

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-8.005
 RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The Division proposes the development of rule amendments to reflect changes to the Consumer Price Index for payment of benefits.

SUBJECT AREA TO BE ADDRESSED: Adjustments to the reflect the Consumer Price Index.

SPECIFIC AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), Florida Statutes, requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available.

The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March ~~2005~~ was ~~3.4~~ ~~3.1~~ percent. Therefore, the statutory amount for the period July 1, ~~2006~~ ~~2005~~ through June 30, ~~2007~~ ~~2006~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); ~~\$55,835.12~~ ~~\$53,999.14~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); ~~\$55,835.12~~ ~~\$53,999.14~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); ~~\$167,505.33~~ ~~\$161,997.42~~.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended 8-17-04, 7-26-05, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: 5E-3
 RULE CHAPTER TITLE: Feed

RULE NO.: 5E-3.003
 RULE TITLE: Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees

PURPOSE AND EFFECT: The purpose of the proposed actions is to amend Rule 5E-3.003, F.A.C. The effect is to harmonize rule definitions to coincide with those listed in the Association of American Feed Control Officials (AAFCO) official publication and to categorize new products within the feed industry; to define an explicit sampling period; and to modify sampling requirements for feed ingredients and mixed feeds to correspond with revised definitions.

SUBJECT AREA TO BE ADDRESSED: Updating the feed rule to incorporate new definitions and modification of sampling requirements for feed ingredients and mixed feeds to correspond with revised definitions.

SPECIFIC AUTHORITY: 570.07(23), 580.036(2), 580.065 FS.

LAW IMPLEMENTED: 580.036(2), 580.051, 580.065, 580.036(2), 580.071, 580.091, 580.121, 580.131 FS.

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

DATE AND TIME: June 6, 2006, 9:00 a.m.

PLACE: AES Conference Room, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Weldon E. Collier, Chief, Bureau of Feed, Seed, and Fertilizer Laboratories, Division of Agricultural Environmental Services, FDACS, L-29, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650; telephone (850)488-9095

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-3.003 Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees.

(1) Definitions.

(a) through (b) No change.

(c) The term “product type” means mixed: poultry feed, dairy cow feed, beef cattle feed, horse feed, swine feed, or other feed.

(d) The term “Mixed Feed” means a product which is a mixture of nutritional ingredients intended or represented for use as a substantial source of nutrients in an animal diet, which may or may not be limited to the sole ration of the animal.

(e) The term “Ingredient” means each of the constituent materials used to make a commercial feed.

(f) The term “Other Feed” is inclusive of all other commercial feed products intended for consumption by species of animals not previously stipulated.

(g) The term “Grain or Grain Products” includes Barley, Maize – (Corn Products), Grain Sorghum, Oats, Rice, Rye, Triticale, and Wheat.

(h) The term “Other Feed Ingredients” is inclusive of all ingredients other than Cottonseed Products, Peanut Products, and ingredients identified as “Grain or Grain Products”.

(i) The term “Treats” includes products identified as Snacks, Chews, Biscuits, Cookies, or Bones that are intended for intermittent or supplemental feeding only and which are not intended or represented to serve as the primary source of nutrients in an animal diet.

(j) The term “Mineral or Vitamin Supplement” means all mixtures that contain mineral or vitamin ingredients generally regarded as dietary factors essential for the normal nutrition of animals and that are sold or represented for the primary purpose of supplying these minerals or vitamins as additions to rations in which these same mineral or vitamin factors may be deficient.

(2) Inspection.

(a) through (b) No change.

(3) Sample and Analytical Documentation.

(a) through (c) No change.

(d) Positive ~~microbiological organism, pesticide residues,~~ drugs and mycotoxin results must be reported within 48 hours of completion of analyses to the department.

(4) Sampling Requirements, Frequency, and Analysis Requirements.

The sampling period shall run concurrently with the registration period. Samples of commercial feed and feedstuffs shall be submitted quarterly, to laboratories certified by the Department, corresponding to the tonnage reported to the Department. A minimum of one sample shall be submitted by the end of the first quarter of each year. The sampling period ends June 1st of each year. The sampling frequency and analysis requirements to be used by feed registrants ~~approved certified laboratories and approved quality assurance/quality control programs~~ are listed below. If the department finds that circumstances exist which threaten the health of commercial livestock or the public, the department shall require additional feed sample analyses.

(a) Ingredients.

1. Nutrients – No analyses required.

2. Mycotoxins.

a. Aflatoxins.

~~(I) Grain and Grain Products Maize – (Corn Products)~~ One sample per 5,000 tons distributed shall have a quantitative analysis performed;

(II) Cottonseed Products – One sample per 2500 tons shall have a quantitative analysis performed;

(III) Peanut Products – One sample per 500 tons shall have a quantitative analysis performed;

~~(IV) Other grains and grain products – One sample per 5000 tons shall have a quantitative analysis performed;~~

~~(IV)(V)~~ There will be a minimum of one quantitative analysis performed per year per distributor on the above ingredient types;

~~(V)(VI)~~ No aflatoxin analysis is required on ingredients not listed above.

b. Fumonisin.

~~(I) Maize – (Corn Products) – One sample per 5,000 tons distributed shall have a quantitative analysis performed; Corn screenings – One sample per year per distributor shall have a quantitative analysis performed.~~

(II) No fumonisin analysis is required on ingredients not listed above.

c. Vomitoxin.

(I) Grain and grain products (excluding Maize – Corn Products) – One sample per 25,000 tons shall have a quantitative analysis performed;

(II) There will be a minimum of one quantitative analysis performed per year per distributor for grain and grain products (excluding Maize – Corn Products);

(III) No vomitoxin analysis is required on ingredients not listed above.

~~3. Microorganisms – Animal products shall have one qualitative salmonella analysis performed per year. If the analysis is positive, the group and type shall be specified.~~

~~4. Pesticide Residues – All ingredient types (except minerals) shall have one pesticide screen (carbamates, chlorinated hydrocarbons and organophosphates) performed per year per distributor. All positive screens must be confirmed quantitatively.~~

~~3.5- Drugs.~~

a. The FDA requirements as provided in 21 C.F.R. parts 225, 226 (4/1/01) shall be considered adequate for the purposes of this testing requirement.

b. 21 C.F.R. pts. 225, 226 (4/1/01) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20401. No analysis required.

(b) Mixed Feeds.

1. Nutrients.

a. Protein, fat and fiber analysis shall be performed at a frequency of one per every 750 cumulative tons for all types of feed distributed. If the distributors deficiency rate is 5% or less the sampling frequency shall be reduced to one per every 2000 tons; If the distributors deficiency rate is greater than 5% but less than 10%, the sampling frequency may be reduced to one per every 1000 tons;

b. If the distributors deficiency rate is 20% or greater the sampling frequency shall be increased to one for every 500 tons;

c. Mineral analyses shall be performed at a frequency of one per every 15,000 cumulative tons distributed per year with a minimum of one analysis per year.

d. Treats shall be exempt from nutrient sampling and analysis requirements.

2. Mycotoxins.

a. Aflatoxin analysis shall be performed on all types of mixed feed at a frequency of one for every 25,000 cumulative tons (excluding minerals or vitamin supplements and liquid feed) with a minimum of one per year per distributor. Aflatoxin analysis must be quantitative;

b. Fumonisin analysis shall be performed at a frequency of one per year per distributor for horse feed only;

c. Vomitoxin analysis shall be performed for all types of mixed feed (excluding minerals or vitamin supplements and liquid feed) at a frequency of one per every 50,000 cumulative tons with a minimum of one per year per distributor.

d. Treats shall be exempt from mycotoxin sampling and analysis requirements.

~~3. Microorganisms (salmonella) analysis shall be performed at a frequency of one per every 100,000 tons per type of feed per distributor with a minimum of one analysis per year per type per distributor. If the analysis is positive, the group and type shall be specified.~~

~~3.4. Pesticide Residues – No analysis required.~~

~~4.5. Drugs.~~

a. The FDA requirements as provided in 21 C.F.R. pts. 225, 226 (4/1/01) shall be considered adequate for the purposes of this testing requirement.

b. 21 C.F.R. pts. 225, 226 (4/1/01) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20401.

(5) through (6) No change.

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

(d) Commercial Laboratory Certification – Application, Evaluation and Renewal.

1. The Application/Renewal for Certification as a Certified Feed Laboratory (Form DACS-13401, Rev. 10/02 6/04) which is hereby incorporated by reference, must be properly completed and submitted with the appropriate fees.

Copies may be obtained from and submitted to the Florida Department of Agriculture, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, Florida 32399-1650, (850)488-9095. Separate applications must be submitted for each laboratory location without regard to ownership. Applications must be accompanied by the laboratory's Quality Assurance/Quality Control manual, assay methods, results from check sample programs and participation number, detailed organizational chart showing name and position title for all key personnel, description of the laboratory and laboratory equipment as it applies to the department certification activities, and a description of the scope of the laboratory operations;

2. through 5. No change.

6. The department will renew certifications annually. Renewal must be submitted on Application/Renewal for Certification as a Certified Feed Laboratory (Form number DACS-13401, Rev. 10/02 6/04) provided by the department.

(e) through (g) No change.

(8)(a) No change.

(b) Application for exemption from the requirement for laboratory certification through submission of an approved quality assurance/quality control plan shall be made in writing to the department on the Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402, Rev. 10/02 6/04). The Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402, Rev. 10/02 6/04) is hereby incorporated by reference. Copies may be obtained from Florida Department of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, Building #7, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-9095.

(c) through (f) No change.

Specific Authority 570.07(23), 580.036(2), 580.065 FS. Law Implemented 580.036(2), 580.051, 580.065, 580.071, 580.091, 580.121, 580.131 FS. History—Amended 12-30-70, 5-14-85, Formerly 5E-3.03, Amended 3-4-87, 6-1-95, 11-1-01, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

RULE TITLE:

6A-6.03311

Procedures Safeguards for Students with Disabilities

PURPOSE AND EFFECT: The purpose of the rule development is to amend the civil action timeline in Florida rule to comply with the requirements of the Individuals with Disabilities Education Act, 20 U.S.C. §1415(i)(B). The current rule provides 30 days for a party aggrieved by a hearing officer's decision to bring a civil action. The amended Rule will provide the full 90 days to bring an action, consistent with Federal law.

SUBJECT AREA TO BE ADDRESSED: Timelines relating to civil action.

SPECIFIC AUTHORITY: 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.57(5) FS.

LAW IMPLEMENTED: 1001.42(4)(l), 1003.01(3)(a),(b), 1001.03(8), 1101.62(1)(c), 1003.57(5) 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.

REQUESTS FOR THE RULE DEVELOPMENT WORKSHOP SHOULD BE ADDRESSED TO: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Matt Carson, Office of the General Counsel, Department of Education, 325 West Gaines Street, Room 1244, Tallahassee, Florida 32399-0400; (850)245-0442

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.03311 Procedures Safeguards for Students with Disabilities.

Providing parents with information regarding their rights under this rule is critical to ensuring that they have the opportunity to be partners in the decisions regarding their children. It is also critical that local school boards provide information on these rights to appropriate district and school personnel so that the needs of the students with disabilities can be identified and appropriately met. Parents and school district personnel are encouraged to use methods such as mediation or the state complaint process described in subsections (5) and (6) of this rule respectively, to resolve disagreements regarding the provision of specially designed instruction and related services to students with disabilities. The establishment and maintenance of policies and procedures to ensure that students with disabilities, as defined in Section 1003.01(3)(a), Florida Statutes, and their parents are provided procedural safeguards with respect to the provision of a free appropriate public education is required in order for school boards to receive state and federal funds for the provision of specially designed instruction and related services to these students. The school board policy and procedures for procedural safeguards shall be set forth in accordance with Rule 6A-6.03411, F.A.C., and shall include adequate provisions for the following:

- (1) through (11)(i) No change.
- (j) Civil Action. A decision made in a hearing conducted under subsection (11) of this rule shall be final; unless, within ninety (90) ~~thirty (30)~~ days, a party aggrieved by the decision

Title	Form Number	Date
Driveway/Connection Application – Category A	850-040-14	09/02
Driveway/Connection Application for All Categories	850-040-15	04/03
Receipt of Connection Application and Fee (or Waiver of Fee)	850-040-16	04/03

brings a civil action in federal district or state circuit court without regard to the amount in controversy, as provided in Section 1003.57(5), Florida Statutes.

Specific Authority 1001.02(1), (2)(n), 1003.01(3)(a), (b), 1003.57(5) FS. Law Implemented 1001.03(8), 1001.42(4)(l), 1003.01(3)(a), (b), 1003.57(5), 1011.62(1)(c) FS. History–New 7-13-83, 12-20-83, 4-26-84, Formerly 6A-6.3311, Amended 7-17-90, 9-20-04,

Cf. P.L. 105-17, 20 USC 1414 and 1415

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-96 State Highway System Connection Permits

RULE NOS.: RULE TITLES:

14-96.0011 Forms

14-96.007 Application Submittal, Review, Approval and Conditions

14-96.011 Modification of Connections

PURPOSE AND EFFECT: Four of the incorporated forms are being amended to update the notice of hearing rights.

SUBJECT AREA TO BE ADDRESSED: The notice of hearing rights is being updated on four forms, which are incorporated by reference under Rule 14-96.0011, F.A.C., and referred to within the text of other rules in Rule Chapter 14-96, F.A.C.

SPECIFIC AUTHORITY: 334.044(2), 334.044(28), 335.182(2) FS.

LAW IMPLEMENTED: 334.044(14), 334.044(28), 335.18-.187 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-96.0011 Forms.

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Record of Waived Requirements for All Categories	850-040-17	09/02
Driveway Connection Permit for All Categories	850-040-18	<u>06/06</u> 04/03
Record Drawings Report by Permittee’s Professional Engineer	850-040-19	09/02
Security Instrument Receipt	850-040-20	04/93
State Highway Access Connection Completeness Review	850-040-21	11/94
Applicant Time Extension Form	850-040-22	04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit	850-040-23	<u>06/06</u> 09/02
Proposed State Highway Access Connection Notice of Intent to Issue Permit	850-040-24	<u>06/06</u> 09/02
Violation and Notice to Show Cause	850-040-26	<u>06/06</u> 09/02

These forms are available from the Department of Transportation’s local area Maintenance Office, District Office, Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 334.044(28), 335.182(2) FS. Law Implemented 334.044(14), 334.044(28), 335.18-.187 FS. History–New 4-18-90, Amended 7-16-95, 6-24-99, 1-28-03, 12-28-03, _____.

14-96.007 Application Submittal, Review, Approval, and Conditions.

(1) through (3) No change.

(4) Technical Planning and Engineering Sufficiency/Compliance Review. The applicant will be notified within 90 days of receipt of a complete application, receipt of all required information, or expiration of the time period for receipt of additional or corrected information. The notification will include the Department’s decision of approval or denial of the application.

(a) Notice of Intent to Issue Permit. The Department shall send the applicant a Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 ~~09/02~~), if either:

1. The Department determines that an application is consistent with Rule Chapters 14-96 and 14-97, F.A.C., and there is no need to exceed the minimum standards as stated in paragraph 14-97.003(1)(e), F.A.C.; or

2. The Department determines that an application is not consistent with Rule Chapters 14-96 and 14-97, F.A.C., but that denial of a connection would be denial of reasonable access and that such a connection would not jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway, consistent with Rule 14-96.007, F.A.C.

(b) Direct Permitting. If an applicant provides an application that otherwise meets all the requirements of Rule Chapters 14-96 and 14-97, F.A.C. and the Department is not imposing any additional conditions, the Department will issue a permit.

(c) Notice of Intent to Deny. The Department shall send the applicant Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06 ~~09/02~~), if the Department determines that

an application is not consistent with currently adopted Department rules and design standards or additional site specific operations and safety concerns as stated in paragraph 14-97.003(1)(e), F.A.C., apply, and:

1. The Department determines that denial of a connection would not be a denial of reasonable access; or

2. The Department determines that denial of a connection would be a denial of reasonable access but that a connection would jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway.

(d) Additional Connections. When an applicant seeks a permit for additional or alternative connection(s) the previously permitted connections are presumed to provide reasonable access to the State Highway System unless the property owner shows:

1. That there has been a change in the use of the property from that reflected in the application(s) for the previously approved connection(s), which change has or will cause an increase in the trip generation (peak hour or daily) of the property exceeding 25 percent more than reflected in the prior application(s), and that such change in use and increase in trip generation was not reasonably foreseeable at the time the application(s) for the previously approved connection(s) was filed; or

2. That circumstances relating to traffic safety and efficiency, outside the control of the permittee, have arisen that were not reasonably foreseeable at the time of approval of the connections that prevent the connection(s) from providing reasonable access to the highway.

(e) Agreements made after Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06 ~~09/02~~), is issued. If an agreement is made between an applicant and the Department which will allow the Department to approve a connection, this agreement will not be effective nor supersede the Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (06/06 ~~09/02~~), unless it is in writing, executed by the applicant and the Department, and appropriate revisions are reflected on signed and sealed construction plans before the time period allowed for a denial challenge has expired. The agreement will completely describe the mutually agreed access plan.

(5) Conditions of the Notice of Intent to Issue Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), shall set forth all conditions not otherwise required by this rule chapter for issuance of a permit and maintenance of the connection(s). The notice will specify which of the conditions set forth in the notice must be met before issuance of a permit and those that must be met after the permit is issued.

(a) Not a Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), does not authorize the initiation of connection construction within the Department right of way but acknowledges completion of the Department review and indicates the Department's intent to issue a permit upon compliance with the conditions stated in the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02).

(b) Time Period. A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), is valid for one year and may not be revoked during that period, provided that no material change has occurred in the proposed development or traffic characteristics on the abutting State Highway System. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), may be extended, upon Department approval, upon a showing of good cause by the applicant (such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the applicant). A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), may be assigned to a purchaser or new occupant within one year of issuance if there is no change in the land use or in the site plan and the Department is notified of the reassignment by the original applicant.

(c) Standard Conditions. The following standard conditions will apply to all Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02), before a connection permit can be issued:

1. Development approval from the appropriate governmental entity consistent with the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (06/06 09/02);

(5)(c)2. through (5)(c)6.c. No change.

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, (06/06 04/03), will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. A permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24,

(06/06 09/02). A permit authorizes construction for one year from the date of issuance and expires if construction of the connection is not completed within that period.

(a) Failure to Comply. If the Department determines that the applicant has failed to comply with all conditions required prior to the issuance of a permit, it shall notify the applicant that the Department will not issue a permit and specify the conditions that have not been met. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(b) Permit Time Extension. The permit will be extended beyond the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the permittee.

(7) through (9) No change.

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.183 FS. Law Implemented 334.187, 335.181-.1825, 335.184, 335.185 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 12-28-03,_____.

14-96.011 Modification of Connections.

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

(2) Notification Process for Permitted Connections. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(a) If the reason for the modification is due to noncompliance, this notice will include the Violation and Notice to Show Cause, Form 850-040-26, (06/06 09/02). The notification shall state that, unless the deficiencies are corrected, the permit shall be modified and the connection to the State Highway shall be modified by the Department at the expense of the property owner.

(b) If the reason for modification is due to significant change the notice will state the basis of the Department's determination for modification of an existing connection. Where the Department's action has become final and no timely application for a new connection permit has been filed, the Department will take immediate action to modify the connection in accordance with the notice.

(c) If the reason for revocation or modification is a safety or operational problem, the notice will state the basis of the Department's determination and describe the changes necessary to reduce the hazard or correct the situation.

(3) through (6) No change.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.182, 335.187 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

FLORIDA PAROLE COMMISSION

RULE NO.: 23-15.012
 RULE TITLE: Noticing of Proposed Rules

PURPOSE AND EFFECT: The Commission proposes to create a rule that would authorize the posting of all proposed rules impacting inmates at correctional institutions.

SUBJECT AREA TO BE ADDRESSED: Posting notices of rule adoption, amendment, or repeal.

SPECIFIC AUTHORITY: 120.54(3)(a), 947.07, 947.071 FS.

LAW IMPLEMENTED: 120.54(3)(a), 947.071 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Schwartz, Assistant General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 060172-EU

RULE NOS.:	RULE TITLES:
25-6.033	Tariffs
25-6.034	Standard of Construction
25-6.0345	Safety Standards For Construction of New Transmission and Distribution Facilities
25-6.061	Relocation of Poles
25-6.064	Extension of Facilities and Installation of New or Upgraded Facilities; Contribution in Aid of Construction

25-6.074	Applicability
25-6.075	Definitions
25-6.076	Rights of Way and Easements
25-6.077	Installation of Underground Distribution Systems Within New Subdivisions
25-6.078	Schedule of Charges
25-6.080	Advances by Applicant
25-6.081	Construction Practices
25-6.082	Records and Reports
25-6.115	Facility Charges for Providing Underground Facilities of Public Distribution Facilities Excluding New Residential Subdivisions

PURPOSE AND EFFECT: To amend rules relating to the construction of new underground electrical transmission and distribution infrastructure, and amend rules relating to the conversion of existing overhead electrical infrastructure to underground facilities

SUBJECT AREA TO BE ADDRESSED: Underground electrical transmission and distribution infrastructure rules including conversion of overhead electrical transmission and distribution infrastructure to underground facilities.

SPECIFIC AUTHORITY: 350.127(2), 366.04, 366.04(2)(f), 366.05, 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04, 366.04(2)(f), 366.04(5), 366.04(6), 366.041, 366.041(1), (4), 366.05, 366.05(1), 366.05(7), 366.05(8), 366.06, 366.06(1) FS.

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

DATE AND TIME: May 19, 2006, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

One or more Commissioners may be in attendance at this staff workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry D. Harris, Associate General Counsel, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6076

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 060173-EU

RULE NOS.:	RULE TITLES:
25-6.034	Standard of Construction
25-6.0345	Safety Standards For Construction of New Transmission and Distribution Facilities
25-6.064	Extension of Facilities and Installation of New or Upgraded Facilities; Contribution in Aid of Construction
25-6.078	Schedule of Charges
25-6.115	Facility Charges For Providing Underground Facilities Of Public Distribution Facilities Excluding New Residential Subdivisions

PURPOSE AND EFFECT: To amend rules to require utilities to meet higher standards for the construction of overhead electrical transmission and distribution facilities to better withstand the effects of extreme weather events, including the establishment of appropriate standards and procedures to assure that third-party facilities attached to electric distribution poles and use of third-party poles do not impair the safety of workers or the public, do not impair electric system reliability, do not exceed pole capacity, and are constructed, installed, maintained, and operated in accordance with generally accepted engineering practices.

SUBJECT AREA TO BE ADDRESSED: Strengthening of overhead electrical transmission and distribution infrastructure to address the effects of extreme weather events, the safety of workers and the public, electric system reliability, maximum pole capacity, and generally accepted engineering practices.

SPECIFIC AUTHORITY: 350.127(2), 366.04, 366.04(2)(f), 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04, 366.04(2)(f), 366.04(6), 366.041(1), (4), 366.05, 366.05(1), 366.06(1) FS.

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

DATE AND TIME: May 19, 2006, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

One or more Commissioners may be in attendance.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry D. Harris, Associate General Counsel, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6076

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-4.091	Publications Incorporated by Reference
40C-4.301	Conditions for Issuance of Permits
40C-4.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes of this proposed rule amendment are to (1) create the “Wekiva Recharge Protection Basin,” (2) amend and update the environmental resource permit (“ERP”) application forms to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology, (3) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require an ERP pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (4) repeal from the Wekiva River Hydrologic Basin the recharge criteria and “Most Effective Recharge Areas” (which areas will be superceded by the new Wekiva Recharge Protection Basin), (5) amend the Wekiva River Hydrologic Basin rules to clarify which criteria apply within the Wekiva River Hydrologic Basin and that the Wekiva recharge criteria only apply within the Wekiva Recharge Protection Basin, (6) amend and update the list of type “A” soils (as defined by the Natural Resources Conservation Service Soil Survey) that are located within the Wekiva Recharge Protection Basin, (7) update cites to reference guides on erosion and sediment control plans (including best management practices), and (8) create a legal description for the Wekiva Recharge Protection Basin, which is for the same area defined as the “Wekiva Study Area” in Section 369.316, Florida Statutes (2005). The effects of the proposed amendment are to (1) establish the Wekiva Recharge Protection Basin, (2) make the ERP application forms reflect both the new criteria of the Wekiva Recharge Protection Basin and current ERP rule criteria and terminology, (3) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type “A” soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (4) delete the recharge criteria and “Most Effective Recharge Areas” from the Wekiva River Hydrologic Basin, (5) clarify that the Wekiva recharge criteria will only

apply in the Wekiva Recharge Protection Basin, (6) update the list of type “A” soils where Wekiva recharge criteria apply, (7) update the reference guides on erosion and sediment control plans, and (8) describe the legal boundaries of the Wekiva Recharge Protection Basin.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would create the “Wekiva Recharge Protection Basin” in sections 11.0(d) and 11.3, Figure 11.3-2, and Appendix K of the Applicant’s Handbook (A.H.), amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1), create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring an ERP in section 11.3.1, A.H., repeal the recharge criteria and “Most Effective Recharge Areas” from the Wekiva River Hydrologic Basin in section 11.3.1 and Figure 11.3-2, A.H., amend and update the list of type “A” soils in section 18.1, A.H., and update reference guides on erosions and sediment control plans in section 18.4, A.H.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.316, 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

DATE AND TIME: June 8, 2006, 10:00 a.m. – 12:00 Noon

PLACE: St. Johns River Water Management District’s Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Wekiva Recharge Protection Basin.” Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Descriptions of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for

Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective ~~2-1-05~~.

(b) through (c) No change.

(2) No change.

Specific Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136 373.414, 373.4141, 373.415, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, _____

40C-4.301 Conditions for Issuance of Permits.

(1) through (3) No change.

Specific Authority 369.318, 373.016, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.016, 373.042, 373.0421, 373.409, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History–New 1-31-77, Formerly 16I-4.10, 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.301, 40C-4.030, Amended 9-25-91, 9-16-92, 6-7-93, 10-3-95, 10-11-01.

40C-4.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from any of the District offices listed in Rule 40C-4.091, F.A.C.

(1) Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), ~~revised 2-1-05~~, adopted (*Effective date*) ~~10-3-95~~.

(2) through (10) No change.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421 373.426, 373.461, 403.0877 FS. History–New 5-30-90, Amended 11-12-91, 2-27-94, 10-3-95, 1-7-99, 2-1-05, _____.

APPLICANT’S HANDBOOK SECTION:

11.0 Basin Criteria

Chapter 40C-41, F.A.C., and this section establish additional criteria which are to be used in reviewing applications for permits in certain hydrologic basins. These basins are:

- (a) Upper St. Johns River Hydrologic Basin
- (b) Ocklawaha River Hydrologic Basin
- (c) Wekiva River Hydrologic Basin
- (d) Wekiva Recharge Protection Basin

- (e)(d) Econlockhatchee River Hydrologic Basin
- (f)(e) Tomoka River Hydrologic Basin
- (g)(f) Spruce Creek Hydrologic Basin
- (h)(g) Sensitive Karst Areas Basin
- (i)(h) Lake Apopka Hydrologic Basin

See Figure 11.0-1 for a description of the areas contained within the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin and the Spruce Creek Hydrologic Basin. See Figures 11.0-2, 11.0-3, and 11.0-4 for a description of the areas contained within the Sensitive Karst Areas Basin. See Figure 11.0-5 for a description of the areas contained within the Lake Apopka Hydrologic Basin. A legal description of the Hydrologic Basin boundaries is available in Appendix K.

- 11.2 No change.
- 11.3 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin

In addition to the standards and design criteria described in sections 9.0 and 10.0 above, systems in the Wekiva River Hydrologic Basin or the Wekiva Recharge Protection Basin (which are both shown in Figure 11.3-2) must meet the following standards and criteria as described below:

- 11.3.1 Recharge Standard
Applicants required to obtain a permit pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for a surface water management system located within the Wekiva Recharge Protection Basin shall demonstrate that the system provides for retention storage of three inches of runoff from all impervious areas proposed to be constructed on soils defined as a Type "A" Hydrologic Soil Group by the Natural Resources Conservation Service (NRCS) Soil Survey. Section 18.1 contains a list of Type "A" soils. The system shall be capable of infiltrating this storage volume through natural percolation into the surrounding soils within 72 hours. Off-site areas or regional systems may be utilized to satisfy this requirement. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity. Pre-development recharge shall be based upon the land uses in place as of (effective date). Applicants may utilize existing permitted municipal master stormwater systems, in lieu of

onsite retention, to demonstrate that post-development recharge is equal to or greater than pre-development recharge. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type "A" soils.

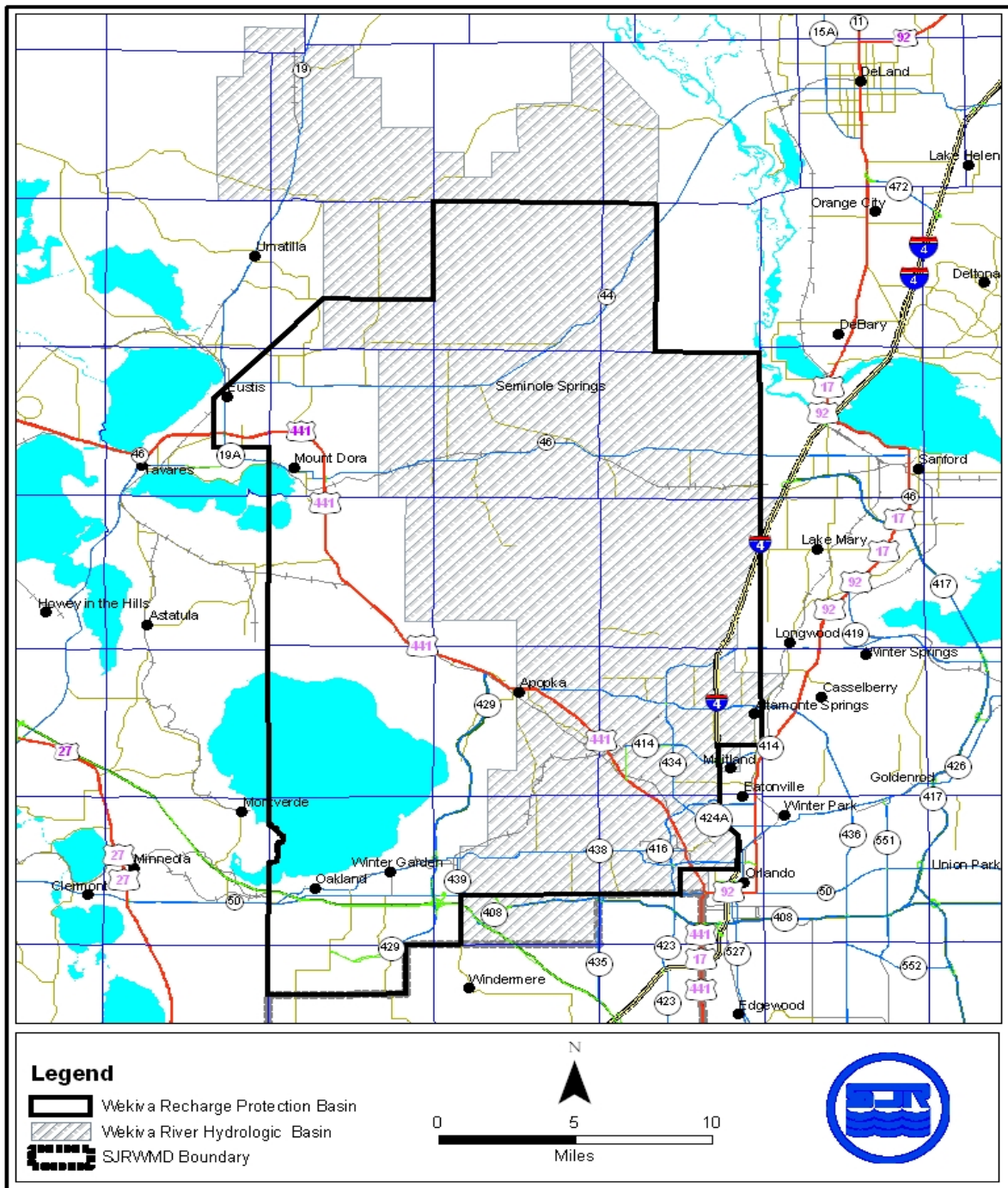
~~Projects or portions of projects in Most Effective Recharge Areas must retain three inches of runoff from the directly connected impervious area within the project area. Applicants may instead demonstrate that the post development recharge will be equal to or greater than the predevelopment recharge. Most Effective Recharge Areas have been defined by the U.S. Geological Survey as areas which have 10-20 inches of recharge per year. Figure 11.3-2 shows the approximate location of Most Effective Recharge Areas in the Wekiva Basin. Most Effective Recharge Areas can be more accurately defined by soil types. The Soil Conservation Service has categorized soils according to hydrologic characteristics. Those soils determined by the SCS to be Type "A" Hydrologic Soil Group shall be considered to be Most Effective Recharge Areas.~~

~~Section 18.1 contains a list of Type "A" soils. This list will be used to determine whether a proposed project or portion of a project is in the Most Effective Recharge Area. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type "A" soils and is within the Most Effective Recharge Area.~~

~~Directly connected impervious areas are those impervious areas which are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel, or other man made conveyance. Stormwater that is retained must be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.~~

- 11.3.2 Storage Standard
Within the Wekiva River Hydrologic Basin, aA system may not cause a net reduction in flood storage within the 100 year floodplain of a stream or other watercourse which has a drainage area upstream of more than one square mile and which has a direct hydrologic connection to the Wekiva or Little Wekiva Rivers or Black Water Creek.

Figure 11.3-2 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin



11.3.3 Standards for Erosion and Sediment Control and Water Quality

Construction and alteration of systems can result in erosion and downstream turbidity and sedimentation of waters. Erosion is the process by which the land surface is worn away by action of wind, water, and gravity. During construction and alteration, the potential for erosion increases dramatically. The result of erosion is discharges of turbid water and subsequent sedimentation (settling out) of soil particles in downstream receiving waters. Turbidity, suspended solids, and sedimentation result in adverse biological effects in aquatic and wetland environments, water quality degradation, and loss of flood storage and conveyance. The potential for erosion can be severe in the Wekiva River Hydrologic Basin as a result of steep slopes and erosive soils.

- (a) Although erosion and sediment control measures are required throughout the St. Johns River Water Management District, the District has determined that the problems associated with erosion in the Wekiva River Hydrologic Basin are sufficiently serious to warrant requiring those applicants proposing certain systems to provide detailed plans when permit applications are submitted.

A Water Quality Protection Zone shall extend one half mile from the Wekiva River, Little Wekiva River north of State Road 436, Black Water Creek, Rock Springs Run, Seminole Creek, and Sulphur Run, and shall also extend one quarter mile from any wetland abutting an Outstanding Florida Water.

An erosion and sediment control plan must be submitted as part of the surface water management permit application for a surface water management system which:

- 1. through 2. No change.

The applicant proposing such a system must give reasonable assurance in the erosion and sediment control plan that during construction or alteration of the system (including revegetation and stabilization), erosion will be minimized and sediment will be retained on-site. The plan must be in conformance with the erosion and sediment control principles set forth in section 18.2, Applicant's Handbook: Management and Storage of Surface Waters, and must contain the information set forth in section 18.3, Applicant's Handbook: Management and Storage of Surface Waters.

- (b) No change.

11.3.4 Standard for Limiting Drawdown

Lowering the ground water table adjacent to wetlands can change the wetland hydroperiod such that the functions provided by the wetland are adversely affected.

Within the Wekiva River Hydrologic Basin, aA Water Quantity Protection Zone shall extend 300 feet landward of the landward extent of Black Water Swamp and the wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, Seminole Creek, Lake Norris, and Lake Dorr. As part of providing reasonable assurance that the standard set forth in paragraph 40C-4.301(1)(d) is met, where any part of a system located within this zone will cause a drawdown, the applicant must provide reasonable assurance that construction, alteration, operation, or maintenance of the system will not cause ground water table drawdowns which would adversely affect the functions provided by the referenced wetlands.

The applicant shall provide an analysis which includes a determination of the magnitude and areal extent of any drawdowns, based on site specific hydrogeologic data collected by the applicant, as well as a description of the referenced wetlands, the functions provided by these wetlands, and the predicted impacts to these functions.

It is presumed that the part of this standard regarding drawdown effects will be met if the following criteria is met:

A ground water table drawdown must not occur within the Water Quantity Protection Zone.

11.3.5 Standard for Riparian Wildlife Habitat

Within the Wekiva River Hydrologic Basin, tThe wetlands abutting the Wekiva River, Little Wekiva River downstream of Maitland Boulevard, Rock Springs Run, Black Water Creek, Sulphur Run and Seminole Creek support an abundance and diversity of aquatic and wetland dependent wildlife. Uplands abutting these wetlands protect the wetlands from climatic extremes and also provide important habitat for some aquatic and wetland dependent species. Construction and alteration of surface water management systems within these wetlands and uplands can result in adverse changes in the habitat, abundance, and food sources of aquatic and wetland dependent species.

- (a) through (c) No change.

