF 61.65 FEET TO A POINT; THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MILLENIA BOULEVARD, S5234'58"W, A DISTANCE OF 48.87 FEET TO A POINT ON A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 547.00 FEET, A DELTA ANGLE OF 2356'15" AND A CHORD BEARING AND DISTANCE OF S6433'06" W, 226.87 FEET); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 228.53 FEET; THENCE CONTINUING SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MILLENIA BOULEVARD AND ALONG A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 547.00 FEET, A DELTA ANGLE OF 1649'37" AND A CHORD BEARING AND DISTANCE OF S8456'02"W, 160.07 FEET) AND ARC DISTANCE OF 160.65 FEET TO A POINT; THENCE CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MILLENIA BOULEVARD, N8639'09"W, A DISTANCE OF 92.53 FEET TO A POINT OF BEGINNING.

TENCE CONTINUING ALONG THE NORTHERN RIGHT-OF-WAY LINE OF SAID MILLENIA BOULEVARD, N8639°9'W, A DISTANCE OF 85.93 FEET TO A POINT; TENCE CONTINUING SOUTHWESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MILLENIA BOULEVARD AND ALONG A CURVE TO LEFT (SAID CURVE HAVING A RADIUS OF 653.00 FEET, A DELTA THE ANGLE OF 1440'21" AND A CHORD BEARING AND DISTANCE OF S8600'40"W, 166.77 FEET) AN ARC DISTANCE OF 167.22 FEET TO A POINT; TENCE LEAVING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MILLENIA BOULEVARD N825'12"W, A DISTANCE OF 52.08 FEET TO A POINT; TENCE N8143'13"E, A DISTANCE OF 80.47 FEET TO A POINT; TENCE N34'14"W, A DISTANCE OF 34.88 FEET TO A POINT; TENCE S8233'23"W, A DISTANCE OF 176.48 FEET TO A POINT; TENCE N3121'52"W A DISTANCE OF 317.69 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF INTERSTATE 4 – CONROY ROAD INTERCHANGE; TENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE 4 – CONROY ROAD INTERCHANGE, N5914'11"E, A DISTANCE OF 102.74 FEET TO A POINT; TENCE CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE 4 – CONROY ROAD INTERCHANGE, AND ALONG A CURVE TO THE LEFT (SAID CURVE HAVING A RADIUS OF 1160.04 FEET, A DELTA ANGLE OF 1600'36" AND A CHORD BEARING AND DISTANCE OF N5113'53"E, TENCE SAID INTERSTATE 4 – CONROY ROAD INTERCHANGE AND ALONG A CURVE TO THE RIGHT CONTINUNG ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF 323.09 FEET) AN ARC DISTANCE OF 324.15 FEET TO A POINT; TENCE CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF (SAID CURVE VHAVING A RADIUS OF 14699.44 FEET, A DELTA ANGLE OF 5°06'03" AND A CHORD BEARING AND DISTANCE OF N40°40'34"E, 130.78 FEET) AN ARC DISTANCE OF 130.82 FEET TO A POINT; TENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID INTERSTATE 4 – CONROY ROAD INTERCHANGE, N38°07'32"E, A DISTANCE OF 5.11 FEET TO A POINT; TENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF THE INTERSTATE 4 – CONROY ROAD INTERCHANGE S30°45'49"E A DISTANCE OF 469.33 FEET TO A POINT; TENCE S59°14'11"W, A DISTANCE OF 219.02 FEET TO A POINT; TENCE S30°45'49"E, A DISTANCE OF 61.48 FEET TO A POINT; TENCE SOUTHWESTERLY ALONG THE

ARC OF A CURVE TO THE RIGHT (SAID CURVE HAVING A RADIUS OF 110.00 FEET, A DELTA ANGLE OF 34°06'55" AND A CHORD BEARING AND DISTANCE OF S13°42'21"W, 64.53 FEET) AN ARC DISTANCE OF 65.50 FEET TO A POINT; TENCE S3°21'06"W, A DISTANCE OF 67.03 FEET TO A POINT OF BEGINNING. SAID PARCEL CONTAINS 247137 SQUARE FEET OR 5.6735 ACRES OF LAND, MORE OR LESS.