11.3.6 No change.

- | | |
|---|--|
| <p>18.0 Additional Wekiva River Hydrologic Basin, Tomoka River Hydrologic Basin, and Spruce Creek Hydrologic Basin Criteria</p> <p>18.1 Type "A" Soils as defined by the Natural Resources Conservation Service (NRCS) Soil Survey as of (effective date) Soil Types Within Most Effective Recharge Area</p> <p>Flagler County
 Astatula
 Bulow
 Cocoa
 Orsino
 Palm Beach Sand
 Paola
 Tavares
 Welaka</p> <p>Lake County
 <u>Apopka</u>
 <u>Apopka Urban Land</u>
 <u>Astatula Sand</u>
 <u>Candler</u>
 <u>Candler Urban Land</u>
 <u>Kendrick</u>
 <u>Lake</u>
 <u>Lake Urban Land</u>
 <u>Orlando</u>
 <u>Orsino</u>
 <u>Paola Sand</u>
 <u>Paola Urban Land</u>
 <u>St. Lucie</u>
 <u>St. Lucie Urban Land</u>
 <u>Tavares Sand</u>
 <u>Tavares Urban Land</u></p> <p>Ocala National Forest
 Astatula Sand
 Paola Sand</p> <p>Orange County
 <u>Archbold</u>
 <u>Apopka</u>
 <u>Candler</u>
 <u>Candler Urban Land</u>
 <u>Florahome</u>
 <u>Florahome Urban Land</u>
 <u>Lake</u>
 <u>Millhopper</u>
 <u>Millhopper Urban Land</u></p> | <p><u>St. Lucie</u>
 <u>St. Lucie Urban Land</u>
 <u>Tavares</u>
 <u>Tavares Urban Land</u>
 Blanton Fine Sand
 Blanton and Esotorine Sands
 Eustis Fine Sand
 Lakeland Fine Sand
 Orlando Fine Sand
 St. Lucie Fine Sand</p> <p>Seminole County
 <u>Apopka</u>
 <u>Astatula</u>
 <u>Millhopper</u>
 <u>Paola</u>
 <u>St. Lucie</u>
 <u>Tavares</u>
 Blanton Fine Sand
 Lakeland Fine Sand
 Lakewood Sand
 St. Lucie Fine Sand</p> <p>Volusia County
 Apopka
 Arents
 Astatula
 Astatula Urban Land
 Bulow
 Cocoa
 Cocoa Urban
 Deland
 Orsino
 Palm Beach
 Palm Beach Urban Land
 Paola
 Paola Urban Land
 St. Lucie
 Tavares</p> <p>18.2 and 18.3 No change.</p> <p>18.4 References For Erosion and Sediment Control
 The following references provide detailed information on erosion and sediment control plans, including standards and specifications for specific best management practices:</p> <p>(a) Florida Department of Environmental Regulation, The Florida Land Development Manual: A Guide to Sound Land and Water Management (<u>FDER</u></p> |
|---|--|

- 1988 Draft). Chapter 6. Stormwater and Erosion and Sediment Control Best Management Practices for Developing Areas.
- (b) Goldman, Jackson and Bursztynsky, 1986. Erosion and Sediment Control Handbook. McGraw-Hill Book Company. New York.
- (c) Florida Department of Transportation (FDOT), and Florida Department of Environmental Protection (FDEP). The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual (FDEP and FDOT 1999) Florida Roadway and Traffic Design Standards.

APPENDIX K
LEGAL DESCRIPTION

WEKIVA RECHARGE PROTECTION BASIN¹

Begin at the northwest corner of Section 6, Township 18 South, Range 28 East, Lake County, Florida, said corner lying on the north line of Township 18 South; thence Easterly along said north line of Township 18 South to the northeast corner of Section 5, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 5 to the northeast corner of Section 8, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 8 to the northeast corner of Section 17, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 17 to the northeast corner of Section 20, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 20 to the northeast corner of Section 29, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 29 to the northeast corner of Section 32, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 32 to the southeast corner thereof, said corner lying on the south line of Township 18 South; thence Easterly along the south line of said Township 18 South to an intersection with the east line of Range 29 East; thence Southerly along the east line of said Range 29 East to the southeast corner of Section 24, Township 21 South, Range 29 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 21 South, Range 29 East; thence Westerly along the south line of said Section 23, to an intersection with the centerline of Interstate Highway No. 4; thence generally Southerly along the centerline of Interstate Highway No. 4 to an intersection with the south line of Section 13, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 13 to the southeast corner of Section 14, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 14 to the southeast corner of Section 15, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 15 to the northeast corner of Section 21, Township 22 South, Range

29 East; thence Southerly along the east line of said Section 21 to an intersection with the centerline of State Road No. 50; thence Westerly along the centerline of said State Road No. 50 to the northeast corner of Section 30, Township 22 South, Range 28 East; thence Southerly along the east line of said Section 30 to the northeast corner of Section 31, Township 22 South, Range 28 East; thence Southerly along the east line of said Section 31 to the southeast corner thereof, said corner lying on the south line of Township 22 South; thence Westerly along said south line of Township 22 South to the northeast corner of Section 2, Township 23 South, Range 27 East; thence Southerly along the east line of said Section 2 to the northeast corner of Section 11, Township 23 South, Range 27 East; thence Southerly along the east line of said Section 11 to the southeast corner thereof; thence Westerly along the south line of said Section 11 to the southeast corner of Section 10, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 10 to the southeast corner of Section 9, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 9 to the Southeast corner of Section 8, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 8 to the southeast corner of Section 7, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 7 to the southwest corner thereof, said corner lying on the line of demarcation between Orange County and Lake County; thence generally Northerly and along said county line to the northeast corner of Section 12, Township 20 South, Range 26 East, said corner lying on the east line of Range 26 East; thence generally Northerly and along said east line of Range 26 East to the southeast corner of Section 24, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 23 to the southwest corner thereof; thence Northerly along the west line of said Section 23 to the southwest corner of Section 14, Township 19 South, Range 26 East; thence Northerly along the west line of said Section 14 to the southwest corner of Section 11, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 1, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 31, Township 18 South, Range 27 East; thence generally Northeasterly to the southwest corner of Section 29, Township 18 South, Range 27 East; thence generally Northeasterly to the northwest corner of Section 28, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 28 to the northwest corner of Section 27, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 27 to the northwest corner of Section 26, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 26 to the northwest

corner of Section 25, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 25 to an intersection with the west line of Range 28 East; thence Northerly along the west line of said Range 28 East, to the northwest corner of Section 6, Township 18 South, Range 28 East, and the Point of Beginning.

¹This legal description is for the same area defined as the "Wekiva Study Area" in Section 369.316, Florida Statutes.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-40.900
 RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to amend and update the environmental resource permit ("ERP") application form to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1).

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

DATE AND TIME: June 8, 2006, 10:00 a.m. – 12:00 Noon

PLACE: St. Johns River Water Management District's Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-40.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from the following District offices:

St. Johns River Water Management District,
 Division of Permit Data Services,
 4049 Reid Street,
 Palatka, Florida 32177-2529.

St. Johns River Water Management District,
 7775 Baymeadows Way, Suite 102,
 Jacksonville, Florida 32256.

St. Johns River Water Management District,
 975 Keller Road,
 Altamonte Springs, Florida 32714-1618.

St. Johns River Water Management District,
 525 Community College Pkwy, S.E.
 Palm Bay, Florida 32909

Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), ~~revised 2-1-05~~, adopted (*Effective date*) ~~10-3-95~~.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.426, 373.461, 403.0877 FS. History– New 5-30-90, Amended 2-27-94, 10-3-95, 2-1-05, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-41.011	Policy and Purpose
40C-41.023	Basin Boundaries
40C-41.033	Implementation
40C-41.043	Application of Chapter
40C-41.063	Conditions for Issuance of Permits

PURPOSE AND EFFECT: The purposes of this proposed rule amendment are to (1) create the "Wekiva Recharge Protection Basin," (2) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require an ERP pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (3) repeal from the Wekiva River Hydrologic Basin the recharge criteria and "Most Effective Recharge Areas" (which areas will be superceded by the new Wekiva Recharge Protection Basin), and (4) amend the Wekiva River Hydrologic Basin rules to clarify which criteria apply within the Wekiva River Hydrologic Basin and that the Wekiva recharge criteria only apply within the Wekiva Recharge Protection Basin. The effects of the proposed amendment are to (1) establish the Wekiva Recharge Protection Basin, (2) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type "A" soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (3) delete the recharge criteria from the Wekiva River Hydrologic Basin, and (4) clarify that the Wekiva recharge criteria will only apply in the Wekiva Recharge Protection Basin.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would create the “Wekiva Recharge Protection Basin” in Rules 40C-41.011, 40C-41.023(4), 40C-41.033, 40C-41.043, F.A.C., and Figure 41-6, create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring an ERP in paragraph 40C-41.063(3)(a), F.A.C., repeal the existing recharge criteria from the Wekiva River Hydrologic Basin rules in paragraph 40C-41.063(3)(a), F.A.C., and create a requirement that the new Wekiva recharge criteria will also apply to stormwater management systems requiring permits pursuant to Rule 40C-42.022 or 40C-44.041, F.A.C., respectively in subsections 40C-41.043(5)-(6), F.A.C.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.316, 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426 FS.

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

DATE AND TIME: June 8, 2006, 10:00 a.m. – 12:00 Noon

PLACE: St. Johns River Water Management District’s Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-41.011 Policy and Purpose.

The rules in this chapter establish additional surface water management standards and criteria for the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Wekiva

Recharge Protection Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, the Sensitive Karst Areas Basin, and the Lake Apopka Hydrologic Basin, which insure that development within the basins incorporates the appropriate water quantity and water quality control and other environmental measures necessary to protect the integrity of the public investments in the basins and which minimizes adverse impacts to the water resources of the District. Standards and criteria delineated in this chapter are in addition to those criteria specified in Chapters 40C-4, 40C-40, 40C-42, and 40C-44, F.A.C., in accordance with Rule 40C-41.043, F.A.C. The standards, criteria, exemptions, and additional requirements specified in this chapter are not intended to supersede or rescind the terms and conditions of any valid surface water management permit issued by the District prior to the effective date of this chapter.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History–New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03,_____.

40C-41.023 Basin Boundaries.

(1) through (2) No change.

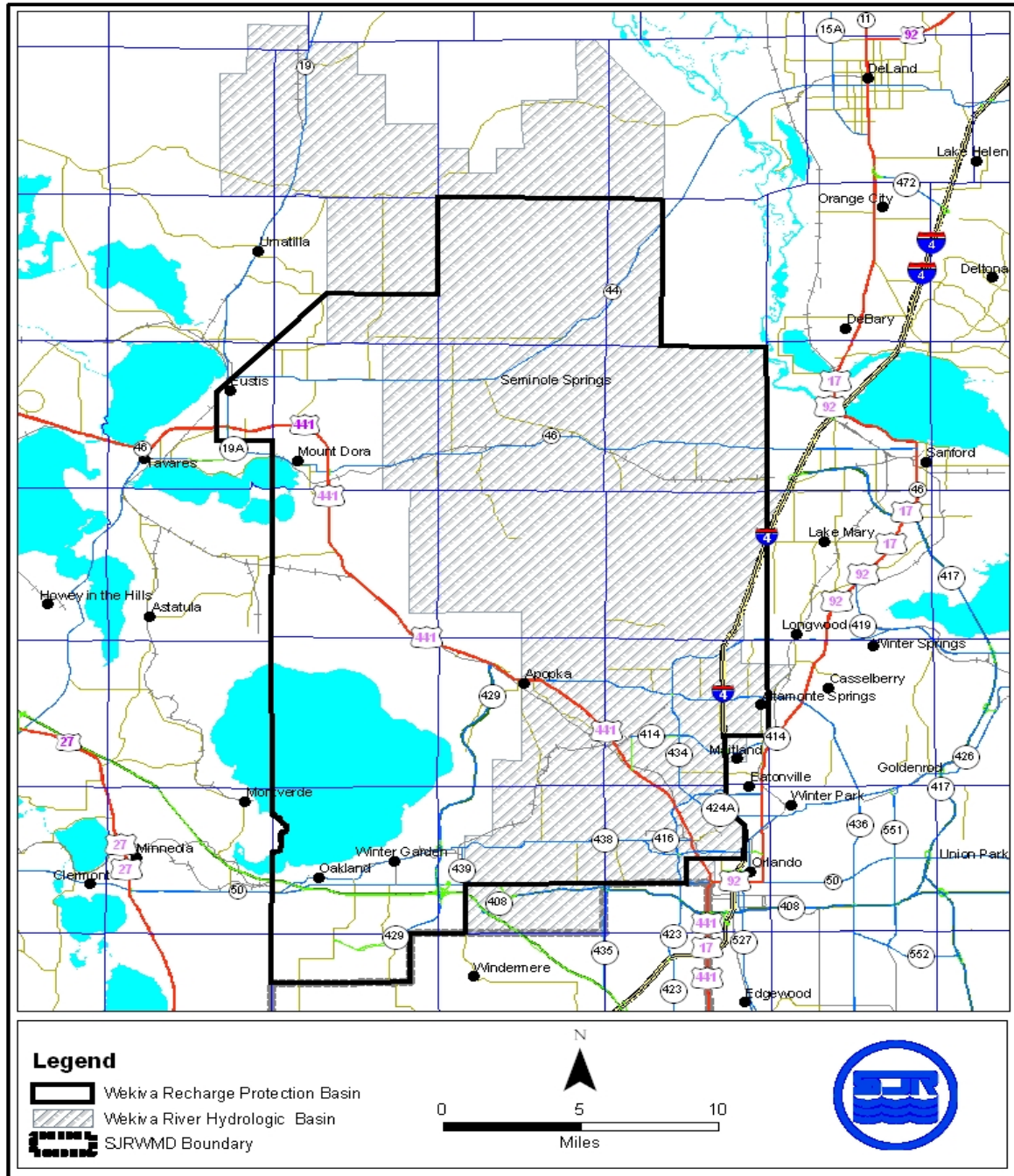
(3) The Wekiva River Hydrologic Basin is that area generally depicted in Figures 41-1 and 41-6 and defined in Applicant’s Handbook, Appendix K as incorporated by reference in Rule 40C-4.091, F.A.C.

(4) The Wekiva Recharge Protection Basin is that area generally depicted in Figure 41-6 and defined in Applicant’s Handbook, Appendix K as incorporated by reference in Rule 40C-4.091, F.A.C.

(4) through (7) renumbered (5) through (8) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171 FS. Law Implemented 369.316, 369.318, 373.413, 373.416, 373.426, 373.461 FS. History–New 12-7-83, Amended 5-17-87, 4-3-91, 9-25-91, 11-25-98, 3-7-03,_____.

Figure 41-6 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin



40C-41.033 Implementation.

The effective date of this chapter is December 7, 1983, for the criteria of subsections 40C-41.063(1) and (2), F.A.C.; effective date for the standards and criteria in paragraph 40C-41.063(3)(a), F.A.C.; May 17, 1987, for the standards of paragraphs 40C-41.063(3)(b); August 30, 1988, for the standards and criteria of paragraphs 40C-41.063(3)(c), (d) and (e), F.A.C.; April 3, 1991, for the standards and criteria in subsection 40C-41.063(5), F.A.C.; September 25, 1991 for the criteria of subsection 40C-41.063(7), F.A.C.; November 25, 1998, 11-25-98 for the criteria of subsection 40C-41.063(6), F.A.C.; and March 7, 2003, for the standards and criteria in subsection 40C-41.063(8), F.A.C.

Specific Authority 369.318, 373.044, 373.113, 373.171 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03, 11-11-03.

40C-41.043 Application of Chapter.

(1) All projects located within the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Wekiva Recharge Protection Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, or the Lake Apopka Hydrologic Basin, requiring permits pursuant to Rule 40C-4.041, F.A.C., shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rules 40C-41.063, F.A.C., and either Rules 40C-4.301 and 40C-4.302, or Rule 40C-40.302, F.A.C., unless specifically exempted in Rule 40C-41.051, F.A.C., or otherwise provided in subsection 40C-41.043(3) or 40C-41.043(4), F.A.C. The most restrictive criteria will be applicable unless the applicant provides reasonable assurance that the purposes and intent of this chapter and Chapter 40C-4, F.A.C., will be fulfilled using alternate criteria.

(2) through (4) No change.

(5) Stormwater management systems requiring permits pursuant to Rule 40C-42.022, F.A.C., that will be located within the Wekiva Recharge Protection Basin, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-42.023, F.A.C., and paragraph 40C-41.063(3)(a), F.A.C.

(6) Agricultural surface water management systems requiring permits pursuant to Rule 40C-44.041, F.A.C., that will be located within the Wekiva Recharge Protection Basin, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-44.301, F.A.C., and paragraph 40C-41.063(3)(a), F.A.C.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 10-3-95, 11-25-98, 3-7-03.

40C-41.063 Conditions for Issuance of Permits.

(1) through (2) No change.

(3) Within the Wekiva River Hydrologic Basin or the Wekiva Recharge Protection Basin, the following standards and criteria are established:

(a) Recharge Standard – Applicants required to obtain a permit pursuant to Chapter 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for a surface water management system located within the Wekiva Recharge Protection Basin shall demonstrate that the system provides for retention storage of three inches of runoff from all impervious areas proposed to be constructed on soils defined as a Type “A” Hydrologic Soil Group by the Natural Resources Conservation Service (NRCS) Soil Survey. Section 18.1 contains a list of Type “A” soils. The system shall be capable of infiltrating this storage volume through natural percolation into the surrounding soils within 72 hours. Off-site areas or regional systems may be utilized to satisfy this requirement. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity. Pre-development recharge shall be based upon the land uses in place as of (effective date). Applicants may utilize existing permitted municipal master stormwater systems, in lieu of onsite retention, to demonstrate that post-development recharge is equal to or greater than pre-development recharge. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type “A” soils. Three inches of runoff from all directly connected impervious areas must be retained within the project area for projects or portions of projects in Most Effective Recharge Areas. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity.

(b) Storage Standard – Within the Wekiva River Hydrologic Basin, a system may not cause a net reduction in flood storage within the 100 year floodplain of a stream or other water course which has a drainage area of more than one square mile and which has a direct hydrologic connection to Little Wekiva River, Wekiva River, or Black Water Creek.

(c) Standards for Erosion and Sediment Control and Water Quality – Within the Wekiva River Hydrologic Basin, a Water Quality Protection Zone shall extend one half mile from the Wekiva River, Little Wekiva River north of State Road 436, Black Water Creek, Rock Springs Run, Seminole Creek, and Sulphur Run, and shall also extend one quarter mile from any wetland abutting an Outstanding Florida Water.

1. through 3. No change.

(d) Standard for Limiting Drawdown – Within the Wekiva River Hydrologic Basin, a Water Quantity Protection Zone shall extend 300 feet landward of the landward extent of Black Water Swamp and the wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, Seminole Creek, Lake Norris, and Lake Dorr. As part of providing reasonable assurance that the standard set forth in paragraph 40C-4.301(1)(d), F.A.C., is met, where any part of a system located within this zone will cause a drawdown, the applicant must provide reasonable assurance that construction, alteration, operation, or maintenance of the system will not cause ground water table drawdowns which would adversely affect the functions provided by the referenced wetlands.

The applicant shall provide an analysis which includes a determination of the magnitude and areal extend of any drawdowns, based on site specific hydrogeologic data collected by the applicant, as well as a description of the referenced wetlands, the functions provided by these wetlands, and the predicted impacts to these functions. It is presumed that the part of this standard regarding drawdown effects will be met if the following criteria is met:

A ground water table drawdown must not occur within the Water Quantity Protection Zone.

(e) Standard for Riparian Wildlife Habitat Within the Wekiva River Hydrologic Basin.

- 1. through 3. No change.
(4) through (8) No change.

Specific Authority 369.318, 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History–New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03, 2-10-05, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 40C-42.023 (Requirements for Issuance), 40C-42.091 (Publications Incorporated by Reference), and 40C-42.900 (Forms and Instructions).

PURPOSE AND EFFECT: The purposes of this proposed rule amendment are to (1) amend and update the environmental resource permit (“ERP”) application forms to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology, (2) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require an ERP pursuant to Chapter 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (3) update Section 3.3.1(b) of the Applicant’s Handbook (A.H.) to reflect the current threshold in paragraph 40C-42.022(1)(b), F.A.C., (4) update section 3.3.2(f), A.H., to reflect the current threshold in paragraph 40C-42.022(2)(f), F.A.C., (5) update Sections 11.1, 13.1, and 15.1, A.H., to reference current Chapter 62-555,

F.A.C., and (6) update sections 14.3 and 14.4, A.H., to reflect the current wet detention design and performance criteria in paragraphs 40C-42.026(4)(b) and (g), F.A.C. The effects of the proposed amendment are to (1) make the ERP application forms reflect both the new criteria of the Wekiva Recharge Protection Basin and current Stormwater ERP rule criteria and terminology, (2) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type “A” soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (3) update existing Stormwater ERP thresholds and criteria to reflect current thresholds and criteria in Chapter 40C-42, F.A.C., and (4) update references to current Chapter 62-555, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1), create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring a Stormwater ERP in paragraph 40C-42.023(1)(d), F.A.C., update Stormwater ERP thresholds in sections 3.3.1(b) and 3.3.2(f), A.H., to reflect current thresholds, update references to current Chapter 62-555, F.A.C., update wet detention design and performance criteria in sections 14.3 and 14.4, A.H., to reflect current design and performance criteria.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

DATE AND TIME: June 8, 2006, 10:00 a.m. – 12:00 Noon
PLACE: St. Johns River Water Management District’s Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-42.023 Requirements for Issuance.

(1) To receive a general or individual permit under this chapter the applicant must provide reasonable assurance based on plans, test results and other information, that the stormwater management system:

- (a) through (c) No change.

(d) Meets any applicable basin criteria contained in paragraph 40C-41.063(3)(a), (7), and (8), F.A.C.

(2) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History--New 9-25-91, Amended 3-21-93, 10-3-95, 3-7-03,_____.

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I "Policy and Procedures", Part II, "Criteria for Evaluation", and Part III "Operation and Maintenance", of the document entitled "Applicant's Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.", effective ~~2-1-05~~.

(2) through (3) No change.

Specific Authority 369.318, 120.54(8), 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, 373.109, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461, 403.0877, 403.813 FS. History--New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, 10-11-01, 4-10-02, 2-1-05,_____.

40C-42.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved the Governing Board and are available upon request from:

Department of Resource Management
St. Johns River Water Management District
4049 Reid Street
Palatka, Florida 32177-2529.

(1) Joint Application For Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit , form number 40C-4.900(1), ~~revised 2-1-05~~ adopted (Effective date) ~~10-3-95~~.

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461, 403.0877 FS. History--New 5-30-90. Amended 9-25-91, 3-21-93, 2-27-94, 10-3-95, 10-11-01, 2-1-05,_____.

APPLICANT'S HANDBOOK SECTION:

3.3 Permit Thresholds

3.3.1 New Stormwater Management Systems

A standard general or individual environmental resource stormwater permit is required under this chapter for construction (including operation and maintenance) of a stormwater management system which serves a project that exceeds any of the following thresholds:

(a) No change.

(b) Construction of ~~9,000 5,000~~ square feet total or more of ~~building area or other~~ impervious surface area not subject to vehicular traffic.

(c) No change.

3.3.2 Existing Stormwater Management Systems

A permit is required under this chapter for alteration, removal, reconstruction, or abandonment of existing stormwater management systems which serve a project which may be expected to result in any of the following:

(a) through (e) No change.

(f) Construction of ~~9,000 5,000~~ square feet or more of ~~building area or other~~ impervious surface area not subject to vehicular traffic.

(g) No change.

8.0 Criteria for Evaluation

8.1 through 8.4 No change.

8.5 Surface Water Management Basin Criteria

Chapter 40C-41, F.A.C., establishes additional criteria which are used in reviewing applications for permits in certain hydrologic basins. The ~~three~~ two basins in the District which have additional criteria for chapter 40C-42, F.A.C., are the Sensitive Karst Basin, ~~and~~ the Lake Apopka Hydrologic Basin, and the Wekiva Recharge Protection Basin. The sensitive Karst Basin covers western Alachua and western Marion counties (See Figures 9.4, 9.5, and 9.6). The design criteria for the Sensitive Karst Basin are discussed in section 9.11 of this handbook. The Lake Apopka Hydrologic Basin covers Western Orange and eastern Lake Counties (see Figure 41-5 in Chapter 40C-41, F.A.C.). The design criteria for the Lake Apopka Hydrologic Basin are discussed in Subsections 40C-41.043(3) and 40C-41.063(8), F.A.C. The Wekiva Recharge Protection Basin covers eastern Lake, western Orange, western Seminole, and western Volusia Counties (see Figure 41-6 in Chapter 40C-41, F.A.C.) The design criteria for the Wekiva Recharge Protection Basin are discussed in subsection 40C-41.043(5) and paragraph 40C-41.063(3)(a), F.A.C.

11.0 Design Criteria and Guidelines for Retention Systems

11.1 Description

Retention system is defined as a storage area designed to store a defined quantity of runoff, allowing it to percolate through permeable soils into the shallow ground water aquifer. Stormwater retention works best using a variety of retention systems throughout the project site. Examples of retention systems include:

- Man-made or natural depressional areas where the floor is graded as flat as possible and turf is established to promote infiltration and stabilize the basin slopes (see Figure 11-1)
- Shallow landscaped areas designed to store stormwater
- Vegetated swales with swale blocks or raised inlets
- Pervious concrete with continuous curb

Soil permeability and water table conditions must be such that the retention system can percolate the desired runoff volume within a specified time following a storm event. After drawdown has been completed, the basin does not hold any water, thus the system is normally “dry.” Unlike detention basins, the treatment volume for retention systems is not discharged to surface waters.

Retention systems provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil profile.

Retention systems should not be located in close proximity to drinking water supply wells. Chapter 62-55522, F.A.C., requires stormwater treatment facilities to be at least 100 feet from any public supply well. Chapter 40C-41, F.A.C., provides additional design features for systems constructed in Sensitive Karst Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, retention systems can be utilized to promote the recharge of ground water to prevent saltwater intrusion in coastal areas or to maintain groundwater levels in aquifer recharge areas. Chapter 40C-41, F.A.C., contains recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the *Applicant's Handbook: Management and Storage of Surface Waters*). Retention systems can also be used to meet the runoff volume criteria for projects requiring a permit under Chapters 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the *Applicant's Handbook: Management and Storage of Surface Waters*).

There are several design and performance criteria specific to retention systems which are described below.

11.2 through 11.6 No change.

13.0 Exfiltration Trench Design and Performance Criteria

13.1 Description

Exfiltration trench is a subsurface system consisting of a conduit such as perforated pipe surrounded by natural or artificial aggregate which temporarily stores and infiltrates stormwater runoff (Figure 13-1). Stormwater passes through the perforated pipe and infiltrates through the trench walls and bottom into the shallow groundwater aquifer. The perforated pipe increases the storage available in the trench and helps promote infiltration by making delivery of the runoff more effective and evenly distributed over the length of the system (Livingston et al. 1988). Generally, exfiltration trench systems are utilized where space is limited and/or land costs are high (i.e., downtown urban areas).

Soil permeability and water table conditions must be such that the trench system can percolate the required stormwater runoff treatment volume within a specified time following a storm event. The trench system is returned to a normally “dry” condition when drawdown of the treatment volume is completed. Like retention basins, the treatment volume in exfiltration trench systems is not discharged to surface waters. Thus, exfiltration is considered a type of retention system.

Like other types of retention systems, exfiltration trench systems provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the soil profile. Exfiltration trench systems should not be located in close proximity to drinking water supply wells. Chapter 62-55522, F.A.C., requires stormwater treatment systems to be at least 100 feet from any public supply well. Chapter 40C-41, F.A.C., provides additional design features for systems constructed in Sensitive Karst Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, exfiltration trench systems can be utilized to promote the recharge of ground water and to prevent saltwater intrusion in coastal areas, or to maintain groundwater levels in aquifer recharge areas. Chapter 40C-41, F.A.C., contains recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the *Applicant's Handbook: Management*

and Storage of Surface Waters). Exfiltration trench systems can also be used to meet the runoff volume criteria for projects requiring an environmental resource permit under chapters 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the *Applicant's Handbook: Management and Storage of Surface Waters*).

The operational life of an exfiltration trench is believed to be short (possibly 5 to 10 years) for most exfiltration systems. Sediment accumulation and clogging by fines can reduce the life of an exfiltration trench (Wanielista et al. 1991). Total replacement of the trench may be the only possible means of restoring the treatment capacity and recovery of the system. Periodic replacement of the trench should be considered routine operational maintenance when selecting this management practice.

13.2 through 13.11 No change.

14.0 Wet Detention Design and Performance Criteria

14.1 and 14.2 No change.

14.3 Recovery Time

The outfall structure should be designed to drawdown one-half the required treatment volume within 24 and 30 ~~between 48 and 60~~ hours following a storm event, but no more than one-half of this volume will be discharged within the first 24 hours.

14.4 The outlet structure generally includes a drawdown device (such as an orifice, “V” or square notch weir) set to establish a normal water control evaluation and slowly release the treatment volume (see Figures 14-2 and 14-3 for schematics). The design of the outfall structure must also accommodate the passage of groundwater baseflows and flows from upstream stormwater management systems (see Figure 14-4).

The control elevation should be set at or above the design tailwater elevation so the pond can effectively recover the treatment storage. Also, drawdown devices smaller than 6 square 3 inches of cross-section area that is 2 inches wide ~~minimum width~~ or less than 20 degrees for “V” notches shall include a device to eliminate clogging. Examples of such devices include baffles, grates, screens, and pipe elbows.

14.5 through 14.14 No change.

15.0 Design Criteria and Guidelines for Swale Systems

15.1 Description

Swales are a man-made or natural system shaped or graded to required dimensions and designed for the conveyance and rapid infiltration of stormwater runoff. Swales are designed to infiltrate a defined

quantity of runoff through the permeable soils of the swale floor and side slopes into the shallow ground water aquifer (Figure 15-1). Turf is established to promote infiltration and stabilize the side slopes. Soil permeability and water table conditions must be such that the swale can percolate the desired runoff volume from the 3-year, 1-hour storm event. The swale holds water only during and immediately after a storm event, thus the system is normally “dry.” Unlike retention basins, swales are “open” conveyance systems. This means there are no physical barriers such as berms or check-dams to impound the runoff in the swale prior to discharge to the receiving water.

Swales provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil profile. Swale systems should not be located in close proximity to drinking water supply wells. As required by Chapter 62-~~55522~~, F.A.C., stormwater treatment facilities must be at least 100 feet from any public supply well. Additional design criteria are established for swale systems constructed in Karst Sensitive Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, swale systems can be utilized to promote the recharge of groundwater to prevent saltwater intrusion in coastal areas, and to maintain ground water levels in aquifer recharge areas. Swales can be incorporated into the design of a stormwater management system to meet the recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the *Applicant's Handbook: Management and Storage of Surface Waters*) or the runoff volume criteria for projects requiring permits under Chapter 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the *Applicant's Handbook: Management and Storage of Surface Waters*).

Swales can also be utilized to provide pre-treatment of runoff prior to its release to another treatment BMP such as wet detention (see section 14.11) or wetlands stormwater management systems (see section 16.4). Pre-treatment reduces the pollutant loading to the downstream treatment system, increases the pollutant efficiency of the overall stormwater

management system, and reduces maintenance. In some cases, pre-treatment may be used to meet the additional treatment criteria for discharges to sensitive receiving waters (Class I, Class II, and OFWs). For developments where the appearance of the downstream system (i.e, wet detention lake) is important, pre-treatment can reduce the probability of algal blooms occurring and slows the eutrophication process.

The design and performance criteria specific to swale systems are described in the following sections.

15.2 through 15.5 No change.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-44.065	Performance Standards
40C-44.091	Publications Incorporated by Reference
40C-44.101	Content of the Application
40C-44.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of this proposed rule amendments are to: (1) create a requirement that agricultural surface water management systems requiring a permit that will be located in the Wekiva Recharge Protection Basin must meet the Wekiva recharge criteria proposed as part of a separate rule amendment, and (2) amend and update the environmental resource permit (ERP) application forms for agricultural systems to reflect both the new criteria for the Wekiva Recharge Protection Basin and current Agriculture ERP criteria.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would require that agricultural systems that will be located in the Wekiva Recharge Protection Basin meet the Wekiva recharge criteria, and would amend and update the Agricultural ERP application forms.

SPECIFIC AUTHORITY: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.416, 383.418, 373.426, 373.461 FS.

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

DATE AND TIME: June 8, 2006, 10:00 a.m. – 12:00 Noon

PLACE: St. Johns River Water Management District’s Altamonte Springs Service Center, 975 Keller Road, Altamonte Springs, FL 32714-1618

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-44.065 Performance Standards.

(1) through (4) No change.

(5) Agricultural surface water management systems requiring a permit that will be located in the Wekiva Recharge Protection Basin must comply with the requirements of paragraph 40C-41.063(3)(a), F.A.C., and Section 11.3.1, Applicant’s Handbook: Management and Storage of Surface Waters.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 369.318, 373.016, 373.413, 373.416, 373.418, 373.426, 373.461 FS. History–New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-95, 3-7-03,_____.

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part I “Policy and Procedures” and Part II “Criteria for Evaluation,” of the document entitled “Applicant’s Handbook: Agricultural Surface Water Management Systems, effective _____ ~~3-7-03~~”.

(a) through (b) No change.

(2) through (3) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 369.318, 373.406, 373.413, 373.416, 373.418, 373.426, 373.461 FS. History–New 10-20-92, Amended 7-4-93, 10-3-9, 11-1-99, 4-10-02, 3-7-03,_____.

40C-44.101 Content of the Application.

(1) through (3) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 369.318, 373.146, 373.416, 373.461 FS. History–New 8-11-91, Amended 10-20-92, 10-3-95.

40C-44.900 Forms and Instructions.

The following forms and instructions are hereby incorporated by reference. They have been approved by the Governing Board and are available upon request from: District Headquarters, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529.

(1) Individual Environmental Resource Agricultural System Permit Application, form no. 40C-44.900(1), adopted (Effective date) 10-3-95.

(2) Standard General Environmental Resource Agricultural System Permit Application, form no. 40C-44.900(2), adopted (Effective date) 10-3-95.

(3) No change.

Specific Authority 120.53(1), 369.318, 373.044, 373.113, 373.406, 373.416, 373.418 FS. Law Implemented 120.52(16), 120.53(1), 369.318, 373.103, 373.413, 373.416, 373.461 FS. History–New 8-11-91, Amended 10-20-92, 10-3-95,_____.

APPLICANT’S HANDBOOK SECTION:

10.2 Harm to the Water Resources Criteria
10.2.1 through 10.2.6 No change.

10.2.7 Agricultural surface water management systems requiring a permit that will be located within the Wekiva Recharge Protection Basin must comply with the requirements of paragraph 40C-41.063(3)(a), F.A.C., and Section 11.3.1, Applicant’s Handbook: Management and Storage of Surface Waters.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: To incorporate by reference a Delegation Agreement Between the South Florida Water Management District and Collier County for delegation of a portion of the Environmental Resource Permitting Program. Collier County will be delegated authority to review and issue environmental resource permits for projects less than 40 acres in size that are located in uplands within the designated boundaries of delegation within the County. Projects that include wetlands, other surface waters, located within CERP project boundaries or that include sovereign submerged lands will not be delegated to the County and will remain with the District.

SUBJECT AREA TO BE ADDRESSED: Delegation Agreement Between the South Florida Water Management District and Collier County of a portion of the Environmental Resource Permitting Program.

SPECIFIC AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 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 AND FOR A COPY OF THE AGREEMENT IS: Damon Meiers, P.E., Deputy

Director, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876 (internet: dmeiers@sfwmd.gov). For procedural questions – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(1) “Agreement for Delegation of a Portion of the Environmental Resource Permitting Program Between the South Florida Water Management District and Collier County (_____ (date) _____)”.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-400.315 No Notice General Permit for Activities in Uplands

PURPOSE AND EFFECT: To delete language containing a partial delegation to Collier County as a new delegation which will be addressed through the Delegation Agreement Between the South Florida Water Management District and Collier County.

SUBJECT AREA TO BE ADDRESSED: Deletion of thresholds and additional conditions within Collier County for no notice general permits for activities in uplands.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 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: Damon Meiers, P.E., Deputy Director, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876 (internet: dmeiers@sfwmd.gov). For procedural questions – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-400.315 No Notice General Permit for Activities in Uplands.

- (1) No change.
- (2) through (2)(b) No change.
- ~~(e) Thresholds and Additional Conditions Within Collier County.~~

- ~~1. The project must have less than 40 acres total land area.~~
- ~~2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.~~

Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 4-14-03,_____.

LAND AND WATER ADJUDICATORY COMMISSION

Capital Region Community Development District

RULE CHAPTER NO.: RULE CHAPTER TITLE:
42CC-1 Capital Region Community Development District

RULE NO.: RULE TITLE:
42CC-1.002 Boundary

PURPOSE AND EFFECT: The Petition was filed by the Capital Region Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 45.94 acres. (The District was originally established by Rule 42CC-1, F.A.C., effective

February 28, 2000.) The District currently covers approximately 3,241 acres of land located entirely within the City of Tallahassee, Florida, and unincorporated Leon County, Florida. After expansion, the District will encompass approximately 3,286.94 acres. There are no lands within the expansion parcel that are to be excluded from the District. Petitioner has written consent to amend the boundary of the District from the owners of one hundred percent of the real property comprising the expansion parcel. 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. All of the land within the expansion parcel is included within the Southwood Development of Regional Impact. After expansion, the development plan within the District stays the same as the original petition. The District will continue to support 2,074 single family residential units, 2,696 multifamily units, 2,194,117 square feet of office space and 799,502 square feet of commercial space. The 45.95 acre expansion area is planned for 76 single family residential units and 82 multifamily units. These units are included within the above referenced 2,074 single family units and 2, 696 multifamily units. No additional residential or non-residential development is anticipated as a result of the expansion of the District's boundary.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundary of the Capital Region 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 DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

DATE AND TIME: Wednesday, May 24, 2006, 2:00 p.m.

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: Brian A. Crumbaker, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, Telephone (850)222-7500; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

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

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NO.: 60DD-1.002
 RULE TITLE: Rural County Grants
 PURPOSE AND EFFECT: The purpose of the rule is to make changes to the rule to remove unnecessary language, update current language, and clarify existing board practices. The effect of the rule will be to remove unnecessary language, update current language, and clarify existing board practices
 SUBJECT AREA TO BE ADDRESSED: Rural County Grants.
 SPECIFIC AUTHORITY: 365.172(6)(a)12., 365.173(2)(c) FS.
 LAW IMPLEMENTED: 365.173(2)(c) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Winston E. Pierce, Executive Director, Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-5.005
 RULE TITLE: License Renewal Fee Waivers
 PURPOSE AND EFFECT: Update the rule language to omit prior renewal fee waivers and implement a renewal fee waiver for Real Estate brokers, Real Estate sales associates and Community Association Managers.
 SUBJECT AREA TO BE ADDRESSED: Deletes prior renewal fee waivers and implements new renewal fee waivers.
 SPECIFIC AUTHORITY: 455.219 FS.
 LAW IMPLEMENTED: 455.219 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Michael Martinez, Deputy General Counsel, DBPR, 1940 North Monroe Street, Tallahassee, Florida, 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61-5.005 License Renewal Fee Waivers.

(1) Pursuant to Section 455.219(1), Florida Statutes, the Department of Business and Professional Regulation has determined, based on long-range estimates of the revenue required to implement all provisions of law relating to the regulation of professions, that certain professions have an excess of trust fund moneys required to cover the functions necessary to regulate those professions. These professions, as outlined in subsections (2), (3), and (4) below, are therefore eligible to receive a waiver of license renewal fees for a period not to exceed two years. This is a one-time waiver and is available only in the two year period following the effective date of this rule.

(2) The full renewal fee is waived for licensees of professions named in this subsection renewing their license in the two year period following the effective date of this rule.

~~(a) Electrical contracting, regulated pursuant to Part II of Chapter 489, F.S., and whose renewal fees are set in Rule 61G6-8.001, F.A.C.;~~

~~(b) Employee leasing, regulated pursuant to Part XI of Chapter 468, F.S., and whose renewal fees are set in Rule 61G7-5.001, F.A.C.;~~

~~(c) Harbor piloting, regulated pursuant to Chapter 310, F.S., and whose renewal fees are set in Rule 61G14-14.004, F.A.C.;~~

~~(d) Real estate appraisers, regulated pursuant to Part II of Chapter 475, F.S., and whose renewal fees are set in Rule 61H1-2.001, F.A.C.; and~~

~~(e) Veterinary medicine, regulated pursuant to Chapter 474, F.S., and whose renewal fees are set in Rules 61G18-12.005 and 61G18-12.009, F.A.C.~~

(3) ~~One half of the full renewal fee for licensees of professions named in this subsection renewing their license in the two year period following the effective date of this rule is waived. The following professions covered by this subsection are:~~

~~(a) Certified public accountancy, regulated pursuant to Chapter 473, F.S., and whose renewal fees are set in Rule 61H1-31.001, F.A.C.;~~

~~(b) Architecture and interior design, regulated pursuant to Part I of Chapter 481, F.S., and whose renewal fees are set in Rules 61G1-17.001, 61G1-17.002, and 61G1-17.003, F.A.C.;~~

~~(c) Auctioneering, regulated pursuant to Part VI of Chapter 468, F.S., and whose renewal fees are set in Rule 61G2-3.005, F.A.C.; and~~

~~(d) Real estate brokers and sales associates salespersons, regulated pursuant to Part I of Chapter 475, F.S., and whose renewal fees are set in Rule 61J2-1.011, F.A.C.~~

(b) Community association managers regulated pursuant to Part VIII of Chapter 468, F.S., and whose renewal fees are set in Rule 61-20.504, F.A.C.

~~(4) One fourth of the full renewal fee for licensees of professions named in this subsection renewing their license in the two year period following the effective date of this rule is waived. The following professions covered by this subsection are:~~

~~(a) Landscape architecture, regulated pursuant to Part II of Chapter 481, F.S., and whose renewal fees are set in Rule 61G10-12.009, F.A.C.; and~~

~~(b) Surveying and mapping, regulated pursuant to Chapter 472, F.S., and whose renewal fees are set in Rule 61G17-8.0011, F.A.C.~~

~~(3)(5) For renewals covered by this rule, the separate five dollar unlicensed activity fee collected pursuant to Section 455.2281, F.S., must still be paid at the time of renewal by all licensees. Further, this rule does not waive any additional fees owed at the time of renewal, such as late renewal or penalty fees.~~

Specific Authority 455.219(1) FS. Law Implemented 455.219(1) FS. History—New 10-1-00, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-18.001
 RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes to amend the rule to allow for continuing education credit for instructors, teachers, lecturers, panelists, and discussion leaders.

SUBJECT AREA TO BE ADDRESSED: Continuing education credits for instructors, teachers, lecturers, panelists, and discussion leaders.

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS.

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-24.020
 RULE TITLE: Special Assessment Fee
 PURPOSE AND EFFECT: Will require an assessment fee on the next license renewal.
 SUBJECT AREA TO BE ADDRESSED: Special Assessment Fee.
 SPECIFIC AUTHORITY: 455.219(2), 477.016, 477.019(5), 477.0201(4) FS.
 LAW IMPLEMENTED: 455.219(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783
 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 NOS.: 64B8-9.009, 64B8-9.0091, 64B8-9.0092
 RULE TITLES: Standard of Care for Office Surgery Requirement for Physician Office Registration; Inspection or Accreditation
 Approval of Physician Office Accrediting Organizations

PURPOSE AND EFFECT: The Board proposes the review of the above rules to determine whether additional amendments are required.

SUBJECT AREA TO BE ADDRESSED: Office surgery requirements; office surgery inspections; and approval of accrediting organizations for office surgical settings.

SPECIFIC AUTHORITY: 458.309(1), (3), 458.331(1)(v) FS.
 LAW IMPLEMENTED: 456.069, 456.072(1)(cc), 458.309(3), 458.331(1)(g), (t), (v), (w), 458.351 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-11.011 Provisional License

PURPOSE AND EFFECT: The Board propose changes to the Rule to allow an applicant ample time to complete the application process before the expiration of his/her provisional license.

SUBJECT AREA TO BE ADDRESSED: Licensure.
SPECIFIC AUTHORITY: 468.1685(1), 468.1735 FS.
LAW IMPLEMENTED: 468.1735 FS.

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

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

THE TEXT OF THE PROPOSED RULE IS:

64B10-11.011 Provisional License.

(1) An application for a provisional license must fully explain the circumstances surrounding the unexpected vacancy, include proof of the applicant's designation as next in command, and be accompanied by the appropriate fees.

(2) A provisional license shall be valid for a single 6 month period ~~of 60 days~~.

(3) Service as a provisional licensee shall not count as part of the requirements of an Administrator-in-Training program.

(4) An application for a provisional license shall not be granted unless the applicant can demonstrate that he or she possesses a minimum of six (6) months management experience within a skilled nursing facility, hospital, hospice, assisted living facility with a minimum of sixty (60) licensed beds, or a geriatric residential treatment program.

(5) A provisional license shall not be granted to any applicant whose Nursing Home Administrator license has been suspended or revoked in any jurisdiction.

Specific Authority 468.1685(1), 468.1735 FS. Law Implemented 468.1735 FS. History--New 12-6-79, Amended 8-17-81, Formerly 21Z-11.11, Amended 4-22-87, Formerly 21Z-11.011, 61G12-11.011, Amended 7-21-97, Formerly 59T-11.011, Amended 10-30-00,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.: RULE TITLES:
64B15-10.0032 Reactivation Fee
64B15-10.0033 Retired Status Fee

PURPOSE AND EFFECT: The Board proposes the development of these rules to address the reactivation and retired status fees for physicians.

SUBJECT AREA TO BE ADDRESSED: Reactivation Fee; Retired Status Fee.

SPECIFIC AUTHORITY: 456.036(15), 459.005, 459.009 FS.
LAW IMPLEMENTED: 456.036, 459.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-10.0032 Reactivation Fee.

The fee for reactivating an inactive or retired status license shall be: \$200.00 for an osteopathic physician.

Specific Authority 456.036(15), 459.005, 459.009 ~~455.711(4)~~ FS. Law Implemented 456.036, 459.009 ~~455.711(4)~~ FS. History--New 4-17-95, Formerly 59W-10.0032, Amended 12-13-98,_____.

64B15-10.0033 Retired Status Fee.

The fee for a retired status license shall be \$50.00 for an osteopathic physician.

Specific Authority 456.036(15), 459.005 FS. Law Implemented 456.036(12) FS. History--New _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: RULE TITLE:
69O-137.013 Florida Hurricane Catastrophe Fund Assessment Information Gathering

PURPOSE AND EFFECT: To establish procedures by which the Office monitors, verifies, and assures compliance with Section 215.555(6)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Hurricane Catastrophe Fund Emergency Assessments.

SPECIFIC AUTHORITY: 215.555(6)(b), 624.308(1) FS.

LAW IMPLEMENTED: 215.555(6)(b) FS.

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

DATE AND TIME: May 22, 2006, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carol McBrier, Office of the Deputy Commissioner (Property and Casualty), Office of Insurance Regulation, E-mail: carol.mcbrrier@fldfs.com.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE SEVEN DAYS PRIOR TO THE WORKSHOP AT NO CHARGE FROM THE CONTACT PERSON.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: 1B-11.004 RULE TITLE: Use of Archives

PURPOSE AND EFFECT: The purpose of this change is to establish new hours for the use of the Archives.

SUMMARY: Rules regarding the Use of Archives.

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

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

SPECIFIC AUTHORITY: 257.14, 257.35(7) FS.

LAW IMPLEMENTED: 257.35(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: Gerard Clark, Program Manager, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6639

THE FULL TEXT OF THE PROPOSED RULE IS:

1B-11.004 Use of Archives.

(1) No change.

(2) Location of records and hours of opening:

(a) No change.

(b) Except for holidays and at other such times as specified in writing by the Director and posted on the Division's website and ~~posted by the State Archivist~~ the archives and donated historical materials are available for use from 9:00 a.m. to 4:30 p.m. 8:00 a.m. to 5:00 p.m., Monday through Friday. Records may be made available at other times as authorized by the Director State Archivist.

(3) through (5) No change.

Specific Authority 257.14, 257.35(7) FS. Law Implemented 257.35(1) FS. History--New 4-11-76, Amended 9-6-78, 9-15-82, Formerly 1A-11.04, 1A-11.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gerard Clark, Program Manager

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Judith Ring, Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: 6E-2.004 RULE TITLE: Standards and Procedures for Licensure

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to clarify when a postsecondary educational institution shall provide a compiled financial statement and controlling principles.

SUMMARY: This rule is being amended to clarify which institutions have to submit what type of financial statement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 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: Samuel Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

(1) through (5) No change.

(6) Standard 6: Finances. All institutions must demonstrate that the financial structure of the institution is sound, with resources sufficient for the proposed operations of the institution and the discharge of its obligations to the students. To demonstrate this, the school shall provide the following:

(a)1. No change.

2. Annual License. Extended Annual License, or Annual Review:

a. Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant, Licensed colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution including a financial improvement plan or teach-out plan or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

b. If an independent postsecondary educational institution earns less than \$100,000 gross tuition revenue per the institution's fiscal year, the institution shall provide both a compiled financial statement of the institution and of the controlling principles. The financial statement shall be compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

3. through 4. No change.

(b) through (12) No change.

Specific Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Promulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-79, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 5-18-05, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

DOCKET NO. 060121-EI

RULE NOS.:

RULE TITLES:

25-6.022

Record of Metering Devices and Metering Device Test

25-6.052

Accuracy Requirements and Test Plans for Metering Devices

25-6.056

Metering Device Test Plans

25-6.058

Determination of Average Meter Registration Error

25-6.059

Meter Test by Request

25-6.060

Meter Test – Referee

25-6.103

Adjustment of Bills for Meter Error

PURPOSE AND EFFECT: To clarify the rules in regard to test record retention requirements, meter testing requirements, etc.; update the rules to reflect the most current code requirements and to reflect inflation; add methodologies for determining meter error and calculating refunds/backbills; delete unnecessary rule language; and to make grammatical and technical changes.

SUMMARY: Rule 25-6.022, F.A.C., is amended to clarify the retention requirements for test records; Rule 25-6.052, F.A.C., is amended to include definitions, reflect the most current version of the Code for Electricity Metering, and delete unnecessary rule language; Rule 25-6.056, F.A.C., is amended to clarify that all meters in the same class must have the same amperage and voltage and to delete unnecessary language; Rule 25-6.058, F.A.C., is amended to specify the entity responsible for selecting the method for determining the average registration error, and to add a methodology for determining meter registration error; Rule 25-6.059, F.A.C., is amended to change the deposit requirement for meter tests, to reflect the most current version of the Code for Electricity Metering, to clarify the responsibility for costs associated with third party meter testing, to clarify accuracy test retention requirements; Rule 25-6.060, F.A.C., is amended to clarify accuracy test retention requirements; Rule 25-6.103, F.A.C., is amended to include a methodology for determining billing

demand for purposes of calculating refunds/backbills, to clarify the term for backbilling, to clarify the methodology for determining refunds/backbills for non-registering and damaged meters, and to delete unnecessary language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The SERC concluded that there should be no negative impact on regulated utilities, the agency, small businesses, cities, or counties. These entities should benefit as the amendments make the rules clearer.

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: 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.041(1), 366.05(1), (3), (4), (5), 366.06(1), 366.04(2)(f) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6202

THE FULL TEXT OF THE PROPOSED RULES IS:

25-6.022 Record of Metering Devices and Metering Device Tests.

(1) For all types of utility-performed tests, a test record shall be made whenever a unit of metering equipment is tested, but need not be retained after the equipment is again tested unless the test is made in accordance with Rule 25-6.059 or Rule 25-6.060, F.A.C. When equipment accuracy testing is required under Rule 25-6.059 or Rule 25-6.060, F.A.C., any record of accuracy testing for disputed equipment that is on file at the time the customer request is made under Rule 25-6.059 or Rule 25-6.060, F.A.C., must be retained until the dispute is resolved. The record shall show information to identify the unit and its location; equipment with which the unit is associated; the date of the test; reason for the test; readings before and after the test; if the meter creeps, a statement as to the rate of creeping; a statement of the "as found" accuracy; indications showing that all required checks have been made; a statement of repairs made, if any; and identification of the person making the test. The completion of each test will signify the "as left" accuracy falls within the required limits specified in Rule 25-6.052, F.A.C., unless the meter is to be retired.

(2) No change.

(3) Records of Test for Incoming Purchases. Regardless whether the newly purchased metering equipment is tested under a Random Sampling Plan approved pursuant to Rule 25-6.056, F.A.C., each utility shall maintain and make available to the Commission for each purchase of new meters and associated devices made during the calendar or fiscal year, the following information:

(a) through (h) No change.

(4) No change.

(a) Type of equipment, including manufacturer, model number, and any features ~~that which~~ are currently used to classify the units tested into a population of units for in-service tests;

(b) through (i) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1), (3), 366.04(2)(f) FS. History—Amended 7-29-69, Formerly 25-6.22, Amended 5-19-97, _____.

25-6.052 Accuracy Requirements and Test Procedures Plans for and Accuracies of Consumption Metering Devices.

(1) Definitions.

(a) "Electronic Meter." Any meter that measures electric demand or energy and displays registration using electronic components only.

(b) "Mechanical Meter." Any meter that measures electric demand or energy and displays registration using mechanical components rather than electronic or solid-state components.

(c) "Lagged Demand (or Thermal Demand) Meter." Any meter that indicates demand by means of thermal or mechanical devices having an approximately exponential response.

(d) "Registration Error." The variation in kilowatts or kilowatt-hours from the true value measured by a standard or reference device.

(e) "Meter Type." A combination of design and construction that forms a unique method of measurement of the consumption of electricity. For example, electromechanical, thermal, solid state, hybrid, etc.

(2)(4) Accuracy Requirements for Watthour Meters. The performance of an in-service watthour meter shall be acceptable when the meter does not creep and the average registration error does not exceed plus or minus two percent, ~~percentage registration is not more than 102 percent nor less than 98 percent, calculated~~ Meter registration error shall be determined in accordance with subsection Rule 25-6.058(1), F.A.C.

(3)(2) Accuracy Requirements for Demand Meters and Registers.

(a) The performance of a mechanical or lagged demand meter or register shall be acceptable when the ~~error of~~ registration ~~error~~ does not exceed four percent in terms of full-scale value, ~~when tested~~ at any point between 25 percent

and 100 percent of full-scale value. Meter registration error shall be determined in accordance with paragraph 25-6.058(2)(a), F.A.C.

(b) The performance of an electronic demand meter or register shall be acceptable when the ~~error of registration error~~ does not exceed two percent of reading, ~~when tested~~ at any point between 10 percent and 100 percent of ~~full-scale value~~ test amperes. Meter registration error shall be determined in accordance with paragraph 25-6.058(2)(b), F.A.C.

(c) No change.

~~(4)(3)~~ Meter Equipment Test Procedures.

(a) No change.

(b) Watthour meters and associated devices shall be tested for accuracy and adjusted in accordance with American National Standard for Electric Meters, Code for Electricity Metering (ANSI C12.1 – ~~2001 1995~~), which is incorporated herein by reference.

(c) Electronic ~~Totally solid-state~~ meters that compute demand from watthour meter registration and programmed demand algorithms shall be tested and adjusted in accordance with ANSI C12.1 – ~~2001 1995~~. Demand registration need not be tested, provided the meter has been inspected to contain the correct demand algorithm whenever watthour registration is tested.

~~(5)(4)~~ Test Plans ~~Procedures~~.

(a) Each utility shall submit its test plan ~~procedures~~ for review and approval for all types of metering equipment, including:

1. through 7. No change.

(b) Test plans ~~procedures~~ shall contain the following for each type of metering device covered:

1. through 5. No change.

(c) Any changes to a previously approved test plan ~~procedure~~ must be submitted to the Commission's Division of Economic Regulation for approval. Adding a meter type to a previously approved test plan ~~procedure~~ is a change ~~that which~~ requires approval.

(d) Review of Proposed Test Plans ~~Procedures~~. Except where a utility has requested a formal ruling by the Commission, the Division of Economic Regulation shall within 90 days after submission review each utility's proposed test plan ~~procedures~~ to determine whether ~~it satisfies they~~ satisfy the criteria set forth in paragraphs ~~(5)(4)(a) and (b)~~ above and shall notify the utility in writing of its decision accepting or rejecting the proposed plan ~~procedures~~. If a proposed plan ~~procedure~~ is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed plan ~~procedure~~. If a utility's proposed plan ~~procedure~~ is rejected, the utility shall submit a revised plan ~~procedure~~ to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its plan ~~procedures~~ and a plan ~~procedure~~ has been rejected, the utility may petition the Commission for approval of the plan

~~procedure. If a utility has not submitted a satisfactory procedure within six months following the submission of the initially proposed procedure, the Commission may prescribe by order a procedure for the utility.~~

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—Amended 7-29-69, Formerly 25-6.52, Amended 5-19-97, _____.

25-6.056 Metering Device Test Plans.

(1) No change.

(2) All metering device tests shall be retained in accordance with ~~by the utility and made available to the Commission pursuant to~~ Rule 25-6.022, F.A.C.

(3) New instrument transformers shall be tested in accordance with subsection (5) of this rule before initial installation. Instrument transformers ~~that which~~ have been removed from service shall be tested prior to reinstallation if the reason for removal, physical appearance, or record of performance gives cause to doubt its reliability.

(4) All metering equipment listed in paragraph 25-6.052~~(5)~~~~(4)~~(a), F.A.C., shall be tested:

(a) Before initial and each successive installation, either by the utility or the manufacturer, with the exception of units of metering equipment ~~that which~~ are statistically sample tested by the utility under an approved Random Sampling Plan; and

(4)(b) through (5)(c) No change.

(6) Within each population specified in an approved sampling plan or periodic test plan of mechanical or lagged demand meters, or other metering devices for which acceptability is stated in terms of full-scale value, each device shall have the same class amperage and class voltage.

~~(7)(6)~~ In-Service Testing.

(a) No change.

(b) In-service metering devices ~~that which~~ are not included in an approved Random Sampling Plan shall be tested periodically. The periodic testing schedule for equipment not included in an approved Random Sampling Plan must be approved by the Commission.

~~(8)(7)~~ Random Sampling Plans Submitted for Approval.

~~(a) Commission approved Random Sampling Plans may be used to accept or reject shipments of newly purchased equipment and to estimate the average accuracy of equipment in service.~~

~~(a)(b)~~ Random Sampling Plans published by the United States Department of Defense or by The American Society for Quality Control, or any other sampling plans ~~that which~~ have been approved by the Commission prior to the effective date of this rule need not be re-approved for the types of equipment for which they were approved.

~~(b)(e)~~ Each Random Sampling Plan submitted for approval shall include, at a minimum, the following information:

1. through 3. No change.

~~(c)(d)~~ No change.

~~(9)(8)~~ No change.

~~(10)(9)~~ Approval of Sampling Plans and In-Service Testing Schedules. All utilities subject to this rule shall submit to the Commission’s Division of Economic Regulation a proposed Random Sampling Plan for each population of metering devices for which it intends to use a random sampling plan for acceptance testing or for in-service testing, and a proposed periodic testing schedule for each population of metering devices for which it does not submit a proposed in-service random sampling plan. Sampling plans and in-service testing schedules must be reviewed and approved pursuant to subsection (11) of this rule prior to their use.

~~(11)(4)~~ Review of Proposed Test Plan. As used in this subsection, the word “plan” includes periodic testing schedules as well as Random Sampling Plans. Except where a utility has requested a formal ruling by the Commission, the Division of Economic Regulation shall within 90 days after submission review each utility’s plan to determine whether it satisfies the criteria set forth in subsections ~~(8)(7)~~ and ~~(9)(8)~~ above and shall notify the utility in writing of its decision accepting or rejecting the proposed plan. If a proposed plan is rejected, the written notice of rejection shall state clearly the reasons for rejecting the proposed plan. If a utility’s proposed plan is rejected, the utility shall submit a revised plan to the Commission within 60 days after receiving the notice of rejection. Where a utility has requested staff review of its plan and the plan has been rejected, the utility may petition the Commission for approval of the initially proposed plan. ~~If a utility has not submitted a satisfactory plan within six months following the submission of the initially proposed plan, the Commission may prescribe by order a plan for the utility.~~

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Amended 4-13-80, Formerly 25-6.56, Amended 5-19-97, _____.

25-6.058 Determination of Average Meter Registration Error.

~~Whenever a metering installation is tested and found to exceed the accuracy limits, the average error shall be determined in one of the following ways:~~

(1) Average Meter Registration Error for Watthour Registers.

~~(a)(1)~~ If the metering installation is used to measure a load which has practically constant characteristics, such as a street-lighting load, the meter shall be tested under similar conditions of load and the registration error accuracy of the meter “as found” shall be considered as the average meter error accuracy.

~~(b)(2)~~ If a single-phase metering installation is used on a varying load, the average registration error shall be determined by ~~in~~ one of the following methods. ~~ways~~: The utility shall select the method that best fits the customer’s usage pattern.

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

~~2.(b)~~ No change.

~~3.(c)~~ A single point, when calculating the error of an electronic a totally solid state meter, and the single point is an accurate representation of the error over the load range of the meter.

~~(c)(3)~~ If a polyphase metering installation is used on a varying load, the average registration error shall be determined by ~~in~~ one of the following methods. ~~ways~~: The utility shall select the method that best fits the customer’s usage pattern.

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

~~2.(b)~~ A single point, when calculating the error of an electronic a totally solid state meter, and the single point is an accurate representation of the error over the load range of the meter.

(2) Average Meter Registration Error for Demand Registers.

(a) For mechanical or lagged demand meters, registration error shall be determined by testing the meter at both 40 percent and 80 percent of its full-scale value, as read on the reference or standard meter, or as near to these two points as practicable. The following two formulas shall be used to estimate the kilowatt error of the meter at 25 percent of full scale and at 100 percent of full scale:

$$E_{25} = [E_{80} - E_{40}] / [R_{80} - R_{40}] * [R_{25} - R_{40}] + E_{40}$$

$$E_{100} = [E_{80} - E_{40}] / [R_{80} - R_{40}] * [R_{100} - R_{40}] + E_{40}$$

where:

R₂₅ and R₁₀₀ denote the kilowatt readings on the reference meter at 25 percent and 100 percent of the full scale value of the meter being tested, respectively;

R₄₀ and R₈₀ denote the kilowatt readings on the reference meter at 40 percent and 80 percent of the full scale value of the meter being tested, respectively;

E₄₀ is the difference in kilowatts between the reference reading (R₄₀) and the reading on the meter being tested;

E₈₀ is the difference in kilowatts between the reference reading (R₈₀) and the reading on the meter being tested;

E₂₅ is the estimated kilowatt error corresponding to R₂₅, and

E₁₀₀ is the estimated kilowatt error corresponding to R₁₀₀.

The greater of these two estimated kilowatt errors, E₂₅ or E₁₀₀, shall be expressed as a percentage of the full-scale value of the meter being tested to determine if the meter meets the accuracy requirement of paragraph 25-6.052(3)(a), F.A.C.

(b) For electronic demand meters, demand registration need not be separately tested provided the meter has been inspected to contain the correct demand algorithm whenever watthour registration is tested.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Formerly 25-6.58, Amended 5-19-97, _____.

25-6.059 Meter Test by Request.

(1) No change.

(2) Should any customer request a meter test more frequently than provided for in subsection (1) of this rule, the utility may require a deposit to defray costs of testing, such deposit not to exceed one hundred dollars (\$100.00) fifteen dollars (\$15.00) for each test. If the meter is found to be running fast in excess of the allowable limit the deposit shall be refunded, but if the meter is below the allowable limit, the deposit may be retained by the utility as a service charge for conducting the test.

(3) No change.

(4) At the request of the customer, the utility shall make arrangements for a meter test to be conducted by an independent meter testing facility of the customer's choosing. The customer shall be responsible for negotiating and paying to the independent meter testing facility any fee charged for such a test. Such independent meter testing facilities shall, at a minimum, conform to the requirements of the American National Standard for Electric Metering, Code for Electricity Metering, Seventh Edition (ANSI C12.1 2001 1982), which is incorporated herein by reference. Where appropriate, the meter may be field tested. The customer shall be responsible for all the costs incurred by to the utility related to associated with a meter test by an independent ~~meter~~ testing facility. The utility shall provide a detailed estimate of ~~such~~ the utility expects to incur related to the meter test and may require payment of such costs prior to the actual meter test. The customer shall provide to the utility a detailed estimate of charges from the independent testing facility for the meter test prior to the actual test. If the meter is found to be running fast in excess of the limits established by these rules, any payment collected by the utility related to the meter test such costs shall be refunded, but if the meter is found to be within the allowable limits established by these rules, the utility may retain any payments collected by the utility related to the meter test the costs.

(5) No change.

(6) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

Specific Authority 366.05(1) FS. Law Implemented 366.05(4), (5), 366.05(3) FS. History—New 7-29-69, Amended 10-11-83, Formerly 25-6.59, Amended _____.

25-6.060 Meter Test – Referee.

(1) through (3) No change.

(4) For equipment tested under this rule, any previous accuracy test result on record at the time the meter test is requested must be retained in accordance with Rule 25-6.022, F.A.C.

Specific Authority 366.05(1) FS. Law Implemented 366.05(3) FS. History—New 7-29-69, Formerly 25-6.60, Amended _____.

25-6.103 Adjustment of Bills for Meter Error.

(1) For mechanical or lagged demand meters, the error at the customer's average billing demand over the refund period shall be used to determine the amount to refund or backbill the customer. This error shall be determined by testing the meter at both 40 percent and 80 percent of meter full scale value, as read on the standard or reference meter, or as near to these two points as is practicable. The following formula shall be used to estimate the kilowatt error of the meter at the customer's average billing demand:

$$E_{avg} = [E_{80} - E_{40}] / [M_{80} - M_{40}] * [M_{avg} - M_{40}] + E_{40}$$

where:

M_{avg} denotes the customer's average billing demand over the refund period;

M₄₀ and M₈₀ denote the kilowatt readings on the meter being tested when the reference meter is at 40 percent and 80 percent of the full-scale value of the meter being tested, respectively;

E₄₀ and E₈₀ denote the kilowatt errors on the meter being tested corresponding to M₄₀ and M₈₀, respectively; and

E_{avg} denotes the estimated kilowatt error at the customer's average billing demand.

The kilowatt error so determined, E_{avg}, shall be expressed as a percentage, P, of the reference meter reading corresponding to the average billing demand. This percentage shall be used to determine the corrected billing demand for each month of the refund period. A correction factor, C.F., will be applied to the original billing demand for each month in the refund/backbill period to determine the corrected billing demand for each month as follows:

$$C.F. * \text{Original Billing Demand} = \text{Corrected Billing Demand}$$

where:

$$C.F. = [1 / (1 + P)]$$

and P is the percentage error of E_{avg} relative to the reference meter reading corresponding to the average billing demand over the refund/backbill period.

(2) For watthour and electronic demand meters, the percentage error to be used for refunds and backbills shall be the same percentage calculated when tested for watthour registration as set forth in subsection 25-6.058(1) and paragraph 25-6.058(2)(b), F.A.C., respectively. A correction factor, C.F., will be applied to the original billing

demand/energy for each month in the refund/backbill period to determine the corrected billing demand/energy for each month as follows:

C.F. * Original Billing Demand/Energy = Corrected Billing Demand/Energy

where:

C.F. = [1/(1+P)]

and P is the percentage error calculated according to subsection 25-6.058(1), F.A.C., for wathour meters and paragraph 25-6.058(2)(b), F.A.C., for electronic demand meters.

(3)(1) Over-registering Fast meters. Whenever a meter tested is found to have an error in excess of the plus tolerance allowed in Rule 25-6.052, F.A.C., the utility shall refund to the customer the amount billed in error as determined by subsection (1) or subsection (2) of this rule Rule 25-6.058, F.A.C., for one half the period since the last test, said one half period shall not exceed twelve (12) months; except that if it can be shown that the error was due to some cause, the date of which can be fixed, the overcharges shall be computed back to but not beyond such date based upon available records. The refund shall not include any part of any minimum charge.

(4)(2) Under-registering Slow meters.

(a) Except as provided by this paragraph, A utility may backbill in the event that a meter is found to be under-registering slow, non-registering or partially registering. A utility may not backbill for any period greater than twelve (12) months from the date it notifies a customer that his or her meter is slow, non-registering or partially registering. If it can be ascertained that the meter was under-registering slow, non-registering or partially registering for less than twelve (12) months prior to notification, then the utility may backbill only for the lesser period of time. In any event, the customer may extend the payments of the backbill over the same amount of time for which the utility issued the backbill. Nothing in this subsection shall be construed to limit the application of Rule 25-6.104, F.A.C., or prohibit a utility from backbilling for four years pursuant to subsection (5) of this rule.

(b) Nothing in paragraph (4)(a) of this rule shall be construed to limit the application of Rule 25-6.104, F.A.C., or prohibit a utility from backbilling for four years pursuant to subsection (7) of this rule.

(c)(b) Whenever a meter is tested and not subject to Rule 25-6.104 or subsection 25-6.105(5), F.A.C., and is found to have an error in excess the minus tolerance allowed by Rule 25-6.052, F.A.C., the utility may bill the customer an amount equal to the unbilled error as determined by subsection (1) or subsection (2) of this rule. Rule 25-6.058, F.A.C., in accordance with this subsection. In order to determine the amount of undercharge, the recorded consumption shall be adjusted using the amount of error found by the meter to determine the correct consumption and the customer's bills in question shall be recalculated and computed to the actual bills

rendered. If the utility has required a deposit for a meter test as permitted under subsection (2) of Rule 25-6.059(2), F.A.C., the customer may be billed only for that portion of the unbilled error which is in excess of the deposit retained by the utility.

(5)(e) In the event of a non-registering meter or a meter for which the test results are inconclusive partially registering meter, unless the provisions of subsection (3) of this rule apply, the utility may bill the customer on an estimate based on previous bills for similar usage or on other sources of available data provided.

(3) It shall be understood that when a meter is found to be in error in excess of the prescribed limits, the figure to be used for calculating the amount of refund or charge in subsection (1) or paragraph (2)(b) above shall be that percentage of error as determined by the test.

(6)(4) No change.

(7)(5) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.041(1), 366.05(1), (3), (4), 366.06(1) FS. History—New 7-29-69, Amended 4-13-80, 5-3-82,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sid Matlock

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 31, No. 34, August 26, 2005

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify the requirements and procedures for administration of chemical agents; clarify the requirements for investigation of use of force incidents; and correct form titles and ensure consistency between forms and rule.

SUMMARY: When chemical agents are administered to resolve situations in which the inmate is creating a disturbance in his cell, the proposed rule requires that videotaping initiated after final exposure to chemical agents shall continue until the inmate is showered, examined by medical, and returned to a secure cell. Inmate refusals to shower must also be videotaped. The proposed rule requires that in cases in which the Inspector General finds that a use of force was inappropriate, the Inspector General must conduct a complete investigation of the incident before issuing final approval or disapproval. The title of Form DC6-213 is amended to reflect that it is an 'accountability' log, and the form is amended to reflect the use of numbered security seals. The proposed rule and Form DC1-813 are amended to clarify the requirement that designated staff provide a written explanation in cases where

the staff member is unavailable to supervise the administration of chemical agents. Form DC4-711A is amended to delete 'affidavit' from the title as the form is not an affidavit, and the form is amended to clarify the physician's confirmation of his awareness that the inmate has refused treatment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was 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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 776.07, 944.09, 944.35 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) through (3) No change.

(4) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used. All authorized use of force incidents will be videorecorded in their entirety, except that videotaping the administration of chemical agents is not required for use on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell. Videotaping will be initiated after the final exposure to chemical agents and will continue from this point until the decontaminating shower is provided and the medical examination is completed and the inmate is returned to a secure cell. Should the inmate refuse the shower for decontamination purposes or the medical examination, both the staff providing the opportunity in each case and the inmate's responses will be recorded if cell extraction or other uses of force are necessary. All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing. Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside

facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

(5) through (9) No change.

(10) The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Use of Force File Checklist, Form DC1-813. All inmate statements (subject and witnesses) shall be made in writing using the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete an Incident Report, Form DC6-210. Form DC6-210 is incorporated by reference in subsection (22) of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review the Use of Force File Checklist, Form DC1-813, and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. Form DC1-813 is incorporated by reference in subsection (22) of this rule. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The OIG, following its review, will either approve the use of force action or disapprove it. If the OIG finds that the use of force was inappropriate, the OIG shall conduct a complete investigation into the incident necessary, it will be referred for investigation before final approval or disapproval. If disapproved, the OIG shall advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall forward the materials to the service center employee relations supervisor. Form DC6-296, Disapproved Use of Force/Disposition Report, shall be used for this purpose. Form DC6-296 is incorporated by reference in subsection (22) of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. A Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the

employee. The warden or his or her designee shall be responsible for submitting accurate information to the personnel office in order to maintain the DC2-802. Any use of force reports completed prior to April 15, 1998 shall also remain in the file. Form DC2-802, Use of Force Log, is incorporated by reference in subsection (22) of this rule.

(11) No change.

(12) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare a report documenting the reasons that force or restraint was authorized. Form DC6-232, Authorization for Use of Force Report, shall be used for this purpose. The physician's or clinical associate's report shall be attached to the Institutions Report of Force Used when actual force is used, or the Incident Report, Form DC6-210, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign a Refusal of Health Care Services Affidavit, Form DC4-711A, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection (22) of this rule. When the use of four-point or five-point psychiatric restraints is authorized and the inmate does not offer resistance to the application of the restraints, the completion of an Institutions Report of Force Used, Form DC6-230, or an Institutions Report of Force Used Staff Supplement, Form DC6-231, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and an Incident Report, Form DC6-210, will be completed. The videotape, the completed Incident Report, and the completed Authorization for Use of Force Report, Form DC6-232, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is

complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (10) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection (8) above will be followed.