TOGETHER with all easements for ingress and egress, utilities, and other easement rights and privileges inuring to the benefit of the aforescribed and pursuant to the following instruments:

1. Millenia Declaration of Easements, Covenants and Restrictions by Orlando Southwest Partners, a Florida general partnership, recorded December 18, 1998 in Official Records Book 5641, Page 1790, as amended by First Amendment to Millenia Declaration of Easements, Covenants and Restrictions dated October 30, 2000 and recorded October 30, 2000 in Official Records Book 6118, Page 3864, both of the Public Records of Orange county, Florida.
2. Millenia Unit V Declaration of Easements, Covenants and Restrictions by Orlando Southwest Partners, a Florida general partnership, dated November 21, 2002 and recorded November 22, 2002 in Official Records Book 6679, Page 3694, Public Records of Orange County, Florida, Orlando (Orange County), Florida, on or after April 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of TT of Millenia, Inc., d/b/a Millenia Infiniti are dealer operator(s): Terry R. Taylor, 515 North Flagler Drive, P-400, West Palm Beach, Florida 33401; principal investor(s): Terry R. Taylor, 515 North Flagler Drive, P-400, West Palm Beach, Florida 33401, and Peter Wilson, 350 South Lake Destiny Drive, Orlando, Florida 32810.

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: Jeffrey Harris, Regional Vice President, Infiniti Division – East, Nissan North America, Inc., 1501 Cottontail Lane, Somerset, New Jersey 08873-1269.

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, Mid Bus, Inc., intends to allow the establishment of Rivers Bus Sales, Inc., as a dealership for the sale of Mid Bus commercial buses, at 10626 General Avenue, Jacksonville (Duval County), Florida 32220, on or after February 8, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Rivers Bus Sales, Inc., are dealer operator(s): Lawrence Schaffer, 9002 Camshire Drive, Jacksonville, Florida 32244, and Ernest J. Searcy, 10728 Fall Creek Drive East, Jacksonville, Florida 32222; principal investor(s): Lawrence Schaffer, 9002 Camshire Drive, Jacksonville, Florida 32244, and Ernest J. Searcy, 10728 Fall Creek Drive East, Jacksonville, Florida 32222.

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: Tony Augsburg, National Sales Manager, Mid Bus, 505 East Jefferson Street, Bluffton, Ohio 45817-1398.

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 LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the March 15, 2006 application filing date for Hospital Beds and Facilities batching cycle:

County: Escambia District: 1  
Date Filed: 2/13/2006 LOI #: H0602001  
Facility/Project: Baptist Hospital, Inc.

Applicant: Baptist Hospital, Inc.  
Project Description: Establish a Class I hospital of up to 100 acute care beds

County: Pasco District: 5  
Date Filed: 2/10/2006 LOI #: H0602002  
Facility/Project: Florida Hospital Wesley Chapel, Inc.

Applicant: Florida Hospital Wesley Chapel, Inc.  
Project Description: Establish a Class I hospital of up to 80 acute care beds

County: Pasco District: 5  
Date Filed: 2/13/2006 LOI #: H0602003  
Facility/Project: University Community Hospital, Inc.

Applicant: University Community Hospital, Inc.  
Project Description: Establish a Class I hospital of up to 100 acute care beds

County: Orange District: 7  
Date Filed: 2/13/2006 LOI #: H0602004  
Facility/Project: The Nemours Foundation

Applicant: The Nemours Foundation  
Project Description: Establish a Level II NICU of up to 10 beds

County: Orange District: 7  
Date Filed: 2/13/2005 LOI #: H0602005  
Facility/Project: The Nemours Foundation

Applicant: The Nemours Foundation  
Project Description: Establish a Level III NICU of up to 15 beds

County: Orange District: 7  
Date Filed: 2/13/2006 LOI #: H0602006  
Facility/Project: The Nemours Foundation

Applicant: The Nemours Foundation  
Project Description: Establish a Class II children’s hospital of up to 120 acute care beds

County: Osceola District: 7  
Date Filed: 2/13/2006 LOI #: H0602007  
Facility/Project: Poinciana Hospital and Medical Center  
Applicant: Osceola Regional Hospital, Inc.  
Project Description: Establish a Class I hospital of up to 120 acute care beds