(13) through (15) No change.

(16) Use of Chemical Agents.

(a) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. The Chemical Agent Accountability Log, Form DC6-216, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing the Chemical Agent Accountability Log, Form DC6-216. Form DC6-216 is incorporated by reference in subsection (22) of this rule. Staff designated by the Secretary of the Department shall be issued one three or four ounce dispenser of OC pepper spray, with marking dye, after being properly trained in chemical agent utilization. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser Accountability Log, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and an Incident Report, Form DC6-210, will be written. Forms DC6-210 and DC6-213 are incorporated by reference in subsection (22) of this rule. The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on the Form DC6-216 and attach a new seal.

(l) No change.

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

1. through 2. No change.

3. Prior to using chemical agents, the inmate again shall be counseled with by the shift supervisor concerning his behavior.
 a. through e. No change.

f. Except in cases of extreme emergency as determined by the warden or duty warden, the confinement or close management lieutenant or the shift supervisor shall counsel with, issue the final order, and be present during the administering of chemical agents. If the shift supervisor, confinement or close management lieutenant is unavailable, he the shift supervisor shall provide a written explanation as to why he was not available to supervise the administration of chemical agents.

(n) through (p) No change.

(17) through (21) No change.

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

(a) DC1-813, Use of Force File Checklist, effective April 17, 2005.

(b) through (e) No change.

(f) DC4-711A, Refusal of Health Care Services Affidavit, effective November 7, 2004.

(g) No change.

(h) DC6-213, Individual Chemical Agent Dispenser Accountability Log, effective February 7, 2000.

(i) through (n) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Bedard, Ph.D., Deputy Secretary of Department of Corrections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-1.021	Definitions
40E-1.5095	Publication of Notice of Agency Decision or Intended Agency Decision
40E-1.511	Point of Entry into Proceedings

40E-1.603	Application Procedures for Conceptual Approval, Individual and General Permits
40E-1.6058	Publication and Requests for Notification of Permit Applications or Notices of Intent
40E-1.6065	Consideration of Intended Agency Decision on Permit Applications
40E-1.6105	Notification of Transfer of Interest in Real Property
40E-1.6107	Transfer of Environmental Resource, Surface Water Management or Water Use Permit
40E-1.615	Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern

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

SUMMARY: The proposed rules set forth definitions describing the electronic terminology used throughout the District's rules, and provide for electronic noticing, electronic filings, electronic receipt and/or electronic transmission by the District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has not been prepared based on the District's determination that the proposed revisions 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: 120.53, 120.53(1), 120.54(5), 373.044, 373.113, 373.4136, 380.051, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 120.53, 120.53(1), 120.54(5), 120.569, 120.57, 120.60, 120.60(3), 373.083, 373.107, 373.109, 373.113, 373.116, 373.146, 373.171, 373.229, 373.309, 373.413, 373.4135, 373.4136, 373.416, 373.417, 373.421, 373.422, 373.426, 373.427, 373.429, 373.436, 380.051, 668.003, 668.004, 668.50 FS.

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

DATE AND TIME: June 14, 2006, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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)682-6436 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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). For procedural questions, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-1.021 Definitions.

When used in this chapter, Chapters 40E-4, Chapters 40E-40, 40E-41, 40E-61, and 40E-400, F.A.C.:

(1) "e-Permitting website" means the District's website address for e-Permitting at <http://my.sfwmd.gov/ePermitting>.

(2) "Electronic filing" means filing or submission of an Environmental Resource, Surface Water Management Permit or Consumptive Use Permit Application; Response to Request for Additional Information; or Request for Permit Transfer at the District's e-Permitting website. Electronic filing is governed by the provisions of Chapter 668, F.S. If the applicant or sender of electronic data inhibits the ability of the District to store or print the electronic data, it shall not be considered filed with or received by the District. Filings received by the District after 5:00 p.m. shall be deemed filed on the next regular business day.

(3) "Electronic mail" means an electronic or computer file that is transmitted between two or more telecommunications devices; computers; computer networks, regardless of whether the network is a local, regional, or global network; or electronic devices capable of receiving electronic messages, regardless of whether the message is converted to hard copy format after receipt, viewed upon transmission, or stored for later retrieval. Electronic mail received after 5:00 p.m. shall be deemed received on the next regular business day.

(4) "Electronic record" means information that is stored in an electronic medium and is retrievable in a perceivable form, including public records as defined in Section 119.011, Florida Statutes.

(5) "Electronic signature" means an electronic sound, symbol, or process attached to an electronic record and executed or adopted by a person with the intent to sign the record.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 668.003, 668.004, 668.50 FS. History—New 10-1-06.

40E-1.5095 Publication of Notice of Agency Decision or Intended Agency Decision.

In cases where a project is determined to be of heightened public concern, or where there is the likelihood of a request for an administrative hearing, where the proposed activity is potentially harmful to the water resources of the District or contrary to the overall objectives of Chapter 373, F.S., as outlined in Section 373.016, F.S., or if objection(s) to the application has been received, the District shall publish, or require the permit applicant to publish notice of agency decision or intended agency decision in the Florida Administrative Weekly or newspapers of general circulation in the area affected by such decisions as required by Chapter 50, F.S., and shall post notice and send by regular United States mail or electronic mail copies of its notice to applicants and interested groups. Such publication may be used as evidence of constructive and sufficient notice.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 120.54(5), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.54(5), 120.569, 120.57, 373.146, 373.413, 668.003, 668.004, 668.50 FS. History—New 7-2-98, Amended 6-12-00, 10-1-06.

40E-1.511 Point of Entry into Proceedings.

Procedures regarding point of entry into proceedings determining substantial interests and mediation are set forth in the Uniform Rules of Procedure Rule 28-106.111, F.A.C. The following exceptions are applied in combination with the applicable Uniform Rules of Procedure.

(1)(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, F.A.C., means receipt of either written notice through regular United States mail, electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.

(b) No change.

(2) through (3) No change.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 120.54(5), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.54(5), 120.569, 120.57, 120.60, 373.146, 373.413, 373.427, 668.003, 668.004, 668.50 FS. History—New 9-3-81, Amended 7-26-87, 5-11-93, 10-3-95, 7-2-98, 6-12-00, 10-1-06.

40E-1.603 Application Procedures for Conceptual Approval, Individual and General Permits.

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

(2) No change.

(3)(a) through (d) No change.

(e) Noticed general permits under Chapter 40E-400, F.A.C., may be utilized by the applicant 30 days after the District receives the notice of intent, unless a notice that the project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail mailed by the District within 30 days, in accordance with Rule 40E-400.211, F.A.C. If notice that the proposed project does not qualify for the noticed general permit is sent by regular United States mail or electronic mail mailed by the District to the applicant, the review process under subsection (1) shall be initiated or the applicant shall be required to apply for the appropriate permit if the requested activity is not covered by the noticed general permit rule.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 120.53(1), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.60, 373.107, 373.109, 373.116, 373.229, 373.417, 373.421, 373.422, 668.003, 668.004, 668.50 FS. History--New 9-3-81, Formerly 16K-1.08(1)-(8), Amended 7-1-86, 7-26-87, 11-21-89, 5-11-93, 10-3-95, 4-1-96, 7-2-98, 6-12-00, 10-1-06.

40E-1.6058 Publication and Requests for Notification of Permit Applications or Notices of Intent.

(1) ~~Written~~ Notice of Receipt of Permit Application or Notice of Intent.

(a) Persons who wish to be notified in writing or by electronic mail of any permit application or notice of intent which affects a designated geographic area shall notify the District in writing or by electronic mail, and shall specify their area of interest by county. Requests must be renewed every 6 months. The District shall provide ~~written~~ notice in writing or by electronic mail of receipt of application or notice of intent to all persons who have filed in the preceding 6 months a written or electronic request for notification of any application or notice of intent affecting the designated geographic area in which the proposed activity is to occur.

~~(b) Notices of intent for general permits shall be posted in the District Service Center responsible for reviewing the notice of intent.~~

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

(3) No change.

(4) Persons who wish to be advised of the proposed agency action regarding a particular permit application shall file a written or electronic request for further notice within 14 days of receipt of the notice of application.

(5) The governing board may charge a subscription fee for information requested in accordance with this section to any person who has filed a written or electronic request for notification of any pending applications, pursuant to Rule 40E-1.125, F.A.C.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.53(1), 120.60(3), 668.003, 668.004, 668.50 FS. History--New 10-3-95, Amended 7-2-98, 6-12-00, 10-1-06.

40E-1.6065 Consideration of Intended Agency Decision on Permit Applications.

(1) No change.

(2) The Governing Board shall consider the application for a conceptual approval, individual environmental resource, individual surface water management, or individual water use permit application at its next available regularly scheduled regulatory meeting following the mailing or electronic mailing of notice of intended agency decision, unless an administrative hearing is requested and granted pursuant to Section 120.569, F.S.

(3) No change.

(4) Because the Governing Board may take a final agency action which materially differs from the noticed intended agency action, applicants and other interested persons should be prepared to defend their position regarding the permit application when it is considered by the Governing Board. If the Governing Board takes final agency action which materially differs from the intended agency decision, the District shall mail by regular United States mail or electronic mail a notice of the final agency action to all persons who were notified of the intended agency decision.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 120.53(1), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 120.60, 373.107, 373.109, 373.116, 668.003, 668.004, 668.50 FS. History--New 7-2-98, Amended 6-12-00, 10-1-06.

40E-1.6105 Notification of Transfer of Interest in Real Property.

Within 30 days of any transfer of interest or control of the real property at which any permitted facility, system, consumptive use, or activity is located, the permittee must notify the District, in writing or electronically at the District's e-Permitting website, of the transfer giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer. Notification of a transfer shall not constitute a permit transfer pursuant to Rule 40E-1.6107, F.A.C.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.083, 373.171, 373.309, 373.416, 373.426, 373.429, 373.436, 668.003, 668.004, 668.50 FS. History--New 5-11-93, Amended 10-1-06.

40E-1.6107 Transfer of Environmental Resource, Surface Water Management or Water Use Permit.

(1) To transfer an environmental resource, surface water management, or water use permit, the permittee, in addition to satisfying the applicable provisions in Rules 40E-2.351 and 40E-4.351, F.A.C., must provide information required in Rule 40E- 1.6105, F.A.C., and file a together with a written statement from the proposed transferee in writing or at the District's e-Permitting website that it has reviewed the District

permit and project design and will be bound by all terms and conditions of the permit, including all compliance requirements, for the duration of the permit.

(2) through (4) No change.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 120.53(1), 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.083, 373.171, 373.309, 373.416, 373.426, 373.429, 373.436, 668.003, 668.004, 668.50 FS. History—New 5-11-93, Amended 10-3-95, 10-1-06.

40E-1.615 Coordinated Agency Review Procedures for the Florida Keys Area of Critical State Concern.

- (1) No change.
- (2)(a) through (b) No change.
- (3)(a) through (c) No change.

(d) If the applicant waives the time limits required by Chapter 120 and Section 380.051, F.S., as set forth in Rule 9J-19.007, F.A.C., the District shall delay initiation of substantive review until ~~written~~ notice is received by electronic mail at the District's e-Permitting website or in writing from the Permit Coordinator indicating that substantive review should begin, as provided in subsection 9J-19.007(3) (Coordination of Time for Sufficiency Review), F.A.C. If the applicant does not waive the time limits, the District shall begin substantive review when the Coordinated Review Application is complete.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 380.051, 668.003, 668.004, 668.50 FS. Law Implemented 380.051, 668.003, 668.004, 668.50 FS. History—New 9-22-87, Amended 10-3-95, 10-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert M. Brown, Director, Environmental Resource Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2005

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-4.021	Definitions
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-4.101	Content of Permit Applications
40E-4.321	Duration of Permits
40E-4.381	General Conditions

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

SUMMARY: The proposed rules set forth definitions describing the electronic terminology used throughout the District's rules, and provide for electronic noticing, electronic filings, electronic receipt and/or electronic transmission by the District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has not been prepared based on the District's determination that the proposed revisions will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.016, 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 373.016, 373.019, 373.116, 373.117, 373.229, 373.403-.443, 668.50, 704.06, 668.003, 668.004, 668.50 FS.

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

DATE AND TIME: June 14, 2006, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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)682-6436 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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). For procedural questions, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-4.021 Definitions.

When used in this chapter, Chapters 40E-1, 40E-40, 40E-41 and 40E-400, F.A.C.:

(1) through (11) No change.

(12) “e-Permitting website” means the District’s website address for e-Permitting at <http://my.sfwmd.gov/ePermitting>.

(13) “Electronic filing” means filing or submission of an Environmental Resource, Surface Water Management Permit or Consumptive Use Permit Application; Response to Request for Additional Information; or Request for Permit Transfer at the District’s e-Permitting website. Electronic filing is governed by the provisions of Chapter 668, F.S. If the applicant or sender of electronic data inhibits the ability of the District to store or print the electronic data, it shall not be considered filed with or received by the District. Filings received by the District after 5:00 p.m. shall be deemed filed on the next regular business day.

(14) “Electronic mail” means an electronic or computer file that is transmitted between two or more telecommunications devices; computers; computer networks, regardless of whether the network is a local, regional, or global network; or electronic devices capable of receiving electronic messages, regardless of whether the message is converted to hard copy format after receipt, viewed upon transmission, or stored for later retrieval. Electronic mail received after 5:00 p.m. shall be deemed received on the next regular business day.

(15) “Electronic record” means information that is stored in an electronic medium and is retrievable in a perceivable form, including public records as defined in Section 119.011, Florida Statutes.

(16) “Electronic signature” means an electronic sound, symbol, or process attached to an electronic record and executed or adopted by a person with the intent to sign the record.

(17)(12) “Embedment” means the placement of transmission or distribution lines, pipes or cables into the bottoms of waters of the State by minimal displacement of bottom material and without the creation of a trench, or trough, through the use of techniques such as plowing-in, weighing -in, or non-trenching jets.

(18)(13) “Endangered species” means those animal species which are listed as endangered in Rule 68A-27.003, F.A.C., and those plant species which are listed in 50 Code of Federal Regulations 17.12, when such plants are found to be located in a wetland or other surface water.

(19)(14) “Entrenchment” means the placement of transmission or distribution lines, pipes or cables into the bottoms of waters of the State by the creation of a defined trench, or trough, through the use of such devices as clamshells, dredges, trenching jets, or other devices which produce similar results.

(20)(15) “Environmental resource permit” means a conceptual approval, individual or general permit for a surface water management system issued pursuant to Part IV, Chapter 373, F.S. Environmental resource permit also means a conceptual or individual permit for the establishment and operation of a mitigation bank.

(21)(16) “Estuary” means a semi-enclosed, naturally existing coastal body of water which has a free connection with the open sea and within which seawater is measurably diluted with fresh water derived from riverine systems.

(22)(17) “Filling” means the deposition, by any means, of materials in surface waters or wetlands, as delineated by Section 373.4211, F.S.

(23)(18) “General Permit” means a no notice, noticed or standard general environmental resource permit issued by District staff. However, staff recommendations for denial of noticed or standard general permit applications shall be considered by the Governing Board.

(24)(19) “Impoundment” means any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth’s surface and having a discernible shoreline.

(25)(20) “Incidental site activities” means those certain site activities in uplands which may be conducted in conjunction with the work proposed in an environmental resource permit application such as: land clearing in uplands; minimal earthwork, lake construction; road subgrade construction; foundation construction; utility installation; fence installation; construction trailer installation; unconnected drainage facility construction; or other similar activities.

(26)(21) “Individual Permit” means an environmental resource permit issued by the District Governing Board.

(27)(22) “Isolated Wetland” means any wetland without a direct hydrologic connection to a lake, stream, estuary, or marine water.

(28)(23) “Lagoon” means a naturally existing coastal zone depression which is below mean high water and which has permanent or ephemeral communications with the sea, but which is protected from the sea by some type of naturally existing barrier.

(29)(24) “Listed Species” means those animal species which are endangered, threatened or of special concern and are listed in Rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C., and those plant species listed in 50 Code of Federal Regulations 17.12.

(30)(25) “Maintenance” or “Repairs” means remedial work of a nature as may affect the safety of any dam, impoundment, reservoir, or appurtenant work or works, but excludes routine custodial maintenance.

(31)(26) “Operation Permit” means a permit issued by the District authorizing the operation and maintenance of a surface water management system in accordance with the terms and conditions of the permit.

~~(32)~~~~(27)~~ “Other Surface Waters” means surface waters as described and delineated pursuant to Rule 62-340.600, F.A.C., as ratified by Section 373.4211, F.S., other than wetlands.

~~(33)~~ “Posting” means placing notice on the District’s website or on one of the District’s official posting bulletin boards.

~~(34)~~~~(28)~~ “Riprap” means a sustaining wall made to reduce the force of waves and to protect the shore from erosion and consists of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.

~~(35)~~~~(29)~~ “Species of Special Concern” means those animal species listed in Rule 68A-27.005, F.A.C.

~~(36)~~~~(30)~~ “State Water Quality Standards” means water quality standards adopted pursuant to Chapter 403, F.S.

~~(37)~~~~(31)~~ “Stormwater Management System” means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system.

~~(38)~~~~(32)~~ “Surface Water Management Permit” means a permit issued pursuant to Chapter 40E-4 or 40E-40, F.A.C., prior to October 3, 1995, or that is grandfathered pursuant to Sections 373.414(11)-(16), F.S.

~~(39)~~~~(33)~~ “Surface Water Management System” or “System” means a stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof. The terms “surface water management system” or “system” includes areas of dredging or filling as defined by Section 373.403(13) and (14), F.S., respectively.

~~(40)~~~~(34)~~ “Threatened Species” means those animal species listed in Rule 68A-27.004, F.A.C., and those plant species which are listed as threatened in 50 Code of Federal Regulations 17.12.

~~(41)~~~~(35)~~ “Total Land Area” means land holdings under common ownership which are contiguous or land holdings which are served by common surface water management facilities.

~~(42)~~~~(36)~~ “Vertical Seawall” is a seawall the waterward face of which is at a slope greater than 75 degrees to the horizontal. A seawall with sloping riprap covering the waterward face to the mean high water line shall not be considered a vertical seawall.

~~(43)~~~~(37)~~ “Watershed” means the land area which contributes to the flow of water into a receiving body of water.

~~(44)~~~~(38)~~ “Wetlands” means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess

characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological or reproductive adaptation, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The landward extent of wetlands is delineated pursuant to Rules 62-340.100 through 62-340.550, F.A.C., as ratified by Section 373.4211, F.S.

~~(45)~~~~(39)~~ “Wetland Resource Permit” means a permit issued pursuant to Chapter 62-312, F.A.C., prior to October 3, 1995, or that is grandfathered pursuant to Sections 373.414(11)-(16), F.S.

~~(46)~~~~(40)~~ “Works” means all artificial structures, including but not limited to ditches, canals, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, ~~668.003~~, ~~668.004~~, ~~668.50~~ FS. Law Implemented 373.019, 373.403-443, 403.031, ~~668.003~~, ~~668.004~~, ~~668.50~~, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96, ~~10-1-06~~.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – ~~2-12-06~~”.

(b) through (k) No change.

(2) No change.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, ~~668.003~~, ~~668.004~~, ~~668.50~~ FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, ~~668.003~~, ~~668.004~~, ~~668.50~~ FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, ~~10-1-06~~.

40E-4.101 Content of Permit Applications.

(1) Applications for permits required by this chapter shall be filed with the District Service Center which will review the application as set forth in Rule 40E-1.6025, F.A.C., or filed electronically at the District's e-Permitting website. The application shall contain:

(a) No change.

(b) One original and four copies of Joint Water Management District/Department of Environmental Protection/U.S. Army Corps of Engineers Environmental Resource Permit Application Form No. 0971 and five copies of drawings, calculations, environmental information, and engineering details sufficient to define the nature, scope, intent and functioning of the work proposed. This information must include at a minimum: flood protection, water quality, environmental impacts, proposed mitigation, water supply, and water conservation elements. Applicants who file an application electronically are not required to submit copies.

(2) through (4) No change.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.016, 373.044, 373.113, 373.171, 668.003, 668.004, 668.50 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, 4-14-03, 8-14-03, 10-1-06.

40E-4.321 Duration of Permits.

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

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made by electronic mail at the District's e-Permitting website or in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. The Governing Board takes action on an application for extension of an individual permit, or

2. Staff takes action on an application for extension of a standard general permit.

(b) No change.

(3) through (7) No change.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.413, 373.416, 373.419, 373.426, 668.003, 668.004, 668.50 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 10-3-95, 5-28-00, 10-1-06.

40E-4.381 General Conditions.

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

(g) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (f) above, has submitted a Request for Conversion of Environmental Resource/Surface Water

Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity Form No. 0920, incorporated by reference in Rule 40E-1.659, F.A.C.; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District —~~April 2003,~~" accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(h) No change.

(i) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District —~~April 2003,~~" prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(j) Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District by electronic mail at the District's e-Permitting website or in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.

(k) through (o) No change.

(p) The permittee shall notify the District by electronic mail at the District's e-Permitting website or in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules

40E-1.6105 and 40E-1.6107, F.A.C. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.

(q) through (r) No change.

(s) The permittee shall immediately notify the District by electronic mail at the District's e-Permitting website or in writing of any previously submitted information that is later discovered to be inaccurate.

(2) No change.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 373.171, 668.003, 668.004, 668.50 FS. Law Implemented 373.116, 373.229, 373.413, 373.416, 373.421, 373.422, 373.426, 668.003, 668.004, 668.50 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(3), 16K-4.38, Amended 7-1-86, 4-20-94, 10-3-95, 1-7-97, 4-14-03, 9-16-03, 10-1-06.

(The following represents proposed changes to the document entitled “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – December 7, 2004” incorporated by reference in Rule 40E-4.091, F.A.C.) 4.3.9.3

(a) through (b) No change.

(c) Melaleuca eradication plans shall be submitted to the appropriate District Service Center serving the area in which the activity is proposed as designated in Rule 40E-1.6025, F.A.C., and shall be accompanied by the information required in subsection 4.3.9.

1. District staff shall notify the applicant in writing via regular United States mail or electronic mail of its proposed recommendation that the Governing Board approve or deny the eradication plan. This notification shall occur within sixty (60) days following receipt of a completed eradication plan. If staff's recommendation is for approval, the District shall also simultaneously forward a draft stewardship agreement to the applicant for review, approval and execution.

2. No change.

3. The applicant shall be notified of the date and time of this meeting – or any subsequent meeting if final agency action is not taken – via regular United States mail or electronic mail to be received by the applicant at least 7 days in advance of the Governing Board meeting.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert M. Brown, Director, Environmental Resource Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2005

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

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

SUMMARY: The proposed rules set forth definitions describing the electronic terminology used throughout the District's rules, and provide for electronic noticing, electronic filings, electronic receipt and/or electronic transmission by the District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared based on the District's determination that the proposed revisions 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, 373.113, 373.118, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595, 668.003, 668.004, 668.50 FS.

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

DATE AND TIME: June 14, 2006, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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)682-6436 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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). For

procedural questions, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I LAKE OKEECHOBEE DRAINAGE BASIN

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.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595, 668.003, 668.004, 668.50 FS. History–New 11-1-89, Amended 10-1-06.

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.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.085, 373.086, 373.451, 373.453, 373.4595, 668.003, 668.004, 668.50 FS. History–New 11-1-89, Amended 10-1-06.

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 Rule 40E-61.381(2)(a), F.A.C.

2. through 3. No change.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 373.118, 668.003, 668.004, 668.50 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595, 668.003, 668.004, 668.50 FS. History–New 11-1-89, Amended 10-1-06.

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. that the permit is revoked.

(3) No change.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.451, 373.453, 373.4595, 668.003, 668.004, 668.50 FS. History–New 11-1-89, Amended 1-1-97, 10-1-06.

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 e-Permitting 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 e-Permitting website or in writing to the District.

(l) through (o) No change.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.016, 373.085, 373.086, 373.451, 373.453, 373.4595, 668.003, 668.004, 668.50 FS. History–New 11-1-89, Amended 10-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert M. Brown, Director, Environmental Resource Regulation Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2006

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: 40E-400.211
RULE TITLES: Processing Procedures for Noticed General Permits

40E-400.475 General Permit for Minor Activities

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

SUMMARY: The proposed rules provide for electronic receipt and/or transmission by the District, electronic filings, electronic mail and electronic notices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has not been prepared based on the District's determination that the proposed revisions 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, 373.113, 373.118, 668.003, 668.004, 668.50 FS.

LAW IMPLEMENTED: 373.109, 373.118, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 FS.

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

DATE AND TIME: June 14, 2006, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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)682-6436 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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). For procedural questions, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299, or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-400.211 Processing Procedures for Noticed General Permits.

(1) through (2) No change.

(3) If the District determines that the system does not qualify for a noticed general permit, the District shall so notify the applicant by regular United States mailing or electronic mail ~~a notification~~ within 30 days of receiving Form No. 0980. For the purposes of this subsection, District mailing or electronic mailing of notification shall be deemed to occur when the notice is sent electronically or is properly addressed, stamped, and deposited in the United States mail, and the postmark date shall be the date of mailing. When the District notifies the applicant that the system does not qualify for a noticed general permit due to an error or omission in the original notice to the District, the applicant shall have 60 days from the date of the notification to amend the notice to use the general permit and submit additional information to correct such error or omission. If the applicant amends the notice to use a noticed general permit and submits additional information correcting the error or omission within the 60 day time limit, no additional application fee will be required for the noticed general permit. If the District does not mail the notice informing the applicant that the system does not qualify for a noticed general permit within 30 days of receipt of the original notice to use the general permit, or receipt of amended notice to use the general permit, the applicant may conduct the activity authorized by the noticed general permit, except as otherwise provided in Rules 40E-400.475 and 40E-400.500, F.A.C.

(4) through (9) No change.

(10) At the time that the District has received the notice of intent, it will provide public notice that the notice of intent has been filed. Such public notice shall be sent by regular United States mail or electronic mail to those people who have previously filed a written or electronic request for notification of pending applications within the affected area. The notice of

intent for a noticed general permit shall be posted in the District Service Center responsible for reviewing the notice of intent.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 373.118, 668.003, 668.004, 668.50 FS. Law Implemented 373.109, 373.118, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History--New 10-3-95, Amended 7-2-98, 10-1-06.

40E-400.475 General Permit for Minor Activities.

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

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

(3) Persons wishing to qualify for this general permit must file a written or electronic request at the District's e-Permitting website, describing the proposed activities and providing plans and other information necessary to evaluate the potential for adverse impacts from the proposed activities. Any persons proposing a system described in paragraph (1)(f) above, shall submit tax parcel information or other documentation, sufficient to establish that the property is not part of a tract of land that was divided into two or more parcels after July 1, 1994. The District will provide ~~written~~ notification in writing or by electronic mail to the applicant whether the proposed activity qualifies for this general permit within 30 days of submittal of the written or electronic request. The proposed activity may not commence until the District has provided ~~written~~ notice in writing or by electronic mail that the applicant qualifies for the general permit.

(4) through (6) No change.

PROPOSED EFFECTIVE DATE: October 1, 2006.

Specific Authority 373.044, 373.113, 373.118, 668.003, 668.004, 668.50 FS. Law Implemented 373.118, 373.413, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History--New 10-3-95, Amended 10-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert M. Brown, Director, Environmental Resource Regulation Division

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2005

DEPARTMENT OF ELDER AFFAIRS

Aging and Assisted Living Programs

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58A-5 Assisted Living Facilities

RULE NOS.: RULE TITLES:

58A-5.0131 Definitions

58A-5.014 License Application, Change of Ownership, and Provisional Licenses

58A-5.015	License Renewal and Conditional License
58A-5.016	License Requirements
58A-5.0181	Residency Criteria and Admission Procedures
58A-5.0182	Resident Care Standards
58A-5.0185	Medication Practices
58A-5.019	Staffing Standards
58A-5.0191	Staff Training Requirements and Competency Test
58A-5.023	Physical Plant Standards
58A-5.024	Records
58A-5.0241	Adverse Incident Report
58A-5.025	Resident Contracts
58A-5.026	Emergency Management
58A-5.029	Limited Mental Health
58A-5.030	Extended Congregate Care Services
58A-5.031	Limited Nursing Services
58A-5.033	Administrative Enforcement

PURPOSE AND EFFECT: The proposed amendments effect Rules 58A-5.0131, 58A-5.014, 58A-5.015, 58A-5.016, 58A-5.0181, 58A-5.0182, 58A-5.0185, 58A-5.019, 58A-5.0191, 58A-5.023, 58A-5.024, 58A-5.0241, 58A-5.025, 58A-5.026, 58A-5.029, 58A-5.030, 58A-5.031, and 58A-5.033, F.A.C. The proposed rule amendments will update and delete obsolete forms and applications; update and delete obsolete references to organizations and programs; provide definitions; conform the proposed rules to changes in Sections 400.419, 400.417, 400.452, F.S.; and will clarify and revise rule requirements relating to the noticed rule titles. The proposed amendments were developed in consultation with the Agency for Health Care Administration.

SUMMARY: The proposed rule amendments address changes in assisted living facility definitions; license application, change of ownership and provisional licenses; license renewal and conditional licenses; licensing criteria; residency criteria and admission procedures; resident care standards; medication practices; staffing standards; staff training requirements and competency test; physical plant standards; records; adverse incident reports; resident contracts; emergency management; limited mental health; extended congregate care services; limited nursing services; and administrative enforcement.

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

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

SPECIFIC AUTHORITY: 400.4256, 400.402, 400.407, 400.415, 400.4178, 400.423, 400.424, 400.426, 400.427, 400.4275, 400.441, 400.442, 400.452 FS.

LAW IMPLEMENTED: 394.4574, 400.402, 400.404, 400.407, 400.4075, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.4174, 400.4176, 400.4178, 400.419, 400.42, 400.423, 400.424, 400.4255, 400.4256, 400.426, 400.427, 400.4275, 400.428, 400.431, 400.434, 400.435, 400.441, 400.442, 400.444, 400.4445, 400.447, 400.452, 404.056, 409.912 FS.

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

DATE AND TIME: To Be Announced

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, telephone (850)414-2000. Email Address: crochetj@elderaffairs.org.

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-5.0131 Definitions.

~~In addition to the following terms are defined in Section 400.402, F.S., and are applicable to this rule chapter: activities of daily living (ADLs), administrator, agency (AHCA), aging in place or age in place, applicant, assisted living facility (ALF), chemical restraint, community living support plan, cooperative agreement, department (DOEA), emergency, extended congregate care (ECC), guardian, limited nursing services (LNS), managed risk, mental health resident, personal services, physical restraint, relative, resident, resident's representative or designee, service plan, shared responsibility, supervision, supplemental security income, supportive services, and twenty-four-hour nursing supervision. The following Additional definitions are applicable in this rule chapter are as follows:~~

(1) No change.

(2) ~~“Agency Central Office or AHCA Central Office” means the Agency for Health Care Administration (also referred to as “Agency”), Assisted Living Unit (ALU), Agency for Health Care Administration located at 227 N. Bronough Street, Room 7100, Tallahassee, FL. The mailing address for the Assisted Living Unit is 2727 Mahan Drive, Mail Stop 30, Tallahassee, FL, 32308-5403, and the ALU telephone number is (850)487-2515.~~

(3) No change.

(4) ~~“Assistance with activities of daily living” (ADLs) means individual assistance with the following:~~

(a) through (e) No change.

(f) ~~Toileting through Assisting the resident to the bathroom, helping to undress, positioning on the commode, and helping with related personal hygiene, including assistance~~

with changing an adult brief. Assistance with toileting includes assistance with the routine emptying of a catheter or ostomy bag.

(5) through (12) No change.

~~(13) “DOEA Assisted Living Program” means the Assisted Living Program, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The telephone number of the program is (850) 414-2309.~~

(14) through (28) renumbered (13) through (27) No change.

~~(28)(29) “Owner” means the person, partnership, association or corporation, which owns or leases the facility, and is licensed by the Agency AHCA whether licensed or not. The term does not include a person, partnership, association, or corporation which contracts only to manage or operate the facility. When the person, partnership, association or corporation who owns the facility’s physical plant has leased it to another, but retains significant control over the day-to-day operations of the facility, such person is an owner of the facility.~~

(30) through (36) renumbered (29) through (35) No change.

(36) “Third Party” means any person or business entity providing services to residents who is not staff of the facility.

(37) No change.

Specific Authority 400.423, 400.441 FS. Law Implemented 400.402, 400.407, 400.4075, 400.411, 400.414, 400.4178, 400.419, 400.4255, 400.423, 400.428, 400.441, 400.447, 400.452 FS. History—New 9-30-92, Formerly 10A-5.0131, Amended 10-30-95, 6-2-96, 4-20-98, 10-17-99, 1-9-02, _____.

58A-5.014 License Application, Change of Ownership, and Provisional Licenses.

(1) LICENSE APPLICATION. An applicant for a standard assisted living facility (ALF) license, or a limited mental health (LMH), extended congregate care (ECC), or limited nursing services (LNS) license may obtain a license application package from the Agency AHCA Central Office.

(a) The completed application shall be signed, under oath, by an owner (or corporate officer if the owner is a corporation), the administrator, or an individual designated in writing by an owner or corporate officer, who is at least 18 years old; The application shall and include the following:

1. The Assisted Living Facilities (ALF) License Application, AHCA Form 3110-1008, January 2006 March 1999, and the Assisted Living Facility Licensure Application Addendum, AHCA Form 3110-1016, January 2006, which are incorporated by reference and can be obtained from the Agency Central Office, with all requested information provided as specified in Section 400.411(3), F.S.

2. through 7. No change.

8. Documentation of a satisfactory ~~fire safety~~ firesafety inspection conducted by the local authority having jurisdiction over fire safety or by the State Fire Marshall.

9. No change.

10. For each person specified in Section 400.4174(1), F.S.:

~~a. A signed Florida Abuse Hotline Information System Background Check, AHCA Form 3110-0003, July 1998, which is incorporated by reference;~~

a.b. A set of fingerprints obtained from the nearest available local law enforcement agency on the fingerprint card provided by the Agency; and

b.e. A check or money order to cover the cost of screening.

11. In lieu of the requirements of subparagraph 10., the following may be substituted: proof of compliance with the Level 2 background screening requirements of Section 435.04, F.S., conducted within the last five (5) years pursuant to a facility or professional license requirement of the Agency AHCA or the Department of Health, a copy of the professional or facility license, and an affidavit of current compliance with Level 2 background screening standards, may be substituted; ~~For owners, administrators, and financial officers of continuing care retirement communities, proof of compliance with the background screening requirements of Rule 4-193.060, F.A.C., conducted within the last five (5) years, plus signed AHCA Form 3110-0003, may be substituted.~~

12. through 14. No change.

(b) If the Agency Central Office delivers a letter notifying the applicant of apparent errors or omissions in the application, then the applicant must respond with the required information no later than twenty-one (21) days from the date of the Agency’s one omission letter. If the required information is not received by the Agency within the twenty-one (21) day timeframe, the Agency shall deem the application incomplete and shall issue a notice of intent to deny the application.

~~(c)(b)~~ An applicant for a limited mental health, extended congregate care, or limited nursing services license must concurrently apply for, or hold, a standard license and comply, in addition, with the applicable requirements of Rules 58A-5.029, 58A-5.030, and 58A-5.031, F.A.C., respectively. These specialty licenses A limited mental health, extended congregate care, or limited nursing license shall only be issued to a facility holding a standard license.

~~(d)(e)~~ The application shall be submitted to the Agency AHCA Central Office and be accompanied by a license fee in the form of a check or money order payable to the State of Florida. The license fee shall be in accordance with Section 400.407, F.S.

1. through 3. No change.

~~(e)(d)~~ Upon submission of all documentation required under this subsection and fees, and notification to the Agency Field area Office that the applicant is ready for survey, the Field agency area Office shall conduct a survey of the facility in accordance with Section 400.428(3), F.S.

(2) CHANGE OF OWNERSHIP (CHOW).

(a) No change.

(b) Completed applications shall be filed with the ~~A~~agency by the transferee at least 60 days before the date of transfer of ownership as required by Section 400.412, F.S., and must include the information and fees required under subsection (1) of this rule. An application package for a change of ownership of a currently licensed facility is available from the Agency AHCA Central Office.

(c) through (d) No change.

(e) Failure to apply for a change of ownership of a licensed facility as required by Section 400.412, F.S., shall result in a fine ~~set and~~ levied by the ~~A~~agency pursuant to Section 400.419, F.S. ~~This is also applicable to individual owners who incorporate and do not report the incorporation to the agency.~~

(f) No change.

(g) If applicable, the transferor shall comply with Section 408.831(2), F.S., prior to Agency approval of the change of ownership application.

(3) through (4) No change.

Specific Authority 400.407, 400.441 FS. Law Implemented 400.402, 400.404, 400.407, 400.408, 400.411, 400.412, 400.4174, 400.427, 400.4275, 400.441, 400.444, 400.4445, 400.447 FS. History–New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.14, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.014, Amended 10-30-95, 4-20-98, 10-17-99,_____.

58A-5.015 License Renewal and Conditional Licenses.

(1) LICENSE RENEWAL. ~~Every two years, the Agency Central Office shall provide a~~Applications for license renewal shall be, ~~either electronically or by mail, ed biennially by the AHCA central office to the licensee~~s no less than 120 days prior to the expiration of the current license. Applications shall be postmarked or hand delivered to the ~~A~~agency a minimum of 90 days prior to the expiration date appearing on the currently held license. Failure to file a timely application shall result in a late fee charged to the facility as described in Section 400.417, F.S.

(a) All applicants for renewal of a license shall submit the following:

1. An Assisted Living Facilities (ALF) License Application, AHCA Form 3110-1008, ~~January 2006 March 1999~~ and the Assisted Living Facility Licensure Application Addendum, AHCA Form 3110-1016, ~~January 2006~~, completed as required under Rule 58A-5.014, F.A.C.

(b) If the Agency Central Office delivers a letter notifying the applicant of apparent errors or omissions in the application, then the applicant must respond with the required information no later than twenty-one (21) days from the date of the Agency’s one omission letter. If the required information is not

received by the Agency within the twenty-one (21) day time frame, the Agency shall deem the application incomplete and shall issue a notice of intent to deny the application.

~~(c)(b)~~ Applicants for renewal of a license shall not be required to provide proof of financial ability to operate unless the facility or any other facility owned or operated in whole or part by the same owner or business entity has demonstrated financial instability as described in Rule 58A-5.021, F.A.C.

~~(d)(e)~~ Applicants for renewal of licenses shall remit license fees as required by Section 400.407, F.S., and Rule 58A-5.014, F.A.C. With respect to the fee per bed required for a standard license, the number of OSS recipients claimed shall be the average number per month residing in the facility during the previous license period. An additional per bed charge shall be added to the bed fee for facilities whose average number of OSS residents per month was less than the number of beds designated for OSS recipients during the previous license period.

(2) through (3) No change.

Specific Authority 400.441 FS. Law Implemented 400.402, 400.404, 400.407, 400.411, 400.414, 400.417, 400.4174, 400.427, 400.4275, 400.441, 400.447 FS. History–New 10-17-99, Amended_____.

58A-5.016 License Requirements.

(1) through (2) No change.

(3) A change in the use of space that increases or decreases a facility’s capacity shall not be made without prior approval from the Agency AHCA Central Office. Approval shall be based on the compliance with the physical plant standards provided in Rule 58A-5.023, F.A.C., as well as documentation of compliance with applicable fire safety firesafety and sanitation requirements as referenced in Rule 58A-5.0161, F.A.C.

(4) A change in the use of space that involves converting an area to resident use ~~an area~~, which has not previously been inspected for such use, shall not be made without prior approval from the Agency Field AHCA area Office. Approval shall be based on the compliance with the physical plant standards provided in Rule 58A-5.023, F.A.C., as well as documentation of compliance with applicable fire safety and sanitation standards as referenced in Rule 58A-5.0161, F.A.C.

(5) No change.

(6) A copy of the annual fire safety and sanitation inspections described in Rule 58A-5.0161, F.A.C., shall be submitted annually to the Agency Central Office. The annual inspections shall be submitted no later than 30 calendar days after the inspections. Failure to comply with this requirement may result in administrative action pursuant to Section 400.414, F.S., and Rule 58A-5.033, F.A.C.

Specific Authority 400.441 FS. Law Implemented 400.407, 400.411, 400.412, 400.441, 400.444, 400.4445 FS. History–New 5-15-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.16, Amended 6-21-88, 9-30-92, Formerly 10A-5.016, Amended 10-30-95, 10-17-99,_____.

58A-5.0181 Residency Criteria and Admission Procedures.

(1) **ADMISSION CRITERIA.** An individual must meet the following minimum criteria in order to be admitted to a facility holding a standard, limited nursing or limited mental health license.

(a) through (i) No change.

(j) Not have any stage 3 or 4 pressure sores. A resident requiring care of a stage 2 pressure sore; may be admitted provided that:

1. through 2. No change.

3. If the resident's condition fails to improve within 30 days, as documented by a licensed nurse or physician, the resident shall be discharged from the facility.

(k) Not require any of the following nursing services:

1. Oral, ~~or~~ nasopharyngeal, or tracheotomy suctioning;

2. through 3. No change.

4. Intermittent positive pressure breathing therapy; or

~~5. Skilled rehabilitative services as described in Rule 59G-4.290; or~~

5.6. Treatment of surgical incisions or wounds, unless the surgical incision or wound and the condition which caused it have been stabilized and a plan of care developed.

(l) No change.

(m) Not require skilled rehabilitative services as described in Rule 59G-4.290, F.A.C.

(n)(m) Have been determined by the facility administrator to be appropriate for admission to the facility ~~by the facility administrator~~. The administrator shall base the his/her decision on:

1. through 2. No change.

3. The ability of the facility to meet the uniform fire safety standards for assisted living facilities established under Section 400.441, F.S., and Rule Chapter 694A-40, F.A.C.

(o)(n) Resident admission criteria for facilities holding an extended congregate care license are described in Rule 58A-5.030, F.A.C.

(2) **HEALTH ASSESSMENT.**

(a) The medical examination report completed wWithin 60 days prior to the individual's residents admission to a facility pursuant to Section 400.426(4), F.S. but no later than 30 days after admission, the individual shall be examined by a physician or advanced registered nurse practitioner who shall provide the administrator with a medical examination report, or a copy of the report, shall which addresses the following:

1. through 8. No change.

(b) Medical examinations completed after the admission of the resident to the facility must be completed within 30 days of the date of admission and conducted up to 30 days after the resident's admission to the facility must be recorded on the Resident Health Assessment For Assisted Living Facilities (ALF), AHCA DOEA Form 1823, January 2006 dated March

1999, which is incorporated by reference. A faxed copy of the completed form is acceptable. A copy of AHCA DOEA Form 1823 may be obtained from the Agency Central Office or its website at <http://ahca.myflorida.com> ~~DOEA Assisted Living Program~~. Previous versions of this form completed up to six (6) months after (effective date of rule 10-17-99) are acceptable.

(c) Any information required by paragraph (a) that is not contained in the medical examination report conducted prior to the individual's admission to the facility must be obtained by the administrator within 30 days after admission using AHCA Form 1823.

(d)(e) Medical examinations of residents placed by the department, by the Department of Children and Family Services, or by an agency under contract with either department must be conducted within 30 days before placement in the facility and recorded on AHCA DOEA Form 1823 as described in paragraph (b).

~~(d) Any information required by paragraph (a) that is not contained in the medical examination report conducted prior to the individual's admission to the facility must be obtained by the administrator within 30 days after admission using DOEA Form 1823.~~

(e) through (g) No change.

(3) **ADMISSION PACKAGE.**

(a) The facility shall make available to potential residents a written statement or statements which includes the following information. A facility promotional brochure ~~prepared by the facility~~ or a copy of the facility resident contract form ~~used by the facility which~~ contains all of the required information shall meet this requirement:

1. through 10. No change.

11. A statement of the facility policy concerning Do Not Resuscitate Orders pursuant to Section 400.4255, F.S., and Advance Directives pursuant to Chapter 765, F.S.

12. If the facility also has an extended congregate care program, the ECC program's residency criteria; and a description of the additional personal, supportive, and nursing services provided by the program; additional costs; and any limitations, if any, on where ECC residents must reside based on the policies and procedures described in Rule 58A-5.030, F.A.C.; and

13. If the facility advertises that it provides special care for persons with Alzheimer's disease or related disorders, a written description of those special services as required under Section 400.4177, F.S.

(b) through (c) No change.

(4) **CONTINUED RESIDENCY.** Criteria for continued residency in a facility holding a standard, limited nursing services, or limited mental health license shall be the same as the criteria for admission, except as follows:

(a) No change.

(b) A resident requiring care of a stage 2 pressure sore, may be retained provided that:

1. through 2. No change.

3. If the resident's condition fails to improve within 30 days, as documented by a licensed nurse or physician, the resident shall be discharged from the facility.

(c) through (e) No change.

(5) DISCHARGE. If the resident no longer meets the criteria for continued residency, or the facility is unable to meet the resident's needs, as determined by the facility administrator or health care provider, the resident shall be discharged in accordance with Sections ~~400.426(8) and~~ 400.428(1), F.S.

Specific Authority 400.407, 400.426, 400.441 FS. Law Implemented 400.402, 400.407, 400.4075, 400.426, 400.441 FS. History—New 9-17-84 Formerly 10A-5.181, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0181, Amended 10-30-95, 6-2-96, 10-17-99, _____.

58A-5.0182 Resident Care Standards.

An assisted living facility shall provide care and services appropriate to the needs of residents accepted for admission to the facility.

(1) SUPERVISION. Facilities shall offer personal supervision, as appropriate for each resident, including the following:

(a) through (d) No change.

(e) A written record, updated as needed, of any significant changes as defined in subsection 58A-5.0131(33), F.A.C., ~~in the resident's normal appearance or state of health~~, any illnesses which resulted in medical attention, major incidents, changes in the method of medication administration, or other changes which resulted in the provision of additional services.

(2) SOCIAL AND LEISURE ACTIVITIES. Residents shall be encouraged to participate in social, recreational, educational and other activities within the facility and the community.

(a) through (b) No change.

(c) Scheduled activities shall be available at least ~~six (6)~~ 5 days a week for a total of not less than ~~twelve (12)~~ 40 hours per week. Watching television shall not be considered an activity for the purpose of meeting the ~~twelve (12)~~ 40 hours per week of scheduled activities unless the television program is a special one-time event of special interest to residents of the facility. A facility whose residents choose to attend day programs conducted at adult day care centers, senior centers, mental health centers, or other day programs may count those attendance hours towards the required twelve (12) hours per week of scheduled activities. An activities calendar shall be posted in common areas where residents normally congregate.

(d) If residents assist in planning a special activity such as an outing, seasonal festivity, or an excursion, up to three (3) hours may be counted toward the required activity time.

(3) through (4) No change.

(5) NURSING SERVICES.

(a) Pursuant to Section 400.4255, F.S., the facility may employ or contract with a nurse to:

1. No change.

2. Manage ~~weekly~~ pill-organizers and administer medications as described under Rule 58A-5.0185, F.A.C.;

3. through 4. No change.

(b) No change.

(6) RESIDENT RIGHTS AND FACILITY PROCEDURES.

(a) A copy of the Resident Bill of Rights as described ~~prescribed~~ in Section 400.428, F.S., or summary provided by the ~~Long-Term Care Ombudsman Council~~ shall be posted in full view in a freely accessible resident area, and included in the admission package provided pursuant to Rule 58A-5.0181, F.A.C.

(b) No change.

(c) The address and telephone number for lodging complaints against a facility or facility staff shall be posted in full view in a common area accessible to all residents. The addresses and telephone numbers are: with the District Long-Term Care Ombudsman Council, 1(888)831-0404; the Advocacy Center for Persons with Disabilities, 1(800)342-0823; the Florida Local Advocacy Council, 1(800)342-0825; Human Rights Advocacy Committee and the Agency Consumer Hotline: 1(888)419-3456 area office, ~~shall be posted in full view in a common area accessible to all residents.~~

(d) through (f) No change.

(g) The facility shall provide residents with convenient access to a telephone to facilitate the resident's right to unrestricted and private communication, pursuant to Section 400.428(1)(d), F.S. communicate on a private basis. The facility shall not prohibit unidentified telephone calls to residents. For facilities with a licensed capacity of 17 or more residents in which residents do not have private telephones, there shall be, at a minimum, an accessible telephone on ~~in~~ each floor of each building where residents reside.

(h) No change.

(7) through (8) No change.

Specific Authority 400.402, 400.441 FS. Law Implemented 400.402, 400.4255, 400.4256, 400.426, 400.428, 400.441 FS. History—New 9-17-84, Formerly 10A-5.182, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0182, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, _____.

58A-5.0185 Medication Practices.

Pursuant to Sections 400.4255 and 400.4256, F.S., and this rule, facilities holding a standard, limited mental health, extended congregate care, or limited nursing services license may assist with the self-administration or administration of

medications to residents in a facility. A resident may not be compelled to take medications but may be counseled in accordance with this rule.

(1) SELF ADMINISTERED MEDICATIONS.

(a) No change.

(b) If facility staff note deviations which could reasonably be attributed to the improper self-administration of medication, staff shall consult with the resident concerning any problems the resident may be experiencing with the medications; ~~the need to notify the resident's health care provider, or to permit the facility to aid the resident through the use of a pill organizer, provide assistance with self-administration of medications, or administer medications if such services are offered by the facility. The facility shall contact the resident's health care provider when observable health care changes occur that may be attributed to the resident's medications. The facility shall document such contacts in the resident's record.~~

(2) WEEKLY PILL ORGANIZERS.

(a) ~~A nurse may manage a weekly pill organizer for residents who self-administer. A "weekly pill organizer" means a container which is designed to hold solid doses of medication and is divided according to day and time increments not to exceed 7 days.~~

~~1. The nurse shall manage the pill organizer in the following manner:~~

~~a. Obtain the labeled medication container from the storage area or the resident;~~

~~b. Transfer the medication from the original container into a pill organizer, labeled with the resident's name, according to the day and time increments as prescribed; and~~

~~c. Return the medication container to the storage area or resident.~~

~~2. The nurse is responsible for instructing the resident with respect to the proper use of the pill organizer.~~

~~(b) A resident who self-administers medications may use a pill organizer.~~

~~(c) A nurse may manage a pill organizer to be used only by residents who self-administer medications. The nurse is responsible for instructing the resident in the proper use of the pill organizer. The nurse shall manage the pill organizer in the following manner:~~

~~1. Obtain the labeled medication container from the storage area or the resident;~~

~~2. Transfer the medication from the original container into a pill organizer, labeled with the resident's name, according to the day and time increments as prescribed;~~

~~3. Return the medication container to the storage area or resident; and~~

~~4. Document the date and time the pill organizer was filled in the resident's record.~~

~~(d)(b)~~ If there is a determination that the resident is not taking medications as prescribed after the medicinal benefits are explained, it shall be noted in the resident's record and the facility shall consult with the resident concerning providing assistance with self-administration; or the administration of medications if such services are offered by the facility. The facility shall contact the resident's health care provider regarding questions, concerns, or observations relating to the resident's medications. Such communication shall be documented in the resident's record.

(3) ASSISTANCE WITH SELF-ADMINISTRATION.

(a) No change.

(b) Assistance with self-administration of medication includes verbally prompting a resident to take medications as prescribed, retrieving and opening a properly labeled medication container, and providing assistance as specified in Section 400.4256(3), F.S. In order to facilitate assistance with self-administration, staff may prepare and make available such items as water, juice, cups, and spoons, etc., ~~as needed by residents.~~ Staff may also return unused doses to the medication container. Medication, which appears to have been contaminated, shall not be returned to the container.

(c) No change.

(d) When a resident who receives assistance with medication is away from the facility and from facility staff, the following options are available to enable the resident to take medication as prescribed:

1. through 2. No change.

3. The medication may be transferred to a weekly pill organizer pursuant to the requirements of subsection (2), and given to the resident, ~~or~~ a friend, or family member upon leaving the facility, with this fact noted in the resident's medication record; or

4. No change.

(e) Pursuant to Section 400.4256(4)(h), F.S., the term "competent resident" means that the resident is cognizant of when a medication is required and understands the purpose for taking the medication.

(f) Pursuant to Section 400.4256(4)(i), F.S., the terms "judgment" and "discretion" mean interpreting vital signs and evaluating or assessing a resident's condition.

(4) MEDICATION ADMINISTRATION.

(a) No change.

(b) Unusual reactions or a significant change in the resident's health or behavior shall be documented in the resident's record and reported immediately to the resident's health care provider. The contact with the health care provider shall also be documented in the resident's record.

(c) No change.

(d) A facility which performs clinical laboratory tests for residents, including blood glucose testing, must be in compliance with the federal Clinical Laboratory Improvement

Amendments of 1988 (CLIA) and Part I of Chapter 483, F.S. A valid copy of the State Clinical Laboratory License and the CLIA Certificate ~~A copy of the state license or a Certificate of Exemption~~ must be maintained in the facility. A state license or CLIA certificate ~~of exemption~~ is not required if the residents performs the test themselves ~~himself/herself~~ or if a third party assist residents in performing the test ~~the test is performed by a third party~~. The facility is not required to maintain a State Clinical Laboratory License or a CLIA Certificate if facility staff assist residents in performing clinical laboratory testing with the residents' own equipment. Information about the State Clinical Laboratory License and CLIA Certificate ~~laboratory licensing~~ is available from the Clinical Laboratory Licensure Unit, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 32, Tallahassee, FL 32308; telephone (850)487-3109.

(5) MEDICATION RECORDS.

(a) For residents who use a ~~weekly~~ pill organizer managed under subsection (2), the facility shall keep either the original labeled medication container; or a medication listing with the prescription number, the name and address of the issuing pharmacy, the health care provider's name, the resident's name, the date dispensed, the name and strength of the drug, and the directions for use.

(b) ~~For residents who receive assistance with self-administration or medication administration,~~ The facility shall maintain a daily up-to-date, medication observation record (MOR) for each resident who receives assistance with self-administration of medications or medication administration. A MOR must include the name of the resident and any known allergies the resident may have; the name of the resident's health care provider, the health care provider's telephone number; the name, strength, and directions for use of each medication prescribed, its strength, and directions for use; and a chart for recording each time the medication is taken, any missed dosages, refusals to take medication as prescribed, or medication errors. The MOR must be immediately updated each time the medication is offered or administered.

(c) No change.

(6) MEDICATION STORAGE AND DISPOSAL.

(a) In order to accommodate the needs and preferences of residents and to encourage residents to remain as independent as possible, ~~a residents~~ may keep their ~~his/her~~ medications, both prescription and over-the-counter, in their possession ~~on his/her person~~ both on or off the facility premises; or in their ~~his/her~~ rooms or apartments, which must be kept locked when the residents are ~~is~~ absent, unless the medication is in a secure place within the rooms or apartments; or in some other secure place which is out of sight of other residents. However, both prescription and over-the-counter medications ~~for a residents~~ shall be centrally stored if:

1. No change.

2. The resident requests central storage. The facility shall maintain a list of all medications being stored pursuant to such a request;

3. through 6. No change.

(b) through (f) No change.

(7) MEDICATION LABELING AND ORDERS.

(a) No prescription drug shall be kept or administered by the facility, including assistance with self-administration of medication, unless it is properly labeled and dispensed in accordance with Chapters 465 and 499, F.S., and Rule 64B16-28.108, F.A.C. If a customized patient medication package is prepared for a resident, and separated into individual medicinal drug containers, then the following information must be recorded on each individual container:

1. The resident's name; and

2. Identification of each medicinal drug product in the container.

(b) Except with respect to the use of ~~weekly~~ pill organizers as described in subsection (2), no person other than a pharmacist may transfer medications from one storage container to another.

(c) through (e) No change.

(f) The facility shall make every reasonable effort to ensure that prescriptions for residents who receive assistance with self-administration of medication or medication administration are filled or refilled in a timely manner.

(g) Pursuant to Section 465.0276(5), F.S., and Rule 64F-12.006, F.A.C., sample or complimentary prescription drugs that are dispensed by a health care provider, must be kept in their original manufacturer's packaging, which shall also include the practitioner's name, the resident's name for whom they were dispensed, and the date they were dispensed. If the sample or complimentary prescription drugs are not dispensed in the manufacturer's labeled package, they shall be kept in a container that bears a label containing the following:

1. Practitioner's name;

2. Resident's name;

3. Date dispensed;

4. Name and strength of the drug;

5. Directions for use; and

6. Expiration date.

(h) Pursuant to Section 465.0276(2)(c), F.S., before dispensing any sample or complimentary prescription drug, the resident's health care provider shall provide the resident with a written prescription, or a fax copy of such order.

(8) No change.

Specific Authority 400.4256, 400.441 FS. Law Implemented 400.4255, 400.4256, 400.441 FS. History—New 10-17-99, Amended

58A-5.019 Staffing Standards.

(1) ADMINISTRATORS. Every facility shall be under the supervision of an administrator who is responsible for the operation and maintenance of the facility including the management of all staff and the provision of adequate care to all residents as required by Part III of Chapter 400, F.S., and this rule chapter.

(a) through (b) No change.

(c) Pursuant to Section 400.4176, F.S., facility owners shall notify both the Agency AHCA Field area Office and Agency AHCA Central Office within ten (10) days of a change in a facility administrator on the Notification of Change of Administrator, using AHCA Form 3180-1006, January 2006 March 1999, which is incorporated by reference and may be obtained from the Agency Central Office. The Agency AHCA Central Office shall conduct a background screening check on the new administrator in accordance with Section 400.4174, F.S., and Rule 58A-5.014, F.A.C.

(2) No change.

(3) BACKGROUND SCREENING.

(a) All staff, who are hired on or after October 1, 1998, to provide personal services to residents, must be screened in accordance with Section 400.4174, F.S., and meet the screening standards of Section 435.03, F.S. A packet containing background screening forms and instructions may be obtained from the Agency AHCA Background Screening Unit, 2727 Mahan Drive, Tallahassee, FL 32308; telephone (850)410-3400. Within ten (10) days of an individual's employment ~~the employee's starting work~~, the facility shall submit the following to the Agency Background Screening Unit AHCA central office:

1. A completed Level 1 Criminal History Request Check, AHCA Form 3110-0002, July 2005 June 1998, which is incorporated by reference and may be obtained in the screening packet referenced in paragraph (3)(a) of this rule; and
2. ~~A signed Florida Abuse Hotline Information System Background Check, AHCA Form 3110-0003, July 1998; and~~
- 2.3. A check to cover the cost of screening.

(b) No change.

(c) Staff with the following documentation in their personnel records shall be considered to have met the required screening requirement:

1. A copy of their current professional license ~~which required Level 1 background screening as a condition of licensing~~, proof that a criminal history screening has and abuse registry check have been conducted, and an affidavit of current compliance with Section 435.03, F.S.;
2. Proof of continuous employment in an occupation which requires Level 1 screening without a break in employment that exceeds 180 days, and proof that a criminal history screening and abuse registry check has been conducted within the previous two (2) years; or
3. No change.

(4) STAFFING STANDARDS

(a) through (c) No change.

(d) The facility shall be required to provide staff immediately when the Agency determines that the requirements of paragraph (a) are not met. The facility shall also be required to immediately increase staff above the minimum levels established in paragraph (a) if the Agency determines that adequate supervision and care are not being provided to residents, resident care standards described in Rule 58A-5.0182, F.A.C., are not being met, or that the facility is failing to meet the terms of residents' contracts. The Agency shall consult with the facility administrator and residents regarding any determination that additional staff is required.

1. through 2. No change.

3. Based on recommendations of the local fire safety authority ~~with jurisdiction over fire safety~~, the Agency may require additional staff when the facility fails to meet the fire safety firesafety standards described in; Section 400.441, F.S., and Rule Chapter 694A-40, F.A.C., until such time as the local fire safety firesafety authority informs the Agency that fire safety firesafety requirements are being met.

(e) through (f) No change.

Specific Authority 400.441, 400.452, 400.4275 FS. Law Implemented 400.402, 400.404, 400.4174, 400.4176, 400.419, 400.424, 400.4255, 400.426, 400.4275, 400.441, 400.452 FS. History--New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.19, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.019, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, _____.

58A-5.0191 Staff Training Requirements and Competency Test.

(1) through (8) No change.

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

(a) through (e) No change.

(f) Facility staff who have only incidental contact with residents with ADRD must receive general written information provided by the facility on interacting with such residents, as required under Section 400.4178, F.S., within three (3) months of employment. ~~Facility staff who are already employed prior to April 20, 1998 shall have 6 months from that date to receive this information.~~ "Incidental contact" means all staff who neither provide direct care nor are in regular contact with such residents.

(g) through (h) No change.

Specific Authority 400.407, 400.4178, 400.441, 400.452 FS. Law Implemented 400.407, 400.4075, 400.4178, 400.441, 400.452 FS. History--New 9-30-02, Formerly 10A-5.0191, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99, 7-5-05, _____.

58A-5.023 Physical Plant Standards.

(1) through (3) No change.

(4) BEDROOMS. Residents shall be given the option of choosing their own roommate or roommates if possible.

(a) through (f) No change.

(g) The facility shall maintain master or duplicate keys to resident bedrooms to be used in the event of an emergency.

(5) BATHROOMS.

(a) No change.

(b) Each bathroom shall have a door in working order to ~~ensure assure~~ privacy. The entry door to bathrooms with a single toilet shall have a lock ~~that the resident can operate which is operable~~ from the inside ~~by the resident~~ with no key needed. A non-locking door shall be permitted if the resident's safety would otherwise be jeopardized. The facility shall maintain master or duplicate keys to resident bathrooms to be used in the event of an emergency.

(c) through (e) No change.

(6) through (8) No change.

Specific Authority 400.441 FS. Law Implemented 400.427, 400.441, 404.056 FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.23, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.023, Amended 10-30-95, 6-2-96, 10-17-99, _____.

58A-5.024 Records.

The facility shall maintain the following written records in a form, place and system ordinarily employed in good business practice and accessible to Department of Elder Affairs ~~department~~ and Agency staff.

(1) FACILITY RECORDS. Facility records include:

(a) through (l) No change.

(m) All ~~fire safety~~ fire safety inspection reports issued by the local authority or the State Fire Marshall pursuant to Section 400.441, F.S., and Rule Chapter 694A-40, F.A.C., issued within the last two (2) years.

(n) through (p) No change.

(2) No change.

(3) RESIDENT RECORDS. Resident records shall be maintained on the premises and include:

(a) through (g) No change.

(h) For facilities which manage a ~~weekly~~ pill organizer, assist with self-administration of medications or administer medications for a resident, the required medication records maintained pursuant to Rule 58A-5.0185, F.A.C.

(i) through (q) No change.

(4) No change.

Specific Authority 400.441, 400.4275 FS. Law Implemented 400.407, 400.4075, 400.424, 400.427, 400.4275, 400.428, 400.435, 400.441 FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.24, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.024, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, _____.

58A-5.0241 Adverse Incident Report.

(1) INITIAL ADVERSE INCIDENT REPORT. The preliminary adverse incident report required by Section 400.423(3), F.S., must be submitted within one (1) business day after the incident on AHCA Form 3180-1024, Assisted Living Facility Initial Adverse Incident Report through 1 Day, January 2006, and incorporated by reference. The form shall be submitted via electronic mail to fdau_email@ahca.myflorida.com; on-line at www.fdhc.state.fl.us/reporting/index.shtml; by facsimile to (850)922-2217; or by U.S. Mail to AHCA, Facility Data Analysis Unit, 2727 Mahan Drive, Mail Stop 47, Tallahassee, Florida, 32308, telephone (850)922-6089. AHCA Form 3180-1024 is available from the Facility Data Analysis Unit at the address stated above. The Initial Adverse Incident Report is in addition to, and does not replace, other reporting requirements specified in Florida Statutes. Each facility licensed under Part III of Chapter 400, F.S., shall submit a preliminary report of each adverse incident by completing an Assisted Living Facility Initial Adverse Incident Report through 1 Day, DOEA Form 3180-1024, revised ~~dated~~ October 2001, which is ~~incorporated by reference, available through the Agency for Health Care Administration at the address listed below, and mailing the form to the Agency for Health Care Administration, Facility Data Analysis Unit, 2727 Mahan Dr., MS 47, Tallahassee, Florida 32308, telephone (850)414-6936. Each facility must comply with report timeframe and transmission requirements specified in Section 400.423(3), F.S.~~ The Initial Adverse Incident Report is in addition to and does not replace other reporting requirements specified in Florida Statutes. If an adverse incident has not occurred within the facility, no report is required.

(2) FULL ADVERSE INCIDENT REPORT. For each adverse incident reported under subsection (1) above, the facility shall submit a full report within fifteen (15) days of the incident. The full report shall be submitted on AHCA Form 3180-1025, Assisted Living Facility Full Adverse Incident Report – 15 Day, dated January 2006, and incorporated by reference. The methods for obtaining and submitting the form are set forth in subsection (1) of this rule. Each facility that has submitted a preliminary report by completing DOEA Form 3180-1024 shall submit a full report of each adverse incident by completing an Assisted Living Facility Complete Adverse Incident Report through 15 Day, DOEA Form 3180-1025, dated October 2001, which is incorporated by reference, available through the Agency for Health Care Administration as indicated in subsection (1) above, and mailing the form to the Agency for Health Care Administration, Facility Data Analysis Unit, at the address and telephone number indicated in subsection (1) above. Each facility must comply with report time frame and transmission requirements specified in Section 400.423(4), F.S.

Specific Authority 400.423 FS. Law Implemented 400.423 FS. History–New 1-9-02, Amended.

58A-5.025 Resident Contracts.

(1) Pursuant to Section 400.424, F.S., each resident or the resident’s legal representative, shall, prior to or at the time of admission, execute a contract with the facility which contains the following provisions:

- (a) No change.
- (b) The ~~base~~ daily, weekly, or monthly rate.
- (c) through (j) No change.
- (2) through (3) No change.

Specific Authority 400.424, 400.427, 400.441 FS. Law Implemented 440.424, 400.427, 400.441 FS. History–New 10-17-99, Amended.

58A-5.026 Emergency Management.

(1) through (4) No change.

(5) EMERGENCY SHELTER. In the event a state of emergency has been declared and the facility is not required to evacuate the premises, the facility may provide emergency shelter above the facility’s licensed capacity provided the following conditions are met:

(a) through (b) No change.

(c) The facility reports the over capacity and conditions causing it to the Agency Field area Office within forty-eight (48) hours or as soon as practical. As an alternative, the facility may report to the Agency Central Office AHCA Assisted Living Unit in Tallahassee at (850)487-2515. If the facility will continue to be over capacity after the declared emergency ends, the Agency shall review requests for excess capacity ~~and may approve the excess capacity~~ on a case-by-case basis.

(d) No change.

Specific Authority 400.441 FS. Law Implemented 400.441 FS. History–New 10-17-99, Amended.

58A-5.029 Limited Mental Health.

(1) LICENSE APPLICATION.

(a) Any facility intending to admit three or more mental health residents must ~~complete a Limited Mental Health License Application, AHCA Form 3180-1023, September 1998, which is incorporated by reference, available from AHCA, and~~ obtain a limited mental health license from the Agency in accordance with Rule 58A-5.014, F.A.C., and Section 400.4075, F.S. prior to accepting the third mental health resident. ~~The application shall be signed by the applicant, notarized, and include a statement certifying that specified staff have completed or will complete the limited mental health training course described under Rule 58A-5.0191, F.A.C.~~

(b) No change.

(2) RECORDS.

(a) through (b) No change.

(c) Resident records for mental health residents in a facility with a limited mental health license must include the following:

- 1. through 2. No change.
- 3. A Community Living Support Plan.

a. Each mental health resident and the resident’s mental health case manager shall, in consultation with the facility administrator, prepare a plan within 30 days of the resident’s admission to the facility or within 30 days after receiving the appropriate placement assessment under paragraph (c), whichever is later, which:

(i) through (iv) No change.

(v) Includes a description of other services to be provided or arranged by the facility;

(vi)(+) Includes a list of factors pertinent to the care, safety, and welfare of the mental health resident and a description of the signs and symptoms particular to the resident that indicate the immediate need for professional mental health services;

(vii)(+) Is in writing and signed by the mental health resident, the resident’s mental health case manager, and the ALF administrator or ~~manager designee~~ and a copy placed in the resident’s file. If the resident refuses to sign the plan, the resident’s mental health case manager shall add a statement that the resident was asked but refused to sign the plan;

(viii)(vii) Is updated at least annually;

(ix)(viii) May include the Cooperative Agreement described in subparagraph 4. If included, the mental health care provider must also sign the plan; and

(x)(ix) Must be available for inspection to those who have a lawful basis for reviewing the document.

b. No change.

4. No change.

(3) No change.

Specific Authority 400.441 FS. Law Implemented 394.4574, 400.402, 400.4075, 400.426, 400.441, 409.912 FS. History–New 8-15-90, Amended 9-30-92, Formerly 10A-5.029, Repromulgated 10-30-95, Amended 6-2-96, 11-2-98, Amended.

58A-5.030 Extended Congregate Care Services.

(1) through (2) No change.

(3) PHYSICAL SITE REQUIREMENTS: Each extended congregate care facility shall provide a homelike physical environment which promotes resident privacy and independence including:

(a) No change.

(b) A bathroom, with a toilet, sink, and bathtub or shower, which is shared by a maximum of four (4) other residents for a maximum ratio of four (4) residents to one (1) bathroom. ~~A centrally located hydro-massage bathtub may substitute for the bathtub or shower in two of the bathrooms. The entry door to the bathroom shall have a lock which is operable from the~~

~~inside by the resident with no key needed. The resident's service plan may allow for a non-locking bathroom door if the resident's safety would otherwise be jeopardized.~~

1. A centrally located hydro-massage bathtub may substitute for the bathtub or shower and be considered equivalent to two bathrooms, increasing the resident to bathroom ratio from four (4) to one (1) to eight (8) to one (1). The substitution of a centrally located hydro-massage bathtub for a bathtub or shower that increases the resident to bathroom ratio above four (4) to one (1) may occur only once in a facility. The one time substitution of a centrally located hydro-massage bathtub does not preclude the installation of multiple hydro-massage bathtubs in the facility. The limitation applies only to the one-time reduction in the total number of bathrooms in the facility.

2. The entry door to the bathroom shall have a lock that the resident can operate from the inside with no key needed. The resident's service plan may allow for a non-locking bathroom door if the resident's safety would otherwise be jeopardized.

(4) through (10) No change.

Specific Authority 400.407, 400.441 FS. Law Implemented 400.402, 400.407, 400.426, 400.428, 400.441 FS. History—New 9-30-92, Formerly 10A-5.030, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99,_____.

58A-5.031 Limited Nursing Services.

Any facility intending to provide limited nursing services as described in subsection (1) must meet the license requirements specified in Section 400.407, F.S., and obtain a license from the Agency in accordance with Rule 58A-5.014, F.A.C.

(1) NURSING SERVICES. A facility with a limited nursing license may provide the following nursing services in addition to any nursing service permitted under a standard license pursuant to Section 400.4255, F.S.

(a) through (m) No change.

(n) Assisting, applying, caring for and monitoring the application of anti-embolism stockings or hosiery as prescribed by the health care provider and in accordance with the manufacturers' guidelines.

(o) Administration and regulation of portable oxygen.

(p) Applying, caring for and monitoring a transcutaneous electric nerve stimulator (TENS).

(q) Catheter, colostomy, ileostomy care and maintenance.

(2) through (3) No change.

Specific Authority 400.402, 400.441 FS. Law Implemented 400.402, 400.407, 400.4255, 400.426, 400.441 FS. History—New 9-30-92, Formerly 10A-5.031, Amended 10-30-95, 10-17-99,_____.

58A-5.033 Administrative Enforcement.

Facility staff shall cooperate with Agency personnel during surveys, complaint investigations, monitoring visits, implementation of correction plans, license application and

renewal procedures and other activities necessary to ensure compliance with Part III of Chapter 400, F.S., and this rule chapter.

(1) through (2) No change.

(3) SURVEY DEFICIENCY.

(a) Prior to or in conjunction with a notice of violation issued pursuant to Section 400.419 and Chapter 120, F.S., the Agency shall issue a statement of deficiency for Class I, II, III, and IV ~~and unclassified~~ violations which are observed by Agency personnel during any inspection of the facility. The deficiency statement shall be issued within ten (10) working days of the Agency's inspection and shall include:

1. through 5. No change.

(b) through (c) No change.

(4) No change.

(5) ADMINISTRATIVE SANCTIONS. Administrative fines shall be imposed for class I and class II violations, or class ~~H~~, III; or IV violations which are not corrected within the time frame set by the Agency, and for repeat class ~~H~~ or III violations, as set forth in Section 400.419, F.S.

(a) The Agency shall notify facilities of the imposition of sanctions, their right to appeal the sanctions, the remedies available, and the time limit for requesting such remedies as provided under Chapter 120, F.S., and Part II of Chapter 59-1, F.A.C. The agency shall impose a fine for unclassified violations which do not meet the criteria for either a Class I, II, III, or IV violation as provided under Section 400.419, F.S., but which are not trivial or are uncorrected. Unclassified violations include, but are not limited to, the following violations:

~~1. Exceeding licensed capacity except under emergency circumstances as permitted under Rule 58A-5.026, F.A.C.;~~

~~2. Providing services beyond the scope of the license;~~

~~3. Violation of a moratorium imposed pursuant to this rule;~~

~~or~~

~~4. A prohibited solicitation by an agent, employee, owner, or representative of the facility as provided in Section 400.42, F.S.;~~

(b) No change.

~~(c) Facilities shall be notified by the agency of the imposition of sanctions, their right to appeal the imposition of sanctions, the remedies available, and the time limit for requesting such remedies as provided under Chapter 120, F.S., and Part II of Chapter 59-1, F.A.C.~~

(6) MORATORIUMS.

(a) No change.