County: Charlotte District: 8  
Date Filed: 2/13/2006 LOI #: H0602008  
Facility/Project: Peace River Regional Medical Center  
Applicant: Port Charlotte HMA  
Project Description: Establish a 10-bed Level II NICU  
County: Broward District: 10  
Date Filed: 2/10/2006 LOI #: H0602009  
Facility/Project: North Broward Hospital District  
Applicant: North Broward Hospital District  
Project Description: Establish a Class I hospital of up to 144 acute care beds

County: Dade District: 11  
Date Filed: 2/10/2006 LOI #: H0602010  
Facility/Project: Mount Sinai Medical Center of Florida, Inc.  
Applicant: Mount Sinai Medical Center of Florida, Inc.  
Project Description: Establish a Class I hospital of up to 120 acute care beds

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 April 19, 2006, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on March 31, 2006.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

On February 8, 2006, 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 William Morgan, D.C., license number DC 6880. 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 February 7, 2006, 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 Robin

Diann Young, D.D.S., license number DN 12815. 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 February 13, 2006, 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 S. Rao Korabathina, M.D. license number ME 49262. 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 February 8, 2006, 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 Laura Diane Gray, L.P.N., license number PN 1302871. 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 February 8, 2006, 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 Corey Dill, R.N. license number RN 9171840. 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 February 8, 2006, 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 Danielle C. Harden, L.P.N. license number PN 1289251. 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 February 8, 2006, 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 Christy M. Koepke, R.N. license number RN 9185261. 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 February 9, 2006, 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 Julia Kathryn Willers, R.N., license number RN 2978362. 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 February 14, 2006, 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 Beverly Carol Morrison, R.N. license number RN 9194736. 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 February 14, 2006, 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 Reginald Dawson, R.Ph., license number PS 26434. 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.

**DEPARTMENT OF FINANCIAL SERVICES**

The Department of Insurance and Treasury, Division of State Fire Marshal, pursuant to Section 791.013(1), Florida Statutes, hereby approves the following sparklers for sale from February 1, 2006 to January 31, 2007. The products are listed by ITEM (the name of the product, and any major words or numbers on the product); BRAND (means the name or logo of the manufacturer); DESCRIPTION (a specific physical description of the product, size should be accurate to within one (1) inch). ALL ASSORTMENT PACKAGES OR CONTAINERS MUST CONTAIN APPROVED SPARKLERS.

- NAME BAZOOKA TORCH FOUNTAIN
- BRAND: PHANTOM
- DESCRIPTION: 2 1/4" X 29" MULTI-TUBE CYLINDER
- NAME CRACKLIN' STROBE LIGHT
- BRAND:
- DESCRIPTION: 1/2" X 1/2" CYLINDER
- NAME CRYSTAL FOUNTAIN APE021
- BRAND: TNT
- DESCRIPTION: 1 1/2" X 1 1/2" X 3" BOX
- NAME CUCKOO 0852
- BRAND: TNT
- DESCRIPTION: 6 1/2" X 1" MULTI-TUBE TRIANGLE W/BASE
- NAME DIAMOND CUTTER APE017
- BRAND: TNT
- DESCRIPTION: 4 1/2" X 1" CYLINDER W/BASE
- NAME DRAGON'S WRATH
- BRAND: PHANTOM
- DESCRIPTION: 2 1/2" X 7" CONE
- NAME FOUR SEASONS FALL
- BRAND: PHANTOM
- DESCRIPTION: 3" X 1/2" CYLINDER W/BASE
- NAME FOUR SEASONS SPRING
- BRAND: PHANTOM
- DESCRIPTION: 3" X 1/2" CYLINDER W/BASE
- NAME FOUR SEASONS SUMMER
- BRAND: PHANTOM
- DESCRIPTION: 3" X 1/2" CYLINDER W/BASE
- NAME FOUR SEASONS WINTER
- BRAND: PHANTOM
- DESCRIPTION: 3" X 1/2" CYLINDER W/BASE
- NAME GIRLS BEST FRIEND CP1320
- BRAND: TNT
- DESCRIPTION: 4" X 4" X 6 3/4" DIAMOND MULTI-TUBE
- NAME HOT POT
- BRAND: SHOWTIME
- DESCRIPTION: 4" DIAMETER 3" HIGH POT
- NAME JITTERBUG APE016