(b) The appropriate Agency Field Office shall notify the facility via telephone and written notification on the same day that a moratorium is being placed on admissions into the facility. The facility shall be notified of the placing of a moratorium by a telephone call from the appropriate agency area office. The effective date of the moratorium shall be the

date ~~the facility receives a verbal and~~ written notification ~~is received by the facility~~ from the Field area Office. The notice shall and which contains the following information:

- 1. through 3. No change.
- 4. Directions to contact the appropriate Field area Office when the conditions have been corrected so that an appraisal survey can be conducted; and
- 5. No change.
- (c) through (e) No change.
- (7) No change.

Specific Authority 400.415, 400.423, 400.441, 400.442 FS. Law Implemented 400.407, 400.408, 400.411, 400.412, 400.414, 400.415, 400.417, 400.419, 400.42, 400.423, 400.427, 400.428, 400.431, 400.434, 400.441, 400.442 FS. History—New 9-30-92, Formerly 10A-5.033, Amended 10-30-95, 10-17-99, 1-9-02,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.200 Nursing Facility Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference an erratum to the July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook. The erratum allows physicians to delegate all nursing facility patient visits to a physician assistant, nurse practitioner, or clinical nurse specialist. Prior policy required the physician to personally make every other visit. This change was made to bring Medicaid policy in compliance with Medicare policy. The effect will be to incorporate by reference in the rule the erratum to July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the erratum to the July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 400 Part II, 409.902, 409.905, 409.908 FS.

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

DATE AND TIME: Tuesday, May 30, 2006, 2:00 p.m.

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: Alisha Bradley-Nelson, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-3028

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003, updated July 2004, erratum to the July 2004 update, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

Specific Authority 409.919 FS. Law Implemented Chapter 400 Part II, 409.902, 409.905, 409.908 FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, 10-15-00, 10-4-01, 2-10-04, 9-28-04, 8-31-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alisha Bradley-Nelson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2006

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: RULE TITLE:

60S-1.005 Special Risk Class; Legislative Intent and Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule is to define the term “primary duties and responsibilities” as used to determine eligibility to participate in the Special Risk Class. Under the provisions of Sections 121.031 and 121.0515, Florida Statutes, employees who meet the requirements are allowed to participation in the Special Risk Class.

SUMMARY: The rule addresses eligibility to participate in the Retirement System’s Special Risk Class. The proposed rule amendment addresses the meaning of the term “primary duties and responsibilities,” as used to describe the job requirements and functions necessary for participation in the Special Risk Class.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Costs has been prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 121.031, 121.0515 FS.

LAW IMPLEMENTED: 121.021(15), 121.0515 FS.

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

DATE AND TIME: Monday, June 5, 2006, 10:00 a.m. – 12:00 Noon

PLACE: The Department of Management Services, Room 101 (Lobby), 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, Administrator, Division of Retirement, Department of Management Services, P. O. Box 9000, Tallahassee, Florida 32315-9000, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-1.005 Special Risk Class; Legislative Intent and Procedures.

(1) Legislative Intent. – In creating the special risk class of membership within the Florida Retirement System, it is the intent and purpose of the Legislature to recognize that persons employed in certain categories of law enforcement, firefighting, criminal detention, and emergency medical care positions are required as one of the essential functions of their positions to perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties may find that they are not able, without risk to the health and safety of themselves, the public, or their co-workers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other positions, and that, if such persons find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom. Therefore, as a means of recognizing the peculiar and special problems of this class of employees, it is the intent and purpose of the Legislature to establish a class of retirement membership that awards more retirement credit per year of service than that awarded to other employees; nothing contained herein shall require ineligibility for special risk membership upon reaching age 55.

(2) Eligibility. Any member who is employed as a law enforcement officer, a firefighter, a correctional officer, or an emergency medical technician or paramedic who meets the

criteria as set forth in Rule 60S-1.0051, 60S-1.0052, 60S-1.0053, or 60S-1.00535, F.A.C., shall be eligible for approval for special risk membership as provided in this section. Whenever the term “primary duties and responsibilities” is used in Rule 60S-1.0051, 60S-1.0052, 60S-1.0053, or 60S-1.00535, F.A.C., it means those duties of a position that:

(a) Are essential and prevalent for the position and are the basic reasons for the existence of the position;

(b) Occupy a substantial portion of the member’s working time; and

(c) Are assigned on a regular and recurring basis. Duties and responsibilities that are of an emergency, incidental, or temporary nature are not “primary duties and responsibilities.”

Specific Authority 121.031, 121.0515 FS. Law Implemented 121.021(15), 121.0515, 121.23 FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 8-9-76, 1-16-77, 10-2-78, 1-19-82, 9-9-82, 11-6-84, 4-17-85, Formerly 22B-1.05, Amended 2-7-89, 11-14-91, Formerly 22B-1.005, Amended 1-25-94, 9-17-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Garry Green, Administrator, Division of Retirement, Department of Management Services, P. O. Box 9000, Tallahassee, Florida 32315-9000, at (850)488-5706

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarabeth Snuggs, Director Division of Retirement, Department of Management Services, P. O. Box 9000, Tallahassee, Florida 32315-9000, at (850)488-5706

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

Pursuant to the American Disabilities Act, persons needing special accommodations to participate in the rule hearing should advise the Department of Management Services at least two (2) calendar days before the workshop, by contacting Garry Green, at (850)414-6349.

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NO.: 60DD-1.003
 RULE TITLE: Rural County Grant and Medium County Loans

PURPOSE AND EFFECT: The purpose of the rule is to implement statutory changes and clarify existing board practices. The effect of the rule will be to create current rule language and clarify existing board practices.

SUMMARY: The rule creates current rule language and clarifies existing board practices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 365.172(6)(a)12., 365.173(2)(c), 365.172(6)(a)3. FS.

LAW IMPLEMENTED: 365.173(2)(c), 365.172(6)(a)3. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chair, State of Florida Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60DD-1.003 Rural County Grant and Medium County Loans.

The Wireless 911 Rural County Grant and medium County Loan program provides grants to rural counties and no-interest loans to medium counties for the purpose of assisting counties with the Phase II upgrades of Enhanced 911 systems. The Wireless 911 Board can institute this grant and loan program with service provider disbursement funds that have not been requested by submitted sworn invoices as provided in Section 365.172(6)(a)(3), F.S. Funds will be returned to the Services Provider portion of the Wireless 911 Fund through a delay in changing the percentage distribution formula

(1) Eligibility. Any county with a population of fewer than 75,000 as defined by Section 365.172(3)(y), F.S. is eligible to apply for a grant. Medium counties with a population of 75,000 or more but less than 750,000 as defined by Section 365.172(3)(q), F.S. are eligible to apply for a no-interest loan. Population levels are determined per the most recently published Florida Association of Counties' Directory. The county must be currently assessing the full \$0.50/month wireline fee provided in Section 365.171(13)(a)1., F.S.

(2) General conditions.

(a) Each county applying for Rural County Grant and Medium County Loan funds shall complete and submit W Form 2A, "Application for the Wireless 911 Rural County Grant and Medium County Loans Program." Effective 6/30/2005, which is incorporated herein by reference and which may be obtained from the Wireless 911 Board office at the following address:

ATTN: Administrative Assistant
4050 Esplanade Way
Building 4030 – Suite 335V
Tallahassee, Florida 32399-0950.

The applicant must provide the original grant application postmarked or delivered to the Boards Office on or before September 1, 2005

(b) Application for grants or loans for each item over \$25,000 must be accompanied by at least three written competitive quotes. The Wireless 911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Sole source funding will be considered on a case-by-case basis. Justification and documentation for sole-source funding must be provided with this application.

(c) Priorities for awarding of grants and loans will be determined by the Board. The grant and loan priority list is provided in Appendix I of the grant and loan application.

(d) No grant or loan money will be awarded to be used for the purpose of funding salary requests or paying call-takers' salaries.

(e) Replacement of items necessary to maintain E911 (including Phase II) will be funded as part of this grant and loan program. These items are available to rural counties through the Rural County Grant program.

(f) Two or more rural counties may apply for a joint grant, but each county must complete and submit W Form 2A as request and indicated.

(g) Grant and loan funds shall be deposited in a bank account maintained by the grantee county, and each grant and loan shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All Wireless 911 Rural County Grant and Medium County Loan funds in the account shall be accounted for separately from other grantee funds. Grant and loan funds, including accrued interest, may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the Wireless 911 Board.

(h) Counties must submit quarterly reports to the Wireless 911 Board, summarizing the expenditures and activities of the grant and loan funds. The reports are due 30 days after the end of the reporting period, which ends March 31, June 30, September 30, and December 31. In lieu of submitting a signed quarterly Grant Budget/Expenditure Report form, the updated form can be e-mailed to the Board's administrative/technical staff. A final report must be submitted to the Wireless 911 Board no more than 45 days after completion of the grant or loan, detailing the activities, expenditures of the funds, and the ways in which the needs identified in the grant and loan application were met. The final report must be accompanied by supporting documentation.

(i) Grant and loan funds are no transferable to any other entity. If equipment purchased using grant and loan funds is sold or transferred within three (3) years of the end of the grant and loan period, the grantee county must return the grant and loan funds to the Wireless 911 Board on a pro-rata basis.

(j) The Wireless 911 Board will adjust the funds awarded to a county based upon eligibility of requested items, institutional knowledge of Board member, published quotes, increased effectiveness of grant and loan funds, minimum allowable specifications for performing the needed 911 function, or other documented factors.

(3) The medium county loans are no interest loans that shall be automatically paid back from the County's monthly distribution of proceeds from the Wireless Fee as specified in Section 365.173(2)(a), F.S., unless repayment by another method is approved by the Board. Medium counties applying for the loan shall provide demonstrable hardship information and include their proposed repayment timeframe as part of the grant and loan application.

(4) The Rural County Grant and Medium County Loan program will operate on the following schedule:

Counties submit applications: by September 1

Wireless 911 Board evaluates applications: September – October

Board votes on application at regularly scheduled meetings: October – November

Board sends notification of award: before November 30.

Specific Authority 365.172(6)(a)12., 365.173(2)(c), 365.172(6)(a)3. FS. Law Implemented 365.173(2)(c), 365.172(6)(a)3. FS. History–New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wireless 911 Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Wireless 911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2005

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE NO.: 61B-23.0021
RULE TITLE: Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death; Election Monitors

PURPOSE AND EFFECT: Rule 61B-23.0021, FA.C., in conjunction with Section 718.112(2)(d)3., F.S., provides procedures for the conduct of condominium association elections. These procedures include, but are not limited to, providing notice of the date of the election by mail or delivery not less than 60 days before a scheduled election; providing candidate information sheets to eligible voters; and providing that written ballots shall contain the name of each eligible candidate. This rule amendment proposes that the association's

failure to follow any of these three mandated procedures shall render any election so held null and void. These election errors are fundamental in nature, and the failure to provide adequate notice of an election, the failure to include candidate information sheets, and the failure of an association to place all the names of all eligible names on the ballot implicate the statutory right to vote as well as the right to run for office. Providing this rule will offer guidance to associations who commit these and other errors and will permit an association to cancel an election where fundamental pre-election error has occurred, thereby saving the time and expense of going forward with a void election.

Note that these rule amendments will re-adopt rule provisions previously included in Rule 61B-23.0021, F.A.C., but deleted in order to reduce the overall quantity of rules existing in this area.

SUMMARY: This rule amendment proposal addresses instances in which a condominium association election may be held null and void.

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

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

SPECIFIC AUTHORITY: 718.112(2)(d)3., 718.501(1)(f), 718.5012(9) FS.

LAW IMPLEMENTED: 718.112, 718.301, 718.5012(9) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW. IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.

DATE AND TIME: May 30, 2005, 9:00 a.m.

PLACE: Conference Room Suite 16, The Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

WITHIN 21 DAYS OF THIS NOTICE WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (3) No change.

(4) The first notice of the date of the election, which is required to be mailed or delivered not less than 60 days before a scheduled election, must contain the name and correct mailing address of the association. The failure to mail or deliver to the eligible voters at the addresses indicated in the official records the first notice of the date of the election not less than 60 days before a scheduled election shall render any election so held null and void.

(5) through (6) No change.

(7) Upon the timely request of a candidate as set forth in this paragraph, the association shall include, with the second notice of election described in subsection (8) below, a copy of an information sheet which may describe the candidate's background, education, and qualifications as well as other factors deemed relevant by the candidate. The information contained therein shall not exceed one side of the sheet which shall be no larger than 8 1/2 inches by 11 inches. Any candidate desiring the association to mail or personally deliver copies of an information sheet to the eligible voters must furnish the information sheet to the association not less than 35 days before the election. If two or more candidates consent in writing, the association may consolidate into a single side of a page the candidate information sheets submitted by those candidates. The failure of an association to mail or personally deliver a copy of a timely delivered information sheet of each eligible candidate to the eligible voters shall render any election so held null and void. No association shall edit, alter, or otherwise modify the content of the information sheet. The original copy provided by the candidate shall become part of the official records of the association.

(8) No change.

(9) The written ballot shall indicate in alphabetical order by surname, each and every unit owner or other eligible person who desires to be a candidate for the board of administration and who gave written notice to the association not less than 40 days before a scheduled election, unless such person has, prior to the mailing of the ballot, withdrawn his candidacy in writing. The failure of the written ballot to indicate the name of each eligible person shall render any election so held null and void. No ballot shall indicate which candidates are incumbents on the board. No write-in candidates shall be permitted. No ballot shall provide a space for the signature of or any other means of identifying a voter. Except where all voting interests

in a condominium are not entitled to one whole vote, (fractional voting), or where all voting interests are not entitled to vote for every candidate (class voting), all ballot forms utilized by a condominium association, whether those mailed to voters or those cast at a meeting, shall be uniform in color and appearance. In the case of fractional voting, all ballot forms utilized for each fractional vote shall be uniform in color and appearance. And in class voting situations, within each separate class of voting interests all ballot forms shall be uniform in color and appearance.

(10) through (14) No change.

Specific Authority 718.112(2)(d)3., 718.501(1)(f), 718.5012(9) FS. Law Implemented 718.112, 718.301, 718.5012(9) FS. History--New 1-23-92, Amended 12-20-92, Formerly 7D-23.0021, Amended 8-24-94, 12-20-95, 1-19-97, 4-14-99, 2-19-01, 12-23-02, 8-7-05, _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-16.0031
 RULE TITLE: Practical Examination for Swimming Pool Specialty Contractors

PURPOSE AND EFFECT: The Board proposes to change procedures for filing examination results.

SUMMARY: The Board proposes to change procedures for filing examination results.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY 255.217(1), 489.108, 489.133(6) FS. LAW IMPLEMENTED: 289.115, 455.217(1), 489.109, 489.113(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.0031 Practical Examination for Swimming Pool Specialty Contractors.

(1) through (2) No change.

(3) Examiners for Practical Examinations. The practical examination shall be given by an examiner who is a contractor licensed pursuant to Sections 489.105(3)(j)-(k), F.S., and whose scope of work includes the category of swimming pool specialty contractor to be tested.

(a) through (g) No change.

(h) ~~The practical examiner shall have the responsibility of notifying, in writing on a form prescribed by the department, the must agree to notify the department, by written or electronic transmission to the Department's Bureau of Education and Testing, of the pending administration of any practical examination not less than 24 hours prior to the examination. The department shall have the responsibility of notifying an applicant of the scores received applicant's score on the practical examination.~~

(i) ~~The practical examiner must maintain all records of the applicant's examination and scores for 2 years. agree to notify the department, by written or electronic transmission to the Department's Bureau of Education and Testing, of the results of any administration of any practical examination not more than 48 hours after the practical examination was completed.~~

(j) ~~The applicant shall provide the Department with the written result of the examination with the application for swimming pool specialty contractor's license. The practical examiner must agree to hold the department harmless for any accident or injury resulting from the administration of any practical examination.~~

(k)(j) The practical examiner must agree to hold the department harmless for any accident or injury resulting from the administration of any practical examination.

(4) through (12) No change.

Specific Authority 255.217(1), 489.108, 489.133(6) FS. Law Implemented 289.115, 455.217(1), 489.109, 489.113(6) FS. History--New 2-16-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

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

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: 61G18-30.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of the rule is to make changes to the rule to update current language, and clarify existing board practices. The effect of the rule will be to update current language, and clarify existing board practices.

SUMMARY: The rule updates current language, and clarifies existing board practices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 455.2273(1), 474.206 FS.

LAW IMPLEMENTED: 455.2273, 455.2281, 474.213, 474.214 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED FOR THE BOARD'S NEXT MEETING AND WILL BE ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-30.001 Disciplinary Guidelines.

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

(w) Practicing veterinary medicine at a location for which a valid premise permit has not been issued when required under Section 474.215, F.S.

The usual action of the Board shall be to impose a penalty of a thousand dollars (\$1,000.00) administrative fine and to require remedial education. The Board shall also require that a premise permit be obtained or the Department shall be requested to issue a Cease and Desist Order.

Specific Authority 455.2273(1), 474.206 FS. Law Implemented 455.2273, 455.2281, 474.213, 474.214 FS. History--New 12-8-86, Amended 5-27-91, Formerly 21X-30.001, Amended 8-18-94, 5-13-96, 2-18-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Veterinary Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-3.001
RULE TITLE: Definitions
PURPOSE AND EFFECT: To provide accurate definitions.
SUMMARY: Definitions.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 457.102, 457.104 FS.
LAW IMPLEMENTED: 457.102 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: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B1-3.001 Definitions.
(1) through (5) No change.
(6) Acupuncture physician means any person that uses a specific and distinct method of diagnosis and treatment based on the principles of oriental medicine certified as provided in this chapter to practice acupuncture as a primary health care provider.
Specific Authority 457.102, 457.104 FS. Law Implemented 457.102 FS. History-New 8-13-84, Amended 9-19-84, Formerly 21AA-3.01, Amended 12-14-87, 9-3-89, 5-30-91, 1-26-92, 2-27-92, Formerly 21AA-3.001, 61F1-3.001, 59M-3.001, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 31, 2006

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-9.005
RULE TITLE: Descriptive Terms for Advertising
PURPOSE AND EFFECT: To address permitted advertising terms.
SUMMARY: Advertising terms.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.072, 457.104, 457.109, 457.116(1)(b) FS.
LAW IMPLEMENTED: 456.072, 457.109, 457.116(1)(b) 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: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399
THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B1-9.005 Descriptive Terms for Advertising Definitions.
In order to distinguish from other professions and to ensure public safety the following are permitted terms for use in advertising As used in Section 457.116(1)(b), F.S., the following terms shall mean:
(1) L.Ac. - Licensed Acupuncturist.
(2) R.Ac. - Registered Acupuncturist.
(3) A.P. - Acupuncture Physician.
(4) D.O.M. - Doctor of Oriental Medicine.

Specific Authority 456.072, 457.104, 457.109, 457.116(1)(b) FS. Law Implemented 456.072, 457.109, 457.116(1)(b) FS. History-New 4-25-00, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 20, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 31, 2006

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.001 RULE TITLE: Definitions
PURPOSE AND EFFECT: The Board proposes the rule amendment to provide a definition of child for purposes of administering anesthesia to a child under this rule chapter.
SUMMARY: The rule amendment defines a child for purposes of administration of anesthesia as an individual under 18 years of age and any patient that has a mental or physical impairment that substantially limits one or more major life activities.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 466.004(4), 466.017(3) FS.
LAW IMPLEMENTED: 466.017(3) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B5-14.001 Definitions.
- (1) through (4) No change.
- (5) Pediatric Conscious Sedation – A depressed level of consciousness produced by the administration of pharmacologic substances, that retains a child patient’s ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command. This modality includes administration of medication via all parenteral routes; that is intravenous, intramuscular, subcutaneous, submucosal, or inhalation, and all enteral routes; that is oral, rectal, or transmucosal. The drugs, doses, and techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely. For the purposes of this chapter, a child is defined as

an individual under 18 years of age, or any person who has special needs, which means having a physical or mental impairment that substantially limits one or more major life activities weighing 60 lbs. or less.

(6) through (11) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History–New 1-31-80, Amended 4-7-86, Formerly 21G-14.01, Amended 12-31-86, 6-1-87, 9-1-87, 2-1-93, Formerly 21G-14.001, Amended 12-20-93, Formerly 61F5-14.001, Amended 8-8-96, Formerly 59Q-14.001, Amended 3-9-03, 11-4-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 9, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 27, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-54.0022 RULE TITLE: Applying for an Active License After Period of Inactivity or Retirement
PURPOSE AND EFFECT: Pursuant to statute, this rule is promulgated to set forth the requirement for applying for an active license when the license has been inactive or retired for a period of time.
SUMMARY: This rule is promulgated to set forth the requirement for applying for an active license when the license has been inactive or retired for a period of time.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.
SPECIFIC AUTHORITY: 456.036(1), (15), 478.43(1), (4), 478.45(1)(e) FS.
LAW IMPLEMENTED: 456.036(10), 478.45(1)(e), 478.47 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: Susie Love, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-54.0022 Applying for an Active License After Period of Inactivity or Retirement.

Any person applying for an active status license who has been on retired status for 5 years or more, or, if licensed elsewhere, has not been active in practicing as an electrologist during the past 5 years shall, as a condition of licensure, demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety and welfare of the public by:

(1) If inactive for 7 years, retake examination.

(2) If inactive for more than 9 years, in addition to complying with subsection (1) take 2 hours of CE in HIV and Blood Borne Disease and 2 hours in Medical Errors.

Specific Authority 456.036(1), (15), 478.43(1), (4), 478.45(1)(e) FS. Law Implemented 456.036(10), 478.45(1)(e), 478.47 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: April 8, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-55.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to amend this rule to set forth violations and penalties for being terminated from or failing to successfully complete a impaired practitioners treatment program.

Violation

(s) Being terminated from or failing to successfully complete an impaired practitioners treatment program.

(s) through (nn) renumbered (t) through (oo) No change.

(4) through (7) No change.

SUMMARY: The proposed rule amendment is to set forth violations and penalties for being terminated from or failing to successfully complete a impaired practitioners treatment program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.072, 456.073, 478.52(4) FS.

LAW IMPLEMENTED: 456.072, 456.073, 478.52(4) 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: Susie Love, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.001 Disciplinary Guidelines

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

Recommended Range of Penalty

(s)1. First Offense – Minimum stayed Suspension and Probation for a period of 1 year with a fine of \$500.00 to a Maximum of Suspension or denial of license until successful completion or receipt of a Written Confirmation from the program that further treatment is neighter required nor indicated followed by a 1 year probation and a fine of \$1,000.00.

(s)2. Subsequent Offenses – Minimum Suspension for 3 years or until licensee is able to demonstrate to the Board the ability to practice with reasonable skill and safety, whichever is longer and a fine of \$1,000.00 to a Maximum of revocation or denial of license and a \$2,000.00 fine.

Specific Authority 456.072, 456.079, 478.52(4) FS. Law Implemented 456.072, 456.073, 456.079, 478.52(4), FS. History–New 11-16-93, Formerly 61F6-80.001, Amended 1-2-95, Formerly 59R-55.001, Amended 2-9-98, 10-12-98, 3-1-00, 9-28-00, 5-30-01, 8-8-01, 10-8-02, 7-8-03,_____.

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: April 8, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-56.002
RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to address post electrolysis licensure training to utilize laser equipment.

SUMMARY: The amendment to the rule is to address post electrolysis licensure training to utilize laser equipment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 478.43 FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) 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: Susie Love, Executive Director, Electrolysis Council, Board of Medicine, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.

(1) No change.

(2) Licensed electrologists may not use laser and light-based hair removal or reduction devices unless they:

(a) Have completed a post licensure education training course in laser and light-based hair removal or reduction approved by the Council pursuant to Rule 64B8-52.004, F.A.C.;

(b) through (d) No change.

(3) through (6) No change.

Specific Authority 478.43 FS. Law Implemented 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS. History–New 9-12-01, Amended 2-28-02,_____.

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: April 8, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.002
RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the score required for passing the National Physical Therapy Examination.

SUMMARY: The score required for passing the National Physical Therapy Examination will be changed.

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

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

SPECIFIC AUTHORITY: 456.017, 486.025, 486.051 FS.

LAW IMPLEMENTED: 456.017, 486.051 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, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination.

(1) No change.

(2) In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 recommended by the Federation of State Boards of Physical Therapy.

(3) through (6) No change.

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History--New 8-6-84, Formerly 21M-7.26, Amended 5-18-86, Formerly 21M-7.026, 21MM-3.004, 61G11-3.004, Amended 4-21-02, 11-11-02, 11-1-04, 12-5-04, 4-9-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.001
RULE TITLE: Adoption of Uniform Rules of Procedure; Due Process Procedures; Subject Matter Index; Official Reporter

PURPOSE AND EFFECT: The purpose of this proposed new rule is to place existing Florida Fish and Wildlife Conservation Commission procedural provisions currently located in Rules 68A-2.009 and 68A-2.013, F.A.C., into a single rule in a new rule chapter clearly designated to apply to the entire agency. This effort is being done in conjunction with the repeal of obsolete rules in Rule Chapter 68A-2, F.A.C., and the transfer of certain rules (Rules 68A-2.014 and 68A-2.015, F.A.C.) intact from that chapter to new Rule Chapter 68-1, F.A.C. The effect of this rule will be to make the procedural rules more readily available to the public.

SUMMARY: The new rule will consolidate the Commission's procedural rules in a new chapter designated for the entire agency and will incorporate the Commission's existing due process procedures into the procedural rule.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULE DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: Each day, June 7-8, 2006, 8:30 a.m. – 5:00 p.m.

PLACE: Marriott West Palm Beach, 1001 Okeechobee Blvd., West Palm Beach, Florida 33401

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.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68-1.001 Adoption of Uniform Rules of Procedure; Due Process Procedures; Subject Matter Index; Official Reporter.

(1) The Uniform Rules of Procedure, Chapter 28, Florida Administrative Code, shall be the procedural rules of the Fish and Wildlife Conservation Commission.

(2) The due process procedures adopted by the Commission on July 7, 1999, are incorporated herein by reference.

(3) The Commission designates Florida Administrative Law Reports (FALR) as its official reporter for purposes of publishing and indexing by subject matter all Commission orders rendered pursuant to exercise of authority granted to the Commission by state statute.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla.Const., 120.54(5) 120.53(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James V. Antista, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2006

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

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.004
 RULE TITLE: Standards

PURPOSE AND EFFECT: The proposed rule is a procedural rule which establishes standards to guide the Fish and Wildlife Conservation Commission rulemaking relating to fishing and hunting. The standards are based upon, but not the same as, standards created for the Marine Fisheries Commission in Section 370.025, F.S. The proposed standards will apply to all FWC rules relating to hunting and saltwater and freshwater fishing promulgated after the effective date of the standards.

SUMMARY: The standards for rulemaking will help FWC fulfill its mission to manage fish and wildlife resources of the state for their long-term benefit and for the benefit of people. The standards include: FWC shall use the best information available; Biological basis for rulemaking shall include use of stock assessments, management plans, biological surveys and other science-based information. The process of rulemaking shall be fair and equitable for all the people of the state. Rules relating to harvest of fish and wildlife shall be consistent with optimum sustainable populations and populations shall, when practicable, will be managed as a biological unit. When applicable, federal management plans, management by other states or interstate commissions should be considered.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: Each day, June 7-8, 2006, 8:30 a.m. – 5:00 p.m.

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, Florida 33401

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.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68-1.004 Standards.

The Fish and Wildlife Conservation Commission adopts the following standards to guide rulemaking relating to hunting and fishing:

(1) The paramount objective of rulemaking relating to hunting and fishing shall be the management of the fish and wildlife resources of this state for their long-term well-being and for the benefit of all the people.

(2) Rulemaking shall be based upon the best information available, including biological, sociological, economic, cultural, historical and other information deemed relevant by the Commission.

(3) The biological basis for rulemaking should include but not be limited to stock assessments, biological surveys, management plans, or other science-based studies or information.

(4) With respect to harvested populations, rulemaking should permit reasonable means and quantities of harvest, consistent with optimum sustainable populations. Optimum sustainable populations shall mean the highest degree of population productivity within available habitat to sustain fish and wildlife for the long term use or enjoyment of all the people.

(5) When possible and practicable, populations will be managed as a biological unit. A biological unit shall mean a species or subspecies of fish or wildlife within their dependent habitat or ecosystem.

(6) Conservation and management decisions shall be derived through processes which are fair and accessible to all the people of the state and which are consistent with the procedures in Rule 68-1.001, F.A.C.

(7) When applicable, federal fish and wildlife management plans and management plans of other states or interstate commissions should be considered when developing state hunting and fishing rules.

(8) This rule shall apply to rules and rule amendments relating to hunting and fishing proposed after July 1, 2006. In each final public hearing for such rules and rule amendments, a statement regarding compliance with this rule shall be made part of the official rulemaking record.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Antista, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.	RULE TITLES:
68A-2.004	General Description of Agency Organization and Operations
68A-2.005	General Information Concerning Agency
68A-2.009	Adoption of Uniform Rules of Procedure
68A-2.013	Subject Matter Index; Official Reporter

PURPOSE AND EFFECT: The purpose of this proposed rulemaking is to repeal obsolete rules relating to the Game and Fresh Water Fish Commission (Rules 68A-2.004 and 68A-2.005, F.A.C.) and two rules whose substance is being subsumed by proposed new Rule 68-1.001, F.A.C. (Rules 68A-2.009 and 68A-2.013, F.A.C.). Other rules currently in Chapter 68A-2, F.A.C. (Rules 68A-2.014 and 68A-2.015, F.A.C.) will be transferred the new Chapter 68-1, General Provisions. The effect of these rule repeals will be to reduce confusion resulting from having rules pertaining to a defunct agency.

SUMMARY: The following rules are repealed:

1. Rule 68A-2.004, F.A.C., provided a general description of the organization and operations of the Florida Game and Freshwater Fish Commission (GFC).

2. Rule 68A-2.005, F.A.C., provided general information concerning the GFC.

3. Rule 68A-2.009, F.A.C., adopted Chapter 28, F.A.C., as procedural rules for the Fish and Wildlife Conservation Commission (FWC), and is being replaced by Rule 68-1.001, F.A.C.

4. Rule 68A-2.013, F.A.C., designated the official reporter for the FWC, and is being replaced by Rule 68-1.001.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: June 7-8, 2006, 8:30 a.m. – 5:00 p.m., each day

PLACE: Marriott West Palm Beach, 1001 Okeechobee Blvd., West Palm Beach, Florida 33401

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.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68A-2.004 General Description of Agency Organization and Operations.

Specific Authority 120.53(1)(a) FS. Law Implemented 120.52(10), 120.53(1)(a) FS. History–New 8-1-79, Formerly 39-2.04, Amended 12-23-87, Formerly 39-2.004, Repealed.

68A-2.005 General Information Concerning Agency.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented 120.525 FS. History–New 8-1-79, Formerly 39-2.05, 39-2.005, Amended 5-1-01, Repealed.

68A-2.009 Adoption of Uniform Rules of Procedure.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 120.54(5) FS. History–New 8-1-79, Formerly 39-2.09, Amended 10-28-97, Formerly 39-2.009, Repealed.

68A-2.013 Subject Matter Index; Official Reporter.

Specific Authority 120.53(4) FS. Law Implemented 120.53(2)(b), (c), (4) FS. History–New 12-23-87, Formerly 39-2.013, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James V. Antista, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2006

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-9.007	Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to establish Florida Fish and Wildlife Conservation Commission (FWC) short-term use permits and fees for Tosohatchee Wildlife Management Area (WMA) to provide for a management authority transition from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission. Currently, all access fees are collected by the Florida Department of Environmental Protection. Consideration of these rules for final adoption will be contingent upon a final decision by the state to proceed with this transfer of lead management authority.

SUMMARY: The proposed rule changes would establish public access fees for Tosohatchee WMA as follows: \$3 per vehicle for a daily-use permit for all outdoor recreational activities (including camping) other than hunting; \$1 for a daily-use permit for bicyclists and pedestrians; and \$50 for a daily-use permit for groups of 25 or more people. The

proposed rule would further establish that a daily-use permit would not be required for persons participating in Commission-sponsored meetings or activities. A daily-use permit would not be required for persons using the Florida Trail for recreational hiking. A daily-use permit would not be required for persons exempt from management area permit requirements by Section 372.562, F.S. A daily-use permit would not be required for the spouse or dependent children of persons in possession of a management area permit while traveling in the same vehicle or in the company of the permit holder.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.57 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: June 7-8, 2006, 8:30 a.m. – 5:00 p.m., each day

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, FL.

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.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing.

Special-use permits, short-term use permits, and fees for such permits are hereby established as follows:

- (1) through (3) No change.
- (4) The Commission establishes short-term permits and fees as follows:

(a) through (b) No change.

(c) Tosohatchee WMA

1. A daily-use permit for all outdoor recreational activities (including camping) other than hunting is \$3 per vehicle.

2. For bicyclists and pedestrians, a daily-use permit is \$1.

3. For groups of 25 or more people, a daily-use permit is \$50.

4. A daily-use permit shall not be required for persons participating in Commission-sponsored meetings or activities.

5. A daily-use permit shall not be required for persons using the Florida Trail for recreational hiking.

6. A daily-use permit shall not be required for persons exempt from management area permit requirements by Section 372.562, F.S.

7. A daily-use permit shall not be required for the spouse or dependent children of persons in possession of a management area permit while traveling in the same vehicle or in the company of the permit holder.

PROPOSED EFFECTIVE DATE: August 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 9-15-96, Amended 1-9-97, 6-1-97, 4-12-98, 4-15-99, Formerly 39-9.007, Amended 7-1-00, 5-13-02, 7-1-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-15.065	Specific Regulations for Wildlife Management Areas – Northeast Region

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to revise specific area regulations on Tosohatchee Wildlife Management Area (WMA) in the Northeast Region to provide for a management authority transition from the Department of Environmental Protection to the Fish and Wildlife Conservation Commission. Consideration of these rules for final adoption will be contingent upon a final decision by the state to proceed with this transfer of lead management authority.

SUMMARY: The proposed amendment to subsection (11) of Rule 68A-15.065, F.A.C., would revise specific area regulations for Tosohatchee WMA in the Northeast Region. The proposed rule change would specify that tent camping is allowed at designated campsites during periods closed to hunting, and allow public access on the area from 8:00 a.m. until sunset during periods closed to hunting, unless camping at designated campsites.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: June 7-8, 2006, 8:30 a.m. – 5:00 p.m., each day

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, FL

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.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.065 Specific Regulations for Wildlife Management Areas – Northeast Region.

(1) through (10) No change.

(11) Tosohatchee Wildlife Management Area.

(a) through (b) No change.

(c) Camping: Allowed Permitted only at the designated through-trail campsites along the Florida Trail throughout the year. Tent camping is allowed during periods closed to hunting at designated campsites by permit only.

(d) General regulations:

1. Public access during periods closed to hunting shall be from 8:00 a.m. to sunset unless camping at designated campsites.

~~2.1~~ A quota permit shall be required for every hunter entering the area, except during the general gun-hog season when a quota permit will be required for each group of two hunters. During the general gun-hog season only the hunter possessing the quota permit may possess a gun.

~~3.2~~ Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken.

~~4.3~~ Vehicles may be operated only on named or numbered roads and may be parked only at designated parking areas.

~~5.4~~ Airboats, tracked vehicles and all-terrain vehicles are prohibited. Horses and motorcycles are prohibited during periods when the area is open to hunting.

~~6.5~~ Handguns are prohibited. The possession of centerfire rifles is prohibited during the spring turkey season.

~~7.6~~ Hunting with dogs is prohibited except that dogs may be used during the general gun-hog hunts. During general gun-hog hunts no more than 3 dogs per quota permit are permitted.

~~8.7~~ Taking of wildlife by use of a gun on or from rights-of-way of all paved roads is prohibited as provided by Rule 68A-4.008, F.A.C.

(12) through (34) No change.

PROPOSED EFFECTIVE DATE: August 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, 12-26-00, 7-1-01, 6-2-02, 7-28-02, 5-1-03, 7-1-03, 10-12-03, 7-1-04, 7-1-05, 7-1-06, ~~8-1-06~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley, Director, Division of Hunting and Game Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NOS.:	RULE TITLES:
68B-1.001	Organization
68B-1.002	General Course and Method of Operations; Meetings; Workshops; Methods for the Public to Obtain Information

68B-1.003	Notice of Commission Meetings and Workshops; Agenda; Minutes
68B-1.004	Rulemaking; Adoption Procedures
68B-1.005	Declaratory Statements
68B-1.006	Proceedings to Determine Substantial Interests of a Party
68B-1.007	Official Reporter
68B-1.008	Delegations by Governor and Cabinet
68B-1.009	Statutes Affecting Commission

PURPOSE AND EFFECT: The purpose of this rulemaking is to repeal an obsolete chapter of rules that were applicable to the Marine Fisheries Commission, which became defunct upon the creation of the Fish and Wildlife Conservation Commission. The effect of these repeals will be to eliminate what might be considered a confusing set of organizational and procedural rules applying to an agency that no longer exists.