BRAND:	TNT	NAME	PICK SIX
DESCRIPTION:	4 1/2" X 1" CYLINDER W/BASE	BRAND:	SHOWTIME
NAME	JUMBO ROCKET FOUNTAIN Y22-112	DESCRIPTION:	2 1/4" X 7" BOTTLE
BRAND:	CANNON	NAME	PINK DIAMOND CP1320
DESCRIPTION:	3" X 5" CYLINDER ROCKET MOUNTED ON 32" WOODEN STICK	BRAND:	TNT
NAME	JUNE BUGS APE019	DESCRIPTION:	4" X 4" X 6 3/4" DIAMOND MULTI-TUBE
BRAND:		NAME	PINK ICE CP1321
DESCRIPTION:	1" X 1" X 2" BOX	BRAND:	TNT
NAME	LADY LIBERTY	DESCRIPTION:	9" X 4" MULTI-TUBE CYLINDER
BRAND:	PHANTOM	NAME	POWDER KEG FOUNTAIN
DESCRIPTION:	2 1/2" X 7" CONE	BRAND:	PHANTOM
NAME	LARGE GOLDEN FLOWER FOUNTAIN	DESCRIPTION:	2" X 4" BARRELL
BRAND:	PHANTOM	NAME	PYRO PETE CP994A-1
DESCRIPTION:	5" X 2 1/2" BOX W/SINGLE CYLINDER	BRAND:	TNT
NAME	LASER DRAGON CP195	DESCRIPTION:	3" X 1/2" CYLINDER W/BASE
BRAND:	TNT	NAME	PYRO PETE CP994A-2
DESCRIPTION:	3 1/2" X 7 1/2" MULTI-TUBE HEXAGON	BRAND:	TNT
NAME	LIGHTNING FLASH CP152AS-4	DESCRIPTION:	3" X 1/2" CYLINDER W/BASE
BRAND:	TNT	NAME	PYRO PETE CP994A-4
DESCRIPTION:	3 1/2" X 2 1/4" BOX WITH 4 - 3/4" CUPS	BRAND:	TNT
NAME	LOL (LAUGH OUT LOUD) CP1312	DESCRIPTION:	3" X 1/2" CYLINDER W/BASE
BRAND:	TNT	NAME	PYRO TORCH JUMBO
DESCRIPTION:	4" X 9" MULTI-TUBE CYLINDER	BRAND:	PHANTOM
NAME	MINI ME FOUNTAIN E036	DESCRIPTION:	20 1/2" X 1/4"
BRAND:	TNT	NAME	RAIN DANCE APE010
DESCRIPTION:	4" X 1" TRIANGULAR MULTI-TUBE W/BASE	BRAND:	TNT
NAME	MORNING GLORY EXTRA-LONG 36"	DESCRIPTION:	2 1/4" X 2 1/4" X 4" BOX
BRAND:	PHANTOM	NAME	RED DOG APE116
DESCRIPTION:	15" SPARKLER ON 36" WOODEN STICK	BRAND:	TNT
NAME	MOTHER NATURE APE004	DESCRIPTION:	4" X 6" MULTI-TUBE HEXAGON
BRAND:	TNT	NAME	RISING SUN CP162
DESCRIPTION:	5 1/2" X 2" MULTI-TUBE CYLINDER W/BASE	BRAND:	TNT
NAME	NAUGHTY CROC FOUNTAIN Y22-113	DESCRIPTION:	2 1/2" X 2 1/2" X 4" MULTI-TUBE BOX
BRAND:	CANNON	NAME	ROSE BLOSSOM APE012
DESCRIPTION:	8" X 1 1/2" CYLINDER WITH 4" X 1/2" CYLINDER W/BASE	BRAND:	TNT
NAME	NEW MOON APE014B	DESCRIPTION:	2 1/2" X 2 1/2" X 5" BOX
BRAND:	TNT	NAME	SMOKE FOA 1718
DESCRIPTION:	8" X 1 1/2" CYLINDER W/BASE	BRAND:	SHOW TIME
NAME	OPENING FLOWER HAPPY BIRD	DESCRIPTION:	1 1/2" X 5" CYLINDER
BRAND:	PHANTOM	NAME	SOARING SPIRIT GOLD SHOWER
DESCRIPTION:	4" X 2" MULTI-TUBE CYLINDER W/BASE	BRAND:	PHANTOM
		DESCRIPTION:	2 1/2" X 7" CONE
		NAME	SODA POP FOUNTAIN CHERRY
		BRAND:	PHANTOM
		DESCRIPTION:	2 1/2" X 7" BOTTLE SHAPED
		NAME	SODA POP FOUNTAIN GRAPE