SUMMARY: The following rules are repealed:

1. Rule 68B-1.001, F.A.C., described the organization of the Marine Fisheries Commission (MFC).
2. Rule 68B-1.002, F.A.C., described the general course and method of operation of the MFC, its meetings and workshops, and means of public contact.
3. Rule 68B-1.003, F.A.C., stated requirements for notices of MFC meetings and workshops, and preparation of agendas and minutes.
4. Rule 68B-1.004, F.A.C., provided procedures to be followed by the MFC in rulemaking.
5. Rule 68B-1.005, F. A.C., provided procedures to be followed by persons requesting a declaratory statement.
6. Rule 68B-1.006, F.A.C., provided guidance regarding MFC proceedings to determine the substantial interests of a party.
7. Rule 68B-1.007, F.A.C., designated the official reporter of the MFC.
8. Rule 68B-1.008, F.A.C., listed delegations of authority from the Governor and Cabinet to the MFC.
9. Rule 68B-1.009, F.A.C., listed statutes affecting the MFC.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES

DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: June 7-8, 2006, 8:30 a.m. – 5:00 p.m., each day

PLACE: Marriott West Palm Beach, 1001, Okeechobee Blvd., West Palm Beach, Florida 33401

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.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-1.001 Organization.

Specific Authority 120.53(1), 370.027(2) FS. Law Implemented 120.53(1), 370.026-.029 FS. History–New 11-25-85, Amended 3-15-87, 8-25-92, Formerly 46-1.001, Repealed.

68B-1.002 General Course and Method of Operations; Meetings; Workshops; Methods for the Public to Obtain Information.

Specific Authority 120.53(1), 370.027(3)(a) FS. Law Implemented 119.07, 120.53(1), 286.011, 370.025-.027 FS. History–New 11-25-85, Formerly 46-1.002, Repealed.

68B-1.003 Notice of Commission Meetings and Workshops; Agenda; Minutes.

Specific Authority 120.53(1), (6), 370.027(3)(a) FS. Law Implemented 120.53(1), (6), 120.54(9), 286.0105 FS. History–New 11-25-85, Amended 3-15-87, Formerly 46-1.003, Repealed.

68B-1.004 Rulemaking; Adoption Procedures.

Specific Authority 120.53(1), 370.027(3)(a) FS. Law Implemented 120.53(1), 120.54, 370.025, 370.027 FS, Chapter 83-134, Laws of Florida, as amended by Chapter 84-121, Laws of Florida. History–New 11-25-85, Amended 3-15-87, 8-25-92, 6-17-93, Formerly 46-1.004, Repealed.

68B-1.005 Declaratory Statements.

Specific Authority 120.53(1), 370.027(3)(a) FS. Law Implemented 120.53, 120.565 FS. History–New 11-25-85, Formerly 46-1.005, Repealed.

68B-1.006 Proceedings to Determine Substantial Interests of a Party.

Specific Authority 120.53(1), 370.027(3)(a) FS. Law Implemented 120.53(1), 120.57 FS. History–New 11-25-85, Formerly 46-1.006, Repealed.

68B-1.007 Official Reporter.

Specific Authority 120.53(4), 370.027(3)(a) FS. Law Implemented 120.53(4) FS. History–New 11-25-85, Formerly 46-1.007, Repealed.

68B-1.008 Delegations by Governor and Cabinet.

Specific Authority 120.53, 370.027(3)(a) FS. Law Implemented 20.05, 120.53 FS. History–New 11-25-85, Formerly 46-1.008, Repealed.

68B-1.009 Statutes Affecting Commission.

Specific Authority 120.53(1), 370.027(3)(a) FS. Law Implemented 120.53(1) FS. History–New 11-25-85, Formerly 46-1.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: James V. Antista, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2006

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NO.: RULE TITLE:

68B-21.005 Size Limits

PURPOSE AND EFFECT: The purpose of this rule amendment is to shift the slot limit for snook by adding one inch to both the minimum and maximum size limit. The effect of this rule would be to adjust the slot limit of snook to assure that the soon-to-be-implemented measurement clarification for the species does not negatively impact stock abundance.

SUMMARY: The size limit for snook in subsection (1) of Rule 68B-21.005, F.A.C. will be increased by 1 inch at both ends of the slot, resulting in a slot of 27 to 35 inches in order to compensate for any deleterious effects of the soon-to-be-implemented measurement clarification on snook stocks.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A PUBLIC RULEMAKING HEARING ON THE PROPOSED RULES DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: June 7-8, 2006, 8:30 a.m. – 5:00 p.m. each day

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, FL 33401

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.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than 27 ~~26~~ inches or greater than 35 ~~34~~ inches in total length.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 3-1-94, 12-31-98, Formerly 46-21.005, Amended 7-1-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2006

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE NOS.:	RULE TITLES:
68D-23.101	Intent
68D-23.103	Definitions
68D-23.104	Placement of Markers
68D-23.106	Marker Placement Conditions
68D-23.107	Federal System Adopted
68D-23.108	Specifications for Markers
68D-23.109	Additional Specifications for Information and Regulatory Markers
68D-23.110	Inspections and Certification
68D-23.112	Exemptions

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

SUMMARY: These rule amendments: Clarify the Commission’s intent to conform to applicable federal regulations and international conventions; clarify and rearrange existing definitions and provide two definitions for “inland lake, “associated canal,” and “in writing”; implement certain exemptions for governmental entities and clarify that these entities may voluntarily continue to apply for and obtain marker permits; clarify permitting procedures; establish general marker permit conditions in rule; eliminate obsolete deadlines; provide more complete installation details in conformance with U.S. Coast Guard technical requirements; provide specifications for marker inspection and eliminate the current inspection reporting requirement in favor of a record retention requirement; implement the provisions of Chapter 2005-217, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 327.04, 327.40, 327.41, 327.71 FS.

LAW IMPLEMENTED: 327.40, 327.41, 327.46, 327.71, 370.12 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE REGULAR MEETING OF THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION AT THE DATES, TIME AND PLACE SHOWN BELOW:

DATES AND TIME: June 7-8, 2006, 8:30 a.m. – 5:00 p.m., each day

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, Florida 33401

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this hearing is asked to advise the agency at least 5 calendar days before the meeting by contacting the Agency ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771 (TDD) or (850)488-9542, within the Tallahassee area.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Captain Alan Richard, Assistant General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULES IS:

68D-23.101 Intent.

(1) This Chapter is consistent and conforms to 33 C.F.R. 62.21 – The navigable waters of the United States and non-navigable State waters after December 31, 2003, are marked to assist navigation using the United States Aids to Navigation System, a system consistent with the International Association of Lighthouse Authorities (IALA) Maritime Buoyage System. The IALA Maritime Buoyage System is followed by most of the world’s maritime nations and will improve maritime safety by encouraging conformity with buoyage systems used worldwide.

(2)(4) It is the intent of this chapter:

(a) To provide for uniformity in design, construction and coloring of markers so that all vessel operators may readily recognize, identify and distinguish between authorized markers and unlawfully placed markers;

(b) To provide a means by which the division and its officers and all other law enforcement officers charged with the enforcement of this chapter may determine with reasonable certainty which boating restricted areas are lawfully established and marked;

~~(c) To provide a grace period until December 31, 2003, during which time all markers shall be brought into conformity with the provisions of Chapter 327, F.S., this chapter, and Part 62 of Title 33 of the Code of Federal Regulations, and to provide for the removal of all nonconforming markers after that date; and~~

~~(c)(4)~~ To ensure that regulatory markers noticing boating restricted areas created pursuant to Sections ~~327.22~~, 327.60 and 370.12, F.S., are authorized only for the purposes of protecting human life and limb, vessel traffic safety and maritime property, and manatees.

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

Specific Authority 327.04, 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History–New 12-23-01, Amended _____.

68D-23.103 Definitions.

(1) For purposes of this chapter and Chapters 68C-22 and 68D-24, F.A.C., the following definitions shall apply:

(a) through (o) No change.

(p) “Inland lake” means a naturally occurring or man-made fresh water lake or pond. The term does not include reservoirs, impoundments, or any portion of the Florida Intracoastal Waterway.

(q) “Associated canal” means a man-made canal that is directly attached to an inland lake and that does not connect to other waters or that connects only to another inland lake. The term does not include any portion of a state or federally funded navigation project or any portion of the Florida Intracoastal Waterway.

(r) “In writing” means any written or printed form of communication and includes electronic mail, files transferred as attachments to electronic mail, and telefacsimiles.

(2) When used on markers, the terms:

(a) through (c) No change.

(d) “No Power-driven Vessels” – All vessels equipped with any mechanical means of propulsion must turn off the mechanical means of propulsion and, if possible to do so, tilt or raise the mechanical means of propulsion out of the water.

(e) “No Internal Combustion Motors” or “No Motor Zone” – All vessels equipped with internal combustion motors (e.g.: gasoline or diesel motors) for propulsion must turn off the internal combustion motor and, if possible to do so, tilt or raise the internal combustion motor out of the water. The use of electric motors is not prohibited.

(f)(4) “Vessel exclusion zone” means an area from which all vessels or certain classes of vessels are excluded. The following list includes the most common examples of vessel exclusion zones. Whenever the following messages are

displayed on vessel exclusion zone markers, they have the meaning provided. Other messages on vessel exclusion zone markers are permissible, so long as the markers display language that accurately describes the vessels or classes of vessel that are excluded from the area. All vessel exclusion zones must be marked with the crossed-diamond symbol as specified in paragraph (1)(g)2., above. Examples include:

1. “No Vessels” or “Swim Area” – All vessels of any type are prohibited from entering the marked area.

2. “No Motorized Vessels” or “No Motorboats” or “Motorboats Prohibited” – All vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area, even if the mechanical means of propulsion is not in use.

~~3. “No Power driven Vessels” – All vessels equipped with any mechanical means of propulsion are prohibited from entering the marked area unless the mechanical means of propulsion is not in use and, if possible to do so, is tilted or raised out of the water.~~

~~4. “No Internal Combustion Motors” – All vessels equipped with internal combustion motors (e.g.: gasoline or diesel motors) for propulsion are prohibited from entering the marked area, even if the motor is not in use.~~

~~3.5. “Manually Propelled Vessels Only” – All vessels other than those propelled by oars, paddles, or poles are prohibited from entering the marked area. Vessels equipped with sails or a mechanical means of propulsion may enter the marked area only if the sails or mechanical means of propulsion are is not in use and, if possible to do so, the mechanical means of propulsion is tilted or raised out of the water.~~

~~4.6. “No Entry Area” – All vessels and all persons, either in vessels or swimming, diving, or wading, are prohibited from entering the marked area.~~

(e) through (f) renumbered (g) through (h) No change.

~~(i)(g)~~ “Holiday” means:

1. New Year’s Day.
 2. Birthday of Martin Luther King, Jr., the third Monday in January.
 3. Memorial Day.
 4. Independence Day, the Fourth of July.
 5. Labor Day.
 6. Columbus Day.
 7. Veterans’ Day, November 11.
 8. Thanksgiving Day.
 9. Friday after Thanksgiving.
 10. Christmas Day.
- ~~4.4. If any of these holidays falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.~~

(3) No change.

Specific Authority 327.04, 327.40, 327.41, 327.46, 370.12 FS. Law Implemented 327.40, 327.41, 327.46, 370.12 FS. History—New 12-23-01, Amended _____.

68D-23.104 Placement of Markers.

(1) (a) Except as provided below, no person, municipality, county, or other governmental entity shall place, cause to be placed, or maintain in place any marker in, on or over the waters of the state or shores thereof without a permit from this division.

(b) Counties, municipalities and other government entities are exempt from permitting under this rule when placing:

1. Swimming Area Markers or Special Event Markers on inland lakes and their associated canals.

2. Informational markers other than Swimming Area Markers or Special Event Markers, when placed on the shores of inland lakes and their associated canals or on such waters within fifty feet (50') of the ordinary high water line.

(c) Nothing herein shall prevent counties, municipalities or other governmental entities from choosing to voluntarily apply for waterway marker permits.

(2) Any person, municipality, county, or other governmental entity desiring to place a marker must shall make application to the division on the Florida Uniform Waterway Marker Application form, FWC/DLE 153 (01/2006 ~~2004~~), which is adopted and incorporated herein by reference. Application forms may be obtained by submitting a request to: Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or download the application from the Commission website at: <http://www.myfwc.com/boating/waterways/index.htm>. Each application must include:

(a) A scale drawing no larger than 8 1/2 inches by 11 inches, reproducible on standard office photocopying equipment, showing the approximate placement of the proposed markers with each proposed marker labeled to correspond to the list required below. If the application is for regulatory markers, the drawing must also depict the exact boundaries of the proposed boating restricted area.

(b) A list of the markers proposed, labeled to correspond to the drawing required above.

(c) A statement of the specifications for the markers proposed, including:

1. A description giving the type, each marker's size, shape, color, material, height above mean high water for each marker sign or buoy, and the number, letter or message displayed thereon;

2. A description of the type, size, ~~shape~~, and material used for:

a. Any structure which will support ~~a~~ the markers sign.

b. Any anchor, anchoring system, chain, tether, rode, or other ground tackle which will secure a marker buoy, including a mooring buoy, to the bottom;

3. A statement of the color, characteristic, height above mean high water, intensity, and nominal range of any light which will be placed on the markers;

4. A statement of the type signal (whistle, horn, bell, etc.) and characteristic for any audible fog signal.

5. The latitude and longitude expressed in ~~degrees, minutes, and seconds~~ or degrees and decimal minutes of the location where each marker will be placed, and the datum in which the coordinates are expressed (WSG-84, NAD-83, etc.).

(d) A statement of the purpose for placing the proposed markers. If the application is for regulatory markers, this statement must include the purpose for regulating vessel operation and a statement of the facts and circumstances justifying the establishment of the restriction on speed or operation.

(e) A statement listing the names or titles of the individuals responsible for the placement and maintenance of the markers along with an address and a contact telephone number for each individual.

(f) If the application is for regulatory markers, the applicant must enclose therewith proof of the lawful imposition of restrictions on the speed or operation of vessels for which the regulatory markers are requested, as follows:

1. A copy of an ordinance adopted pursuant to Section 327.22, F.S., which imposes the restriction only upon vessels resident within the county or municipality imposing the restriction; or

2. A copy of an ordinance adopted pursuant to Section 327.60, F.S., which imposes the restriction for reasons of vessel traffic safety or public safety; or

3. A copy of an ordinance adopted by a county or municipality and approved by the Commission pursuant to paragraph 370.12(2)(p), F.S., which imposes the restriction for reasons of manatee protection; or

4. A copy of the statute, special act, rule, regulation, order, or other instrument which imposes the restriction for reasons other than public safety or manatee protection, and a statement of the specific authority under which the restriction is imposed.

(3) Upon receipt of all statements and other documents specified above, the division will:

(a) Determine whether:

1. The proposed markers conform to the United States Aids to Navigation System and this chapter; and

2. The proposed markers and any support structures or moorings conform to the United States Coast Guard Aids to Navigation – Technical Manual (Comdtinst M16500.3A).

(b) Determine whether or not the placement of the proposed markers in the proposed locations would create an unreasonable hazard to navigation.

(c) For danger markers only, determine whether or not the markers as proposed would clearly mark the hazard or danger and adequately notice mariners of the hazard or danger.

(d) For regulatory markers only:

1. Determine whether or not the markers as proposed would clearly mark the area as a boating restricted area and adequately notice mariners of the restriction imposed on vessel speed or operation.

2. Based on the authority under which the restriction is imposed:

a. Determine whether or not the restriction applies only to vessels resident in the ordaining municipality or county, for ordinance adopted pursuant to Section 327.22, F.S.; or

b. Determine whether or not there exists a conflict with the provisions of Chapter 327, F.S., or any amendments thereto or regulations thereunder, for ordinances adopted pursuant to Section 327.60, F.S.; or

c. Forward the request to the Imperiled Species Management Section for review and approval pursuant to paragraph 370.12(2)(o), F.S., for ordinances adopted thereunder; or

d. For all other regulatory markers, determine whether or not the restriction to be implemented by the proposed markers is supported by statute, special act, rule, ordinance, or other enactment or order.

~~(a) Determine whether or not there exists a conflict with the provisions of Chapter 327, F.S., or any amendments thereto or regulations thereunder, for ordinances adopted pursuant to Section 327.60, F.S.~~

~~(b) Forward the request to the Bureau of Protected Species Management for review and approval pursuant to paragraph 370.12(2)(o), F.S., for ordinances adopted thereunder.~~

~~(c) For regulatory markers, determine whether or not the markers as proposed would clearly mark the area as a boating restricted area and adequately notice mariners of the restrictions imposed on vessel speed or operation.~~

~~(d) Determine whether or not the placement of the proposed markers in the proposed locations would create an unreasonable hazard to navigation.~~

~~(e) Determine whether the proposed markers conform to the United States Aids to Navigation System.~~

(4) through (5) No change.

(6) Discontinuance and removal. Any permitted waterway marker may be discontinued and removed by the owner after 30 days notice to the Boating and Waterways Section. Upon completion of the removal of the marker, the applicant must notify the Boating and Waterways Section in writing within 30 working days.

Specific Authority 327.04, 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History–New 12-23-01, Amended _____.

68D-23.106 Marker Placement Permit Conditions.

(1) All markers must comply with the following requirements and all permits issued pursuant to this chapter are subject to the following requirements as permit conditions:

(a) Placement of these markers must be as requested in the application. Any deviation will require that the applicant apply to have the permit amended.

(b) The applicant must display the permit number (except as provided below) on each marker and the ordinance number, ~~municipal~~ code section number, statute number, regulation or rule number, (etc.) on each regulatory marker. These numbers must be displayed in black, block characters approximately one inch in height.

1. On all regulatory markers, the permit number must be displayed in the lower left corner on the face of each regulatory marker. The ordinance number, ~~municipal~~ code section number, statute number, regulation or rule number, (etc.) must be displayed in the lower right corner on the face of each regulatory marker.

2. On all markers other than regulatory markers, the permit number must be displayed on the marker must display. ~~This display shall be placed~~ at any location on the marker where it can easily be read, including the reverse side of a sign, provided that it does not interfere with the message of the marker.

3. Informational markers placed by counties, municipalities, or other governmental entities on inland lakes and their associated canals are exempt from permitting under this rule. Such markers, if not permitted, must display in lieu of a permit number, the name of the county, municipality, or other governmental entity that placed the marker.

(c) Upon completion of the installation of markers, the applicant must notify the Boating and Waterways Section division in writing within ~~30~~ 10 working days. If the latitude and longitude of each marker, as installed, is different from that listed in the application, this notification must include the correct latitude and longitude in degrees and decimal minutes as installed and the datum in which the coordinates are expressed, minutes, and seconds.

(d) All markers must be maintained in proper condition at all times. A discrepancy exists whenever a marker is not exactly as described in the approved application or is destroyed, damaged, moved, or is otherwise unserviceable or not watching properly. The applicant must immediately report any discrepancy in the marker to the Boating and Waterways Section division by telephone, telefacsimile or other similarly rapid means of communication. Unless the applicant's permit expressly provides for a longer period, the applicant must correct any discrepancy within not more than 30 days and must notify the Boating and Waterways Section division when the correction is accomplished.

(e) Authorization by the division for the placement of a marker does not authorize any invasion of private rights, nor grant any exclusive privileges, nor does it obviate the necessity of complying with any other federal, state or local laws or regulations.

(f) All permits issued pursuant to this chapter are contingent upon the consent of and, if necessary, the issuance of appropriate permits by the United States Army Corps of Engineers authorizing the placement of structures for the support of the proposed markers. Consent may be by nationwide permit, regional permit, letter permit, authorization letter, statement of no objection, or other similar means.

(g) All permits issued pursuant to this chapter are contingent upon the consent of and, if necessary, the issuance of appropriate permits by the United States Coast Guard authorizing the establishment of private aids to navigation pursuant to Part 66 of Title 33 of the Code of Federal Regulations.

(h) It is unlawful to place ~~All permits issued pursuant to this chapter authorizing the placement of markers, buoys, or signs on submerged lands, or other property or structure not owned by the person or governmental entity placing them without first applicant are contingent upon the applicant receiving the written consent of the owner of the submerged lands, other property, or structure to the placement of said markers, buoys, or signs. For markers, buoys, or signs placed pursuant to a permit issued under this rule, the permit is contingent upon the applicant and~~ providing a copy of such consent to the Boating and Waterways Section division.

(i) By accepting any permit and placing the markers authorized therein, the applicant other than a governmental entity, to the extent authorized by law, agrees and promises to hold harmless the State of Florida and its agencies, employees, agents, or successors from fault with respect to any claim or claims arising from alleged negligence in the placement, maintenance, operation and removal of any and all markers placed by applicants pursuant to such permits. The applicant other than a governmental entity further agrees to indemnify the State of Florida for any and all legal fees and costs incurred in defense of any suit brought against the State as a result of alleged negligence by applicant in the placement, maintenance, operation or removal of the markers.

(j) Applicants for permits to place regulatory markers or the governmental entities establishing the rules, ordinances, or other actions imposing the regulations must provide for the enforcement of operating restrictions noticed by said markers.

(2) Additional conditions for regulatory markers.

(a) All regulatory markers must be supported by a statute, special act, rule, regulation, ordinance, order, or other similar regulatory instrument which imposes the restriction displayed on the marker.

(b) If the regulatory instrument supporting a regulatory marker is amended or if it is repealed, rescinded, revoked, or otherwise becomes a nullity, the permit holder must within 30 days notify the Boating and Waterways Section of the change and must also:

1. In the case of an amendment to the regulatory instrument, the file an amended permit application showing the markers that will be removed, replaced, modified, or added in order to implement the amendment to the regulatory instrument.

2. In the case of the repeal, rescission, revocation, or other nullification of the regulatory instrument, remove from the waters of this state and the shores thereof all regulatory markers implementing that regulatory instrument.

(3) The division and its officers and all other law enforcement officers charged with the enforcement of Chapter 327, F.S., have the authority to remove or cause the removal of any marker found in violation of the conditions imposed under this section or otherwise imposed in the permit authorizing the placement of the marker if the violation is not corrected within 30 days following notification of the permittee of the violation. For just cause shown, one or more 30 day extensions may be granted for the permittee to correct the violations.

Specific Authority 327.04, 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01, Amended _____.

68D-23.107 Federal System Adopted.

(1) The following are adopted and incorporated by reference:

(a) The United States Aids to Navigation System, Part 62 of Title 33 of the Code of Federal Regulations;

(b) The United States Coast Guard Aids to Navigation – Administration Manual (Comdtinst M16500.7);

(c) The United States Coast Guard Aids to Navigation – Technical Manual (Comdtinst M16500.3A).

(2) All markers, including and mooring buoys, placed or maintained in, on or over the waters of the state or the shores thereof must shall conform to the United States Aids to Navigation System.

~~(a) Until December 31, 2003, channel markers and obstruction markers conforming to the Uniform State Waterway Marking System may continue to be used on waters of this state that are not navigable waters of the United States.~~

~~(b) No person, municipality, county or other governmental entity shall place any new marker or replace any existing marker unless such new or replacement marker or mooring buoy conforms to the United States Aids to Navigation System and all other provisions of this chapter.~~

~~(a)(e) On or before December 31, 2003, All markers in, on, or over the waters of the state or the shores thereof must conform to shall be brought into conformity with the United~~

States Aids to Navigation System and all other provisions of this chapter, or be removed from the waters or shores of the state.

~~(b)(d) After December 31, 2003, No person, municipality, county, or other governmental entity shall place, maintain, or permit to remain in, on or over the waters of the state or shores thereof any nonconforming marker.~~

~~(c)(e) After December 31, 2003, All nonconforming markers in place in, on, or over the waters of the state or shores thereof are shall be declared a nuisance. The division and its officers and all other law enforcement officers charged with the enforcement of Chapter 327, F.S., ~~shall~~ have the authority to remove or cause the removal of any such nonconforming marker.~~

Specific Authority 327.04, 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History—New 12-23-01, Amended _____.

68D-23.108 Specifications for Markers.

(1) through (4) No change.

(5) Retroreflective materials shall be used for all displays on markers that are required to be international orange and as otherwise required in the United States Coast Guard Aids to Navigation – Technical Manual (Comdtinst M16500.3A). The white background dayboard film material for all information, danger, exclusion, and regulatory signs installed or replaced after July 1, 2006, shall be retroreflective. Retroreflective materials may be used for any other portion of a marker.

(6) Every pile used in waters of this state to support signs for waterway marking purposes must have two bands of white tape placed around it. The bands of tape must be placed separately around each pile for dolphins, clusters, and other structures using multiple piles for support. The tape must be 6 inches wide and made of self-adhesive (pressure sensitive), diamond-grade, white, retroreflective material. The top of the first band must be placed 6” from the bottom of the sign; the top of the second band must be placed 8” from the bottom of the first band. The tape must be installed with a minimum overlap of 1 inch over the entire 6” width of the band. On wooden piles, the tape must be additionally secured using not less than 4 stainless steel, 1-inch staples driven through the area of the overlap. If the tape becomes delaminated, cracked, checked, weathered, or abraded so as to have a dull or roughened surface, it must be replaced. Any existing tape must be removed before applying the replacement tape.

(7) All buoys other than mooring buoys must be attached to the waterbody bottom using anchors, sinkers, chain, shackles, swivels, and bridles that meet or exceed the specifications in the United States Coast Guard Aids to Navigation – Technical Manual (Comdtinst M16500.3A).

(8) Mooring buoys are white cylindrical or spherical with a blue band located near the top of the buoy. All mooring buoys must be attached to the waterbody bottom using

anchors, sinkers, chain, shackles, swivels, and must be equipped with pennants, that are of sufficient size, strength, and holding power for their intended purpose.

Specific Authority 327.04, 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History--New 12-23-01, Amended _____.

68D-23.109 Additional Specifications for Information and Regulatory Markers.

(1) through (2) No change.

(3) When a sign is used for an information or regulatory marker it must shall be square or rectangular. It must shall be white with an international orange border. The display area is shall be that portion of the sign within the border. Symbols must shall be centered within the display area. The size of the sign must shall be appropriate to the size of the waterway where the sign is located and the nature of the vessels transiting the waterway, however, no such sign shall be smaller than three feet by three feet.

(4) No change.

Specific Authority 327.04, 327.40, 327.41 FS. Law Implemented 327.40, 327.41 FS. History--New 12-23-01, Amended _____.

68D-23.110 Inspections and Certification.

(1) Each person holding a permit to place and maintain one or more markers must inspect all markers for which the permit was issued and report such inspection to the division triennially, beginning 36 months from the date the permit was issued or 36 months after this rule becomes effective, whichever comes later. The report must be submitted at least thirty but not more than ninety days prior to expiration of the three-year period.

(2) The required inspection must be documented in writing and must include report shall consist of the following:

(a) The name of the permit holder and permit number of the markers being inspected;

(b) The name of the person or persons currently responsible for the placement and maintenance of the markers; and

(c) A photograph of each marker taken in close enough proximity to legibly show all symbols, borders, and letters and numbers, including the text of any message, the permit number, and the ordinance number, code section number, statute number, regulation or rule number, (etc.). For marker installations with two or more signs, a sufficient number of photographs must be taken to legibly show the information on each sign. Digital photography is acceptable for this purpose. Photographs must be labeled with the location of the marker depicted and the date the photograph was taken.

(d) A statement certifying that the markers placed pursuant to the permit have been inspected during the ninety days preceding the statement and that:

1. The markers are properly maintained and in serviceable condition;

2. The markers conform to the requirements of this chapter;

3. The markers are still properly on station;

4. The date or dates on which the markers were inspected.

(3) The permit holder must maintain the inspection documentation until it is replaced by a subsequent inspection and documentation. Failure to inspect a marker and to maintain documentation of report the results of the inspection to the division during the specified time period is shall be grounds for rescinding the permit authorizing placement of the marker and for removing or ordering the removal of the marker.

(4) Dayboard and buoy surfaces and dayboard backing materials will deteriorate because of the effects of weathering. Wind, rain, freezing temperatures, and sunlight cause delamination (separation), cracking, peeling, and fading. Attention must be given to these conditions during inspections. (a) Markers will be considered discrepant under the following guidelines:

1. Backing materials. Delamination of the plies on a plywood dayboard backing must not effect more than 25 percent of the surface area. Any warpage must not visibly detract from the signal or message presented to the mariner. The backing must not be softened or otherwise deteriorated around the mounting points to a degree that the board could come loose in a storm typical for the area in which the marker is placed.

2. Elastomeric films, numerals, letters, symbols, and borders. Delamination of films and retroreflective markings on dayboards and buoys must not affect more than 10 percent of the surface of the material. Films and retroreflective markings must not be cracked, checked, weathered, or abraded so as to have a dull or roughened surface. Peeling of the film or markings from the dayboard or buoy must not affect more than 10 percent of the surface area. Letters, numerals, symbols, and borders must not be faded or weathered so as to visibly detract from the signal or message presented to the mariner.

(c) A dayboard or buoy must be replaced if any of the deteriorations noted above is observed or, if for any reason, it cannot function as intended (including significant fading or other discoloration) until the next regularly scheduled inspection. Onsite repairs are permitted if they do not interfere with or detract from the intended signal function of the marker.

(5) All discrepancies documented during an inspection must be reported to the Boating and Waterways Section and corrected within 30 days, as provided in paragraph 68D-23.106(1)(d), F.A.C.

Specific Authority 327.04, 327.40, 327.41 FS. Law Implemented 327.40, 327.41, 370.12 FS. History--New 12-23-01, Amended _____.

68D-23.112 Exemptions.

(1) Nothing herein shall apply to the United States Government or its agencies, nor to any aid to navigation, marker, mooring buoy, or other similar device placed thereby.

(2) Persons establishing private aids to navigation other than regulatory markers and mooring buoys on waters of concurrent state/federal jurisdiction pursuant to the provisions of 33 CFR § 66.01 ~~may shall~~ submit to the Boating and Waterways Section ~~division~~ a copy of their United States Coast Guard permit (CG-2554) in lieu of the materials required under Rule 68D-23.104, F.A.C. Upon receipt by this section ~~division~~ of said copy of their permit, such private aids to navigation are ~~shall be~~ exempt from further permitting and need not display a permit number.

(3) Except as provided in subparagraph 68D-23.106(1)(b)3, F.A.C., ~~Regulatory markers authorized by the former Florida Department of Natural Resources prior to January 1, 1988, are exempt until December 31, 2003, from the requirement that they display a permit number. After that date, every regulatory marker without a permit number, in place in, on or over the waters of the state or shores thereof is shall be declared a nuisance. The division and its officers and all other law enforcement officers charged with the enforcement of Chapter 327, F.S., shall have the authority to remove or cause the removal of any unpermitted regulatory marker. Markers authorized by the former Florida Department of Natural Resources prior to January 1, 1988, for which no permit number was assigned shall be issued a permit number upon receipt by the Boating and Waterways Section ~~division~~ of the following:~~

(a) A copy of the correspondence authorizing placement of said markers;

(b) A statement of the specifications for the markers, including:

1. A list of the markers;

2. A description giving each ~~marker's markers~~ size and message, and

3. The latitude and longitude coordinates in degrees and decimal minutes ~~degrees-minutes-seconds~~ of the location of each marker and the datum in which those coordinates are expressed;

4. A statement that the markers have been inspected during the ninety days preceding the instant request and that:

a. The markers are properly maintained and in serviceable condition;;

b. The markers conform to the requirements of this chapter;;

c. The markers are still properly on station; and

d. The date or dates on which the markers were inspected.

(4) Markers placed by local governments on inland lakes and their associated canals. The inspection and certification requirements in Rule 68D-23.110, F.A.C., shall not apply to markers maintained by an Inland Navigation District pursuant to Section 374.997, F.S., but shall instead be specified in each permit.

(a) The placement of information or danger markers by counties, municipalities, or other governmental entities, in, on, or over the waters or shores of inland lakes and their associated canals is exempt from permitting under this section and such markers need not display any permit number. These markers include, but are not limited to, those providing information or warnings concerning: ends of boat ramps, no swimming, swimming area, lake names, canal names, trash receptacles, public health notices, underwater hazards, regulatory matters, emergencies, and special events.

(b) These markers, with the exception of swimming area and special event markers, must be placed on land or within 50 feet from the ordinary high-water line.

(c) This exception from the permitting requirement does not relieve any county, municipality, or other governmental entity from compliance with any other state or federal rule, regulation, or law.

(d) The Commission finds that federal law imposes less restrictive requirements than provided herein on the placement of markers indicating the ends of boat ramps, no swimming, swimming area, lake name, trash receptacle, public health notice, canal, emergency, and other similar markers directed to persons on land, swimmers, and other persons using the waters of this state who are not the operators or occupants of vessels. Such markers were not considered waterway markers prior to June 13, 2005, and were not subject to the provisions of this rule or Section 327.40, F.S., prior to that date. The Commission temporarily exempts such markers from the provisions of this rule and Section 327.40, F.S. This temporary exemption shall expire and this paragraph shall stand repealed on December 31, 2006, unless repromulgated.

(5) The restrictions displayed on regulatory markers shall not apply:

(a) In the case of an emergency;

(b) To law enforcement patrol vessels or firefighting vessels; or

(c) To any rescue vessel owned or operated by a governmental entity.

Specific Authority 327.04, 327.40, 327.41, 327.71 FS. Law Implemented 327.40, 327.41, 327.46, 327.71, 370.12 FS. History—New 12-23-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, (850)410-0656, extension 17169, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Julie Jones, Director, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2004

does not derive compensation from principals for lobbying is not a "lobbying firm," and neither are its employee-lobbyists considered to be a "lobbying firm."

Rule 34-12.400(4) Compensation provided or owed for lobbying activities as defined in subsection 34-12.020(6) and as described in Rule 34-12.160, F.A.C., should be reported. Compensation provided or owed for activities that are excluded, as provided in Rules 34-12.110, 34-12.120, and 34-12.130, F.A.C., and as described in Rule 34-12.170, F.A.C., is not required to be reported.

(4) through (7) renumbered (5) through (8) No change.

Rule 34-12.405(1) Upon determining that a Quarterly Compensation Report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm of its failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum of \$5,000 per late report.

Rule 34-12.407(1) A lobbying firm wishing to appeal or dispute a fine imposed in accordance with Section 112.3215(5)(e)5, 112.3215(5)(f), Florida Statutes, shall file with the Commission on Ethics a notice of appeal within 30 days of the date the notice of payment due is transmitted by the lobbyist registration office, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. The notice of appeal may be accompanied by any documentation or evidence supporting the claim.

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

COMMISSION ON ETHICS

RULE CHAPTER NO.: 34-12
RULE CHAPTER TITLE: Executive Branch Lobbyist Registration

RULE NOS.: 34-12.020, 34-12.400, 34-12.405, 34-12.407
RULE TITLES: Definitions, Compensation Reporting Requirements, Penalties for Late Filing, Appeal of Statutory Fines; Hearings, Unusual Circumstances

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. 12, March 24, 2006 issue of the Florida Administrative Weekly.

Rule 34-12.020(7) "Lobbying firm" means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business is a lobbyist. An association, a governmental entity, a corporation, or other business entity that

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facilities and Agency Licensing

RULE NOS.: 59A-18.002, 59A-18.004, 59A-18.005, 59A-18.0081, 59A-18.017, 59A-18.018
RULE TITLES: Definitions, Licensure Requirements, Procedures and Fees, Registration Policies, Certified Nursing Assistant and Home Health Aide, Supplemental Staffing for Health Care Facilities, Emergency Management Plans

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in the Vol. 32, No. 6, February 10, 2006, issue of the Florida Administrative Weekly. The changes are made to address comments received from the Joint Administrative Procedures Committee.

The changes are as follows:

59A-18.002 Definitions.

When used in this rule, unless the context otherwise requires, the term:

(1) "Administrator" means managing employee, or other similarly titled individual who is responsible for the daily operation of the nurse registry, pursuant to Section 400.506 and 400.512, F.S.

(1) through (13) renumbered (2) through (14) No change.

59A-18.004 Licensure Requirements, Procedures and Fees.

1. Paragraph (2) shall now read:

(2) ~~The license shall be displayed in a conspicuous place in public view within the licensed premises.~~ The registry license is not transferable. Sale of the licensed nurse registry, assignment, lease or other transfer, whether voluntary or involuntary, shall require relicensure by the new owner prior to taking over the operation, pursuant to Section 400.506(8), F.S. The prospective owner shall submit, at least 60 days prior to the effective date of the change, an application for a new license.

2. Paragraph (4) shall now read:

(4) An initial licensure application shall include: Initial licensure – An application for an initial license to operate a nurse registry shall be submitted for a new operation or change of licensee accompanied by a non-refundable license fee of \$2,000 for each site in operation to be licensed, and must be submitted and signed under oath on AHCA Form 3110-7001, Nurse Registry Application for Initial License Revised December 2005, which is incorporated by reference, provided by the agency, and shall include:

(a) through (h) No change.

(i) Signed Affidavit of Compliance with Screening Requirements, AHCA Form 3110-1014, Revised May 2006, incorporated by reference, from the administrator, ~~pursuant to Section 400.512(2), F.S.~~ stating that the administrator, the financial officer, and each contractor who was registered with the nurse registry on or after October 1, 2000 has been screened for good moral character and that the remaining contractors ~~pursuant to Section 400.512(2), F.S.~~ have been continuously registered with the nurse registry since before October 1, 2000, pursuant to Section 400.512(2), F.S.