BRAND: PHANTOM  
 DESCRIPTION: 2 1/2" X 7" BOTTLE SHAPED  
 NAME SODA POP FOUNTAIN LEMON-LIME  
 BRAND: PHANTOM  
 DESCRIPTION: 2 1/2" X 7" BOTTLE SHAPED  
 NAME SODA POP FOUNTAIN ORANGE  
 BRAND: PHANTOM  
 DESCRIPTION: 2 1/2" X 7" BOTTLE SHAPED  
 NAME STARBURST FOUNTAIN CP108A  
 BRAND: TNT  
 DESCRIPTION: 9" X 3" MULTI-TUBE CYLINDER  
 NAME SUN FLOWER APE023  
 BRAND: TNT  
 DESCRIPTION: 2" X 2" X 4" BOX MULTI-TUBE  
 NAME SWIFT BOAT  
 BRAND: PHANTOM  
 DESCRIPTION: 2 1/2" X 7" BOAT ON WHEELS  
 NAME TICKLED PINK CP1321  
 BRAND: TNT  
 DESCRIPTION: 9" X 4" MULTI-TUBE CYLINDER  
 NAME TIGER SHARK CP130A  
 BRAND: TNT  
 DESCRIPTION: 8" X 1 1/2" CYLINDER W/BASE  
 NAME TYRANNOSAURUS REX CP385  
 BRAND: TNT  
 DESCRIPTION: 4" X 8" MULTI-TUBE HEXAGON

NAME XTRA-LONG MORNING GLORY  
 BRAND: PHANTOM  
 DESCRIPTION: 14 1/2" X 1 3/4" BOX CONTAINING 6-  
 SPARKLERS W/14" WOODEN STICKS

**OFFICE OF FINANCIAL REGULATION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, 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, F.A.C., any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 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., March 17, 2006):

**APPLICATION FOR AUTHORITY TO  
 EXERCISE TRUST POWERS**

Applicant and Location: First Bank of Indiantown, 15588  
 S. W. Warfield Boulevard, Martin County, Florida 34956  
 Received: February 1, 2006

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN February 6, 2006  
 and February 10, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF COMMUNITY AFFAIRS**  
**Division of Housing and Community Development**

9B-3.050	2/8/06	2/28/06	31/45	
9B-3.055	2/8/06	2/28/06	31/45	

**DEPARTMENT OF CITRUS**

20-64.021	2/8/06	2/28/06	31/45	
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**DEPARTMENT OF CORRECTIONS**

33-602.210	2/10/06	3/2/06	31/46	31/50
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**WATER MANAGEMENT DISTRICTS**  
**Northwest Florida Water Management District**

40A-2.021	2/6/06	2/26/06	31/52	
40A-2.041	2/6/06	2/26/06	31/52	
40A-2.051	2/6/06	2/26/06	31/52	
40A-2.223	2/6/06	2/26/06	31/52	

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Medicaid Program Office**

59G-4.255	2/10/06	3/2/06	31/26	31/52
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

61G4-12.008	2/8/06	2/28/06	31/51	
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**Florida Real Estate Appraisal Board**

61J1-4.007	2/9/06	3/1/06	32/1	
61J1-4.010	2/9/06	3/1/06	32/1	
61J1-6.001	2/9/06	3/1/06	31/44	

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

64B5-4.002	2/6/06	2/26/06	31/28	31/41
64B5-13.005	2/7/06	2/27/06	32/1	

**Board of Massage**

64B7-31.001	2/7/06	2/27/06	31/51	
64B7-32.004	2/7/06	2/27/06	31/51	

**Board of Nursing Home Administrators**

64B10-14.007	2/7/06	2/27/06	31/20	
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