1. ~~Screening for good moral character for the administrator, or similarly titled individual who is responsible for the daily operation of the nurse registry, and for the financial officer, or similarly titled individual who is responsible for the financial operation of the nurse registry, including billings for patient care and services,~~ shall be in accordance with level 2 standards for screening set forth in Chapter 435 and in accordance with Section 400.506(2), F.S. The fingerprint card for level 2 screening for the administrator and the financial officer can be obtained from, and must be submitted to, the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308. Screening processing fees for level 2 screening shall be made payable to the Agency for Health Care Administration.

2. Level 1 screening, in accordance with screening standards as provided in Chapter 435, F.S., and as required in Section 400.512, F.S., ~~for good moral character~~ for each contractor shall consist of:

a. through b. No change.

(j) through (m) No change.

3. Paragraph (12) is deleted.

~~(12) If a change of address is to occur, the nurse registry must provide 14 days advance notice in writing to the AHCA Licensed Home Health Programs Unit in Tallahassee and the AHCA field office. The nurse registry must submit to the AHCA Licensed Home Health Programs Unit evidence of compliance with local zoning authorities for the new location. Emergency relocations must be reported within seven days, with the reason for the relocation documented. An emergency relocation can be due to any of the following situations:~~

~~a. an eviction notice;~~

~~b. environmental conditions on or near the site which are not conducive to the health and well being of staff and clients, including a fire or flooding;~~

~~c. an element near the site which would make the premises harmful or dangerous;~~

~~d. circumstances arising from or caused by weather conditions and/or a natural disaster; or~~

~~e. a change in property zoning that requires the nurse registry to move.~~

59A-18.005 Registration Policies.

1. Paragraph (6) shall now read:

(6) Prior to contact with patients, each ~~new~~ independent contractor referred for client care must furnish to the registry a statement from a health care professional licensed under Chapter 458, F.S., or Chapter 459, F.S., a physician's assistant, or an advanced registered nurse practitioner (ARNP) or a registered nurse licensed under Chapter 464, F.S., under the supervision of a licensed physician, or acting pursuant to an established protocol signed by a licensed physician, based upon an examination within the last six months, that the contractor is ~~in reasonably good health and appears to be free from apparent signs or symptoms of a communicable disease including tuberculosis, pursuant to Section 381.0011(4), F.S.~~ If any independent contractor is later found to have, or is suspected of having, a communicable disease, he or she shall immediately cease to be referred as an independent contractor. If the independent contractor later provides a statement from a health care professional that such condition no longer exists, then the nurse registry can again refer patients to the independent contractor. It is the responsibility of the independent contractor to ensure that patients are not placed at risk by immediately removing him or herself as a caregiver if he or she is found to have or is suspected of having a communicable disease. In the event that an independent contractor refuses to remove him or herself, the nurse registry

shall report the situation to the county health department as an immediate threat to health, welfare and safety. ~~A new contractor who has been a contractor of another nurse registry or employed by a home health agency may provide a copy of his health care statement from the files of the former nurse registry or home health agency provided that the statement was not issued more than 1 year prior and that the contractor has not had a break in service of more than 90 days. Medical information is confidential and must not be disclosed without the specific consent of the person to whom it pertains. The written request to release medical information must be kept on file.~~

2. Paragraph (8) shall now read:

(8) Registration folders on each independent contractor must contain the information required in Section 400.506(12), F.S.:

(a) through (c) No change.

~~(d) Evidence of HIV/AIDS training specified by the respective licensing board and that each non licensed contractor received a continuing education course biennially on HIV and AIDS pursuant to Section 381.0035, F.S. Each nurse registry shall establish a system for the recording and follow-up of complaints involving individuals they refer, and such records shall be kept in the individual's registration file or retained in the central files of the nurse registry.~~

59A-18.0081 Certified Nursing Assistant and Home Health Aide.

1. Paragraph (11) shall now read:

~~(11) C.N.A.'s and home health aides referred by nurse registries must have received a continuing education course biennially on HIV and AIDS, pursuant to Section 381.0035, F.S.; and training to maintain a current CPR certification.~~

2. Paragraph (12) shall now read:

(12) C.N.A.'s and home health aides referred by nurse registries may assist with self-administration of medication as described in Section 400.488, F.S.

(a) through (c) No change.

(d) In cases where a home health aide or a C.N.A. will provide assistance with self-administered medications as described in Section 400.488, F.S., and paragraph (e) below, a review of the medications for which assistance is to be provided shall be conducted by a registered nurse or licensed practical nurse to ensure the C.N.A. and home health aide is able to assist in accordance with their training and with the medication prescription. The patient or the patient's surrogate, guardian, or attorney in fact caregiver must give written consent for a home health aide or C.N.A. to provide assistance with self-administered medications, as required in Section 400.488(2), F.S.

(e) No change.

59A-18.017 Supplemental Staffing for Health Care Facilities.

1. Paragraph (8) shall now read:

(8) If a nurse registry refers contractors to provide staffing service to a nursing home and the contractor has not ~~lived in Florida for 5 years~~, maintained continuous residency within the state for the 5 years immediately preceeding the date of the request for staffing, that contractor will be required to undergo a level 2 background screening as required by Section 400.215, F.S.

59A-18.018 Emergency Management Plans.

1. Paragraph (6) shall now read:

~~(6) Nurse registries shall assist patients who would need assistance and sheltering during evacuations because of physical, mental, or sensory disabilities in registering with the local emergency management agency, as required in Section 400.506(15), F.S. make available to patients information gathered from the county emergency management offices including the procedures and documents required for assisting patients with registration for special needs shelters.~~

(a) Upon initial contract for services, and at a minimum on an annual basis, each nurse registry shall, pursuant to Sections 400.506(15) and 252.355, F.S., inform patients and patient caregivers, by the best method possible as it pertains to the person's disability, ~~and patient caregivers~~ of the special needs registry and procedures for registration at the special needs registry maintained by their county emergency management office.

(b) through (c) No change.

~~(d) This registration information, when collected, shall be submitted, pursuant to Sections 252.355 and 400.506(15) and (16)(b) and (e), F.S., to the county emergency management office, or on a periodic basis as determined by the registry's county emergency management office.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Benesh, Licensed Home Health Programs Unit, Bureau of Health Facility Regulation, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308, beneshj@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

59G-6.010

RULE TITLE:

Payment Methodology for Nursing Home Services

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 the Florida Administrative Weekly, Vol. 32 No. 17, on April 28, 2006.

1. The effective date of the proposed rule will be July 1, 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

Board of Medicine

RULE NO.: RULE TITLE:
64B8-1.007 List of Approved Forms;
 Incorporation
 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. 7, of the February 17, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee with regard to the application form DH-MQA 1000, incorporated by reference in the rule. The changes to the incorporated form shall be as follows:

1. In Section I of the application instructions, under the heading “General Information,” the citation shall be changed from 456.012(3)(1)(a) to 456.013(1)(a).
2. In Section II of the application instructions, under the heading “Social Security Number,” the citation of §456.013(1)(a), F.S., shall be added.
3. In Section II of the application instructions, the fee amount for initial licensure shall reflect the current fee of \$429.00.
4. In Section II of the application instructions, under “28-29 Malpractice,” the last bullet point should state “. . . the trial record of each case, including the trial transcript, evidentiary exhibits and final judgment.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-31.007 Anesthesiologist Assistant Licensure
 Renewal and Reactivation
 THIRD NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 52, of the December 23, 2004, issue of the Florida Administrative Weekly. The change is in response to continued written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board published two (2)

Notices of Change; the first in Vol. 31, No. 22, of the June 3, 2005, Florida Administrative Weekly; and the second in Vol. 31, No. 35, of the September 2, 2005, Florida Administrative Weekly. The following additional change to address the JAPC concerns is as follows:

Paragraph (4)(a) shall be changed to read “(a) Application for renewal as a licensed anesthesiologist assistant must be made upon a form supplied by the Department, and incorporated in Rule 64B8-1.007, F.A.C.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:
64B12-8.021 Citations
 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. 15, of the April 14, 2006, issue of the Florida Administrative Weekly. The changes are as follows:

1. Subsection (j) shall read: “Practicing opticianry with an inactive or retired status license, so long as the license has been inactive or retired for a period not to exceed two months, pursuant to Section 456.036(1), F.S., \$500.00;”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.: RULE TITLES:
67-57.005 Definitions
67-57.010 Fees
67-57.030 Membership Application Procedures
67-57.040 Property Standards
67-57.050 HOP Program Restrictions
67-57.060 Eligible Homebuyer Requirements
67-57.070 Homebuyer Loan Process
67-57.080 HOME Regulations
 NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and non-published technical corrections/clarifications the following changes have been made to Rule 67-57, Florida Administrative Code, as published in Vol. 32, No. 12 of the Florida Administrative Weekly, on March 24, 2006.

PURPOSE, EFFECT AND SUMMARY: The purpose of these rule amendments is to refine the procedures by which the Corporation shall administer the Homeownership Pool Program.

67-57.005 Definitions.

(1) through (8) No change.

(9) "Calendar Days" means the seven (7) days of the week. ~~With~~ with respect to computing any period of time allowed by this rule, the day of the event from which the designated period of time begins ~~to run~~ shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

(10) through (31) No change.

(32) "Member Fee" means the fee earned by the Member on the construction of the Unit.

(32) through (36) renumbered (33) through (37) No change.

(38)(37) Principal" means any general partner of a Member, and any officer, or director of any Member, or any officer or director of any general partner of a Member.

(38) through (40) renumbered (39) through (41) No change.

(42)(41)"Self Help" means a type of construction utilizing sweat equity operating under the guidelines of Habitat for Humanity International or USDA-RD.

(42) through (48) renumbered (43) through (49) No change.

67-57.010 Fees.

(1) The Corporation shall collect a HOP Membership Application fee of \$500, ~~with an annual renewal fee of \$50,~~ from all entities when applying to become a ~~Member~~ member of the pool for the HOP program. Thereafter, Members must pay an annual renewal fee of \$50.

(2) through (3) No change.

(4) The Member Fee shall be limited to 16% of the development cost of the Unit.

67-57.030 Membership Application Procedures.

(1) In order to participate in the HOP program, the Applicant must first apply to become a Member by meeting the requirements of the HOP Membership Application ("HOPMBR101 (4/1/06)") ~~("HOP Membership Application—4/1/06")~~, which is adopted and incorporated herein by reference and is available on the Corporation's Website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>.

(2) through (4) No change.

(5) Annually. ~~b~~ Beginning January 31, 2008, Members must renew their membership by advising of any changes to the development team or organization structure and paying a \$50 renewal fee by January 31st of each year.

(6) Failure to advise of any changes to the development team or organization structure or failure to pay submit the fully and properly completed form and payment of the renewal fee will result in the termination of the membership of the Member being disqualified from HOP and the cancellation of any pending reservations.

67-57.040 Property Standards.

(1) No change.

(2) All Units must include at a minimum the following exterior features:

(a) through (c) No change.

(3) Site standards must include:

(a) through (b) No change.

(c) Site must be free from excessive traffic and noise, including that from cars, trains and airplanes. Members must submit a mitigation plan to the Corporation for Loan Servicing, detailing the proposed means and methods of risk reduction, if a Unit is (i) located within 3,000 feet of an active railroad line and/or subject to high railroad noise levels, (ii) located within 1,000 feet of a major high-volume traffic artery, freeway, or other highway would carry a daily volume of 25,000 motor vehicles or more, or (iii) within 500 feet if the a highway that would carry more than 10,000 vehicles but fewer than 25,000. The site must not be located in an airport clear zone;

(d) The site must be free from significant industrial or agricultural hazards, including hazardous substances, toxic chemicals, gas, oil and chemical storage tanks and facilities, runoff, spills, odors, noise, and airborne particulates; and

(e) No change.

(4) Manufactured homes must meet or exceed the following standards which are adopted and incorporated herein by reference and are available at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>, unless superseded by state or local building codes:

(a) No change.

(b) Be sited on a permanent foundation in accordance with the Permanent Foundation Guide for Manufactured Housing (HUD-007487) Handbook 4145.1, REV-2, Change 1, Feb. 14, 1992;

(c) through (f) No change.

67-57.050 HOP Program Restrictions.

(1) through (2) No change.

(3) The maximum per-unit subsidy of HOME funding is limited to the lesser of twenty five percent (25%) of the purchase price of the Unit, \$70,000, or the amount necessary to meet the borrower analysis criteria, with the exception of Eligible Homebuyers with disabilities and those at fifty percent

(50%) AMI or below, which shall not exceed the lesser of thirty five percent (35%) of the purchase price, \$80,000, or the amount necessary to meet the borrower analysis criteria.

(4) No change.

(5) ~~Any~~ Member may not be a Financial Beneficiary of another Member.

(6) through (12) No change.

(13) Homebuyer reservations will be denied at the time of submission if a Member or any Principal, or Affiliate of a Member has any existing developments participating in any Corporation programs that remain in non-compliance with the Code, the applicable Florida Statutes and rule chapters, loan documents, or any loan commitment after any applicable cure period granted for correcting such non-compliance has ended, at the time of submission of the HOP homebuyer reservation the requested allocation will be denied.

67-57.060 Eligible Homebuyer Requirements.

(1) In order to receive a HOP Loan under the HOP program, the Eligible Homebuyer must:

(a) No change.

(b) Qualify as an Eligible Homebuyer at the time of the execution of the purchase contract;

(c) through (f) No change.

(2) through (3) No change.

(4) The Corporation will consider resubordinating its HOP Loan to a first mortgage loan when a refinancing occurs. In making a determination, the Corporation will review the following terms of the new transaction: loan type, term of the loan, interest rate, type of interest rate (variable or fixed), principal balance of the loan, reason for the request and whether or not the terms of the new loan are beneficial to the homebuyer.

(a) The homebuyer is subject to the following:

1. No change.

2. No additional debt can be refinanced into the new first mortgage, with the exception of Unit repairs or improvements which requires that these funds be escrowed;

3. through 4. No change.

(b) No change.

67-57.070 Homebuyer Loan Process.

(1) Once construction on the Unit has begun, Members ~~shall may~~ reserve homebuyer financing, on a loan-by-loan basis, by providing the required date of foundation inspection on the submitting a HOP Homebuyer Reservation (“HOPRES201 (4/1/06)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at: <http://www.floridahousing.org/Home/Developers/Homeownership Programs/HOP> ~~which must include the date of the foundation inspection.~~

(2) Within fourteen (14) Calendar Days of making the reservation, unless a Member is subject to paragraph (8) below, Members must submit to the Corporation a copy of the

building permit and the Corporation must approve the A completed Eenvironmental Cechecklist (“HOPENV301 (4/1/06)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/Homeownership Programs/HOP> with a copy of the building permit must be received and approved by the Corporation within fourteen (14) Calendar Days of making the reservation or the reservation will be cancelled.

(3) through (7) No change.

(8) Members using Self Help under USDA-RD Section 502 financing can make reservations four (4) weeks prior to the homebuyer closing. Once a reservation is received, the borrower analysis package, including the statutory Eenvironmental Statutory Cechecklist (“HOPENV302 (4/1/06)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at: <http://www.floridahousing.org/Home/Developers/Homeownership Programs/HOP>, must be sent to Loan Servicing within ten (10) Calendar Days for review and approval. Upon approval, the closing can occur and funds will be held in escrow by USDA-RD until completion of the loan closing package.

67-57.080 HOME Regulations.

All Members, homebuyers, and Units must conform to the following federal requirements, as applicable, which are adopted and incorporated herein by reference, available at: <http://www.floridahousing.org/Home/Developers/Homeownership Programs/HOP>:

(a) through (s) No change.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2005 Corporation Board Meeting
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 5, February 3, 2006

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-27.005
 RULE TITLE: Designation of Species of Special Concern; Prohibitions; Permits

NOTICE OF CHANGES TO PROPOSED RULE

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of the final public hearing on the rule, begun on February 1, 2006, in Gainesville, Florida, and continued on April 5, 2006, in Tallahassee, Florida. The rule as changed will now read as follows:

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, or sell any species of special concern included in this paragraph or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.

(b) The following species were listed prior to January 1, 2001, and have been further categorized by the numbers in parentheses under the following criteria: (1) has a significant vulnerability to habitat modification, environmental alteration, human disturbance, or human exploitation which, in the foreseeable future, may result in its becoming a threatened species unless appropriate protective or management techniques are initiated or maintained; (2) may already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking; (3) may occupy such an unusually vital or essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; (4) has not sufficiently recovered from past population depletion, and (5) occurs as a population either intentionally introduced or being experimentally managed to attain specific objectives, and the species of special concern prohibitions in Rule 68A-27.002, F.A.C., shall not apply to species so designated, provided that the intentional killing, attempting to kill, possession or sale of such species is prohibited.

1. through 16. No change.

17. Gopher tortoise (*Gopherus polyphemus*) (1, 2, 3). The definition of take set forth in subsection (3) of this rule shall apply to gopher tortoises.

18. through 49. No change.

(2) No change.

(3) No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise (*Gopherus polyphemus*) or parts thereof or their eggs, or take or attempt to take gopher tortoise burrows, except as authorized by Commission permit. For the purpose of this definition of take, a gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03, _____

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-204.201
 RULE TITLE: Life Expectancy Providers

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. 10, March 10, 2006, of the *Florida Administrative Weekly*. These changes are being made to address concerns expressed Rule 69O-204.201, F.A.C., is changed to read as follows:

69O-204.201 Life Expectancy Providers.

(1) Life Expectancy Provider Registration Forms.

(a) The following forms are incorporated by reference to be used in conjunction with an application for registration as a life expectancy provider to implement the provisions of Section 626.99175, Florida Statutes:

<u>Form #</u>	<u>Title</u>
<u>OIR-C1-1663, (01/06)</u>	<u>Application for Registration Life Expectancy Provider</u>
<u>OIR-C1-1298, REV 10/05</u>	<u>Management Information Form</u>
<u>OIR-C1-1423, (January 27, 2005)</u>	<u>Biographical Affidavit</u>

(b) During the pendency of the application if any of the information submitted in the application for registration changes, the applicant must immediately notify the Office in writing of the change and submit documentation to evidence such change.

(c) If any of the information submitted in the application for registration changes subsequent to registration, the registrant shall notify the Office in writing and provide documentation evidencing such changes within 45 days. Changes in the registrant's name, residence address, principal business address, or mailing address requires at least 30 days advance notice.

(d) All forms may be obtained from and shall be submitted to Company Admissions, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0326.

(2) Definitions.

“Person performing life expectancies” as used in Section 626.99175(4)(d), Florida Statutes, and “individuals who determine life expectancies” as used in Section 626.99175(4)(g)2., Florida Statutes, means a person or individual with the decision making authority to sign or authorize the issuance of a life expectancy or mortality ratings used to determine a life expectancy.

(3) Life Expectancy Provider Triennial Audit of Life Expectancies.

(a) The audit required by Section 626.99175(5), Florida Statutes, must be certified by an actuary who is a member of the American Academy of Actuaries and qualified in the area of determination of life expectancies used in connection with life insurance, pension funding, or other similar enterprises. The actuary’s certification must include a statement that in his or her opinion the techniques and assumptions used to conduct the audit are reasonable and meet the requirements of Section 626.99175(5), Florida Statutes. Any exceptions to the statutory requirements shall be fully explained in detail in the certification.

(b) Should the actuary conducting the audit of the life expectancies find that in his or her professional judgment that the number of predicted deaths associated with such life expectancies would be too small to be actuarially credible and/or if the lag in reporting deaths to the Social Security Administration would result in an actuarially significant underreporting of deaths for those life expectancies, such events shall be detailed in the audit report and certified by the actuary.

Specific Authority 624.308(1), 626.99175, 626.9925 FS. Law Implemented 624.307(1), 626.99175 FS. History—New _____.

**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**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on April 11, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-20), to Lennar Homes, Inc. (Petitioner). The Petition for Variance was received by SJRWMD on February 3, 2006. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 32, No.7 on February 17, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code and Section 11.1.3 of the Applicant’s Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board’s decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner’s financial contribution to the C-1 Rediversion Project or Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources by facilitating this project’s implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on April 11, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-14), to Mercedes Homes, Inc.

(Petitioner). The Petition for Variance was received by SJRWMD on January 19, 2006. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 32, No.5 on February 3, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

NOTICE IS HEREBY GIVEN that on April 17, 2006, South Florida Water Management District (District) received a petition for waiver from Alberta Billie, Application No. 05-1201-1 for utilization of Works or Lands of the District known as the L-29 Canal, Miami-Dade County, for a General Store within the north right of way of L-29 located approximate 982' east of S-12A, Section 15, Township 54 South, Range 38 East. The petition seeks relief from subsections 40E-6.011(4), 40E-6.221(8) and (9), Florida Administrative Code, which governs the placement of permanent/semi-permanent above ground structures; generally prohibits commercial uses within the right of way and the applicant must own or lease the land adjacent to or served by the portion of the works or lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320 or e-mail kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on April 18, 2006 the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-4.010(7)(b), Florida Administrative Code, from Amici's Pizza II located in New Port Richey. They are requesting a variance to not have accessible bathroom facilities within the establishment but use an adjacent establishment's bathroom facilities.

A copy of the Petition can be obtained from:

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

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

NOTICE IS HEREBY GIVEN that on April 18, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code, from Captain's Inn, a bed and breakfast, located in Mt. Dora. The above referenced F.A.C. states that each public lodging and food service establishment shall be provided with adequate and conveniently located bathroom facilities for its employees and guests.... The petitioner is requesting a variance to not have a centralized bathroom for guests, but for guests to use their bathrooms inside of their rooms.

A copy of the Petition can be obtained from:

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

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

NOTICE IS HEREBY GIVEN that on March 29, 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), Florida Administrative Code, from Machado Box Lunch located in Hialeah. 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.

This variance request was approved April 20, 2006, and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on April 5, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Mangos Paradise Grill located in Sandestin. 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 centrally located bathrooms for employees and guests due to building restrictions.

This variance request was approved April 20, 2006, and is contingent upon Petitioner notifying guests to the location of the public bathroom facilities by directional signage, the public bathrooms have hot and cold running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than eighty-six (86) seats in the establishment, which includes any outside seating. All provisos and plan review deficiencies

shall be met prior to licensing. The Petitioner shall follow all applicable Administrative Rules and Federal Food and Drug Administration Food Code references. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on April 6, 2006, the Division of Hotels and Restaurants received a second request to Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Rafael's Fast Food located in Orlando. The above referenced Florida Administrative Codes 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.

This variance request was approved April 20,2006, and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a

rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on April 24, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Cruisin Cafe Catering of Sarasota. 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: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

The Board of Accountancy hereby gives notice that it has received a petition, filed on April 17, 2006, by Richard G. Himeline, Jr., seeking a variance or waiver of subsection 61H1-33.006(2), Florida Administrative Code, and the requirement that required continuing professional education hours have been completed in the 24 months immediately proceeding the date of an application for reactivation.

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 (352)333-2505.

The Board of Accountancy hereby gives notice that it has received a petition, filed on April 17, 2006, by Yiren Ren, seeking a permanent waiver of paragraph 61H1-27.002(2)(b), Florida Administrative Code, and the requirement that, to be eligible for licensure, an applicant has completed 39 semester or 58 quarter hours in general business education which shall include not less than the equivalent of 6 semester or 8 quarter hours in business law courses which include coverage of the uniform commercial code, contracts and torts.

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 (352)333-2505.

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 Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Florida State Hospital. The Notice of Petition for Variance was published in Vol. 32, No. 3, of the January 20, 2006, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 10, 2006.

The Board's Order, filed on February 27, 2006, denies the Petition, finding that Petitioner has not complied with Sections 120.542(2), (5), Florida Statutes, and is not eligible for a variance or waiver from Rule 64B7-17.015, Florida Administrative Code. The Board further finds that the petition does not meet the requirements of Section 120.542(5)(d), Florida Statutes, and is not eligible for a waiver or variance of Rule 64B7-17.015, F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Susan Sheahan, D.M.D. The Notice of Petition for Variance was published in Vol. 32, No. 3, of the January 20, 2006, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on February 10, 2006.

The Board's Order, filed on February 27, 2006, denies the Petition for Variance or Waiver, finding that Petitioner has not met the requirements of Section 120.542(2), Florida Statutes. Specifically, Petitioner has failed to demonstrate how the purpose of the underlying statute would be achieved by other means. Additionally, Petitioner failed to demonstrate that principles of fairness would be violated by denial of the petition and failed to demonstrate that literal application of the rule affects Petitioner in a manner significantly different from other dentists subject to the rule. Moreover, Petitioner has failed to comply with Sections 120.542(2), 120.542(5) and 120.542(5)(d), Florida Statutes and subsection 28-104.001(1), and paragraphs 28-104.002(2)(e) and 28-104.002(1)(g), Florida Administrative Code. Based upon the foregoing, the Board determined that Petitioner is not eligible for a waiver or variance of Rule 64B7-14.005, F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

The Board of Physical Therapy Practice hereby gives notice that it has received an amended petition, filed on April 25, 2006, by Andrea Kalkman, seeking a waiver of the requirements of subsections 64B17-4.002(2), (3), Florida Administrative Code. The Petitioner seeks a waiver of the requirement to retake the National Physical Therapy Examination for Physical Therapist Assistants.

Comments on this petition should be filed with: The Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact Susan Love, Executive Director, Board of Physical Therapy Practice, at the above address or telephone (850)245-4373, ext. 3480.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

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

DATE AND TIME: Saturday, May 20, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32084, 1(800)648-1888

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or calling (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Division of Historical Resources by telephone, (850)245-6360, or Fax (850)245-6435.

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

DATE AND TIME: May 23, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Room #307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250. The meetings will be held via teleconference to Join the teleconference: dial the Ready Talk (866)740-1260. This is a toll free call. Enter the 7-digit access code: 2456470 (You will be placed on hold until the Chairperson starts the conference). If you have any problems joining the conference or if you need technical assistance, please contact the Ready Talk Customer Car Line at (800)843-9166.

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Quarter Quarterly Assistance and Annual Underserved Arts Communities Assistance Program Meeting. To review grant applications for the First Quarter Quarterly Assistance and Annual Underserved Arts Communities Assistance Program.

A copy of the meeting agenda may be obtained by writing: Division of Cultural Affairs at 500 South Bronough Street, R. A. Gray Building, 3rd Floor, Tallahassee, FL 32399-0250.

For additional information please contact Gaylen Phillips, Program and Development Manager, (850)245-6482.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review.

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 Division at least 48 hours before the meeting by contacting Morgan Barr at (850)245-6356. If you are hearing or speech impaired, please contact the Division by calling Florida Relay at 711.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** will hold telephone calls during the week of May 8, 2006, to which all persons are invited.

Legislative Committee

DATE AND TIME: May 9, 2006, 10:00 a.m.

Awards and Recognition Committee

DATE AND TIME: May 9, 2006, 11:00 a.m.

Annual Report Committee

DATE AND TIME: May 10, 2006, 10:00 a.m.

Finance and Budget Committee

DATE AND TIME: May 11, 2006, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: to discuss general issues.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

If you need an accommodation because of disability in order to participate, please notify FCSW at least 5 days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agriculture in the Classroom, Inc.**, Board of Directors will hold a regularly scheduled board meeting to which all persons are invited.

DATE AND TIME: Monday, May 22, 2006, 10:00 a.m.

PLACE: University of Florida/IFAS Microbiology and Cell Science Building, Building 981, corner of Museum Road and No Name Road, Room 1054, Gainesville, FL

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Aquaculture Review Council.

DATE AND TIME: June 7, 2006, 9:00 a.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, FL 32301

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 public is invited to a meeting of the State **Board of Education**.

DATE AND TIMES: May 16, 2006, 8:30 a.m. Strategic Imperatives Workshop; 10:30 a.m., State Board of Education Meeting

PLACE: Hillsborough County School District Office, 901 East Kennedy Blvd., Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will consist of the approval of minutes of the meeting held April 18, 2006, and updates on various reports and status of education initiatives by the Chairman and Commissioner. The following items will be presented for action by the Board: Approval of Actions for Repeating F Schools, Charter School Appeals: Baypoint Schools, Inc. vs. Miami Dade County School Board, Survivors Charter School vs. School Board of Palm Beach County, Amendment to Rule 6E-2.002, Institutional Licensure, Amendment to Rule 6E-2.004, Standards and Procedures for Licensure, Amendment to Rule 6E-2.0061, F.A.C., Actions Against

Licensee Penalties, and the Reappointment to the Florida Center for Nursing Board of Directors. In addition, updates will be provided on Distance Learning Programs, Workforce and Succeed Program, and an Update on Enrollment of Level 1 and Level 2 Students in Reading Intervention Courses.

A copy of the agenda may be obtained from the Department of Education's website at <http://www.fldoe.org>

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equity and Access, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The **Division of Blind Services** announces meetings to which all interested persons are invited.

State Committee of Vendors Meeting

2nd Quarterly Meeting – Orlando

DATES AND TIMES: May 19, 2006, 8:00 a.m. – 5:00 p.m., possible evening session; May 20, 2006, 8:00 a.m. – 12:00 Noon

PLACE: Embassy Suites Hotel, 8978 International Drive, Orlando, Florida 32819, (800)433-7275

Agenda:

Bureau of Business Enterprises Reports

Revisions

Business Enterprises Topics

State Committee of Vendors

Sub-Committee Transfer and Promotions Report

Sub-Committee Training and Re-Training

Sub-Committee Audit and Budget Sub-Committee Report

Sub-Committee Marketing Report

Sub-Committee Facility Development Report

Grievance Report

General Topics Brought to Table

Round Table by District

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel, all persons are invited.

DATE AND TIME: May 12, 2006, 9:00 a.m., A Teacher Hearing Panel

PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The Florida **Center for Nursing** will conduct a Board of Directors meeting to which all interested persons are invited to participate.

DATES AND TIMES: Thursday, May 11, 2006, 1:00 p.m. – 5:00 p.m.; Friday, May 12, 2006, 8:00 a.m. – 2:00 p.m.

For further information contact Cathy at (407)823-0981.

The **Articulation Coordinating Committee** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, May 24, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Room 1721/25 Turlington Building, 325 West Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Articulation issues regarding secondary and postsecondary education.

A copy of the items to be addressed may be obtained by contacting: Office of Articulation, Florida Department of Education, 1401 Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0427 or Suncom 205-0427.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency by calling Dr. Pamela Kerouac, (850)245-0427, at least five days prior to the meeting in order to request any special assistance.

The **Department of Education** announces a meeting to which all interested persons are invited.

Special Meeting, GCCC District Board of Trustees

DATE AND TIME: May 4, 2006, 10:00 a.m.

PLACE: Third Floor, Seminar Room, Student Union West, GCCC Main Campus

Contact Person: Wanda Luckie, Coordinator, Institutional Effectiveness, (850)872-3816, wluckie@gulfcoast.edu

GENERAL SUBJECT MATTER TO BE CONSIDERED: To explore options for upcoming presidential search process.

The public is invited to a meeting of the Florida **Board of Governors**.

DATE AND TIME: May 19, 2006, 9:00 a.m. – 10:00 a.m.

PLACE: By Telephone Conference Call, 1605 Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of matters of interest to the Board of Governors being discussed by the 2006 Florida Legislature; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from: Board of Governors website at <http://www.flbog.org> and from the Department of Education's website at <http://www.fldoe.org>

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District Five announces a Public Hearing to which all persons are invited.

DATE AND TIMES: June 1, 2006, 5:30 p.m. – Open House; 6:30 p.m. – Formal Presentation

PLACE: Bushnell Community Center, 407 E. Belt Avenue, Bushnell, Florida 33513

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project Number 240418-2-22-01, Federal Aid Project Number 5652 007 S, otherwise known as the SR 48 (Belt Avenue) Project Development and Environment (PD&E) Study. The project limits are from the west ramps of I-75 to CR 475 in Sumter County.

Anyone needing project or Public Hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write: Dyer, Riddle, Mills & Precourt, Inc., 1505 East Colonial Drive, Orlando, Florida 32803, or call Mr. Greg Moore toll free at 1(800)375-3767.

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

The Florida **Department of Transportation** invites you to attend and participate in a Public Hearing for the SR 574 (Dr. Martin Luther King, Jr. Boulevard) Project Development and Environment (PD&E) Study Design Change Reevaluation. The planned improvements include reconstructing the existing three-lane rural roadway to a five-lane urban roadway from west of Highview Road to east of Parsons Avenue in Hillsborough County, Florida, FPN: 255893-2, FAP No.: 2081-018P.

DATE AND TIME: Thursday, June 1, 2006, 5:00 p.m. – 7:00 p.m. (formal portion beginning 6:00 p.m.)

PLACE: Quest@Kingsway (Church), 501 South Kingsway Road, Seffner, Florida 33584

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This hearing is being held to allow interested persons the opportunity to provide comments concerning design changes to the PD&E Study's Recommended "Build" Alternative and is being conducted pursuant to Chapter 339 Florida Statutes, 23 CFR 771, 23 U.S.C. 128, Chapter 120 Florida Statutes and Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968.

Individuals requiring special accommodations under the Americans with Disabilities Act of 1990 should contact Mr. Manuel Santos, EI, Project Manager, (813)975-6173 or 1(800)226-7220.

The Department will receive verbal and written comments at the public hearing. Written comments not received at the hearing may be returned to the Department via mail but must be postmarked by Monday, June 12, 2006 to become part of the official public hearing record. Written comments should be addressed to: Mr. Manuel Santos, EI, Project Manager, Florida Department of Transportation, District Seven, 11201 N. McKinley Drive, MS 7-600, Tampa, Florida 33612.

The **Florida Seaport Transportation and Economic Development Council** announces a Project Review Group teleconference in which all interested persons are invited to participate.

DATE AND TIME: May 18, 2006, 10:00 a.m.

PLACE: Florida Department of Transportation, Lafayette Conference Room, 3rd Floor, Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450. Toll Free Call In Number: (866)374-3368, ext. 4972, Local: (850)414-4972, Suncom: (850)994-4972

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."

DEPARTMENT OF CITRUS

The **Department of Citrus** announces an emergency public meeting of the Executive Director Search Committee to which all persons are invited.

DATE AND TIME: Wednesday, April 26, 2006, 10:00 a.m.

PLACE: Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to narrow the field of applicants for interview purposes and to discuss any other issues that may properly come before the Commission.

If there is a member of the public who cannot attend the meeting at the Florida Department of Citrus, but wishes to appear by telephone, they may do so by calling (850)414-1708. In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone at (863)499-2500.

The **Department of Citrus** announces an emergency meeting of the Special Industry Sub-Committees, Lobbying and Industry Structure, to which all persons are invited.

DATE AND TIME: Wednesday, May 3, 2006, 1:30 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to finalize subcommittee recommendations and discuss reforms to the JCILC process and to discuss any other issues that may properly come before the Commission.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting: Mr. Bill Jones at the above address or by telephone at (850)488-5776.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, May 17, 2006, 9:00 a.m. The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balanced scorecards, licensing, rulemaking, and other matters generally addressed during monthly meetings of the Commission. The Commissioners of the Florida Citrus Commission also sit as the members of each referenced committee of the Florida Citrus Commission; therefore substantial and detailed discussions, public input, consideration of, and Committee action upon, Committee issues, occurs during the Committee meetings. Such actions may include, but are not limited to, the adoption of resolutions to be acted upon by the Florida Citrus Commission following the Committee meetings.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting: Mr. Bill Jones at the above address or by telephone at (863)499-2500.

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, June 21, 2006, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review progress of research in relation to the Harvesting Program and to discuss any other matters which might relate to this committee.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone at (863)499-2499.

FLORIDA PAROLE COMMISSION

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

DATE AND TIME: Wednesday, May 17, 2006, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

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

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450 or may be viewed at <http://www.fpc.state.fl.us>.

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

PUBLIC SERVICE COMMISSION

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces the cancellation of a prehearing and hearing noticed in:

Docket No.: 050581-TP – Complaint of KMC Telecom III LLC and KMC Telecom V, Inc. against Sprint-Florida, Incorporated and Sprint Communications Company Limited Partnership for alleged failure to pay intrastate access charges pursuant to interconnection agreement and Sprint's tariffs, and for alleged violation of Section 364.16(3)(a), F.S.

PREHEARING

DATE AND TIME: May 1, 2006, 1:30 p.m.

HEARING

DATES AND TIMES: May 11, 2006, 10:30 a.m.; May 12, 2006, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

The Florida **Public Service Commission** announces a prehearing conference and a hearing to be held in the following docket, to which all interested persons are invited.

DOCKET No.: 060225-EI – Petition for determination of need for West County Units 1 and 2 electrical power plants in Palm Beach County, by Florida Power & Light Company.

PREHEARING CONFERENCE

DATE AND TIME: Tuesday, May 23, 2006, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

HEARING

DATE AND TIME: Thursday, June 8, 2006, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing is for the Commission to take final action to determine the need, pursuant to Section 403.519,

Florida Statutes, for Florida Power & Light Company's (FPL) West County Units 1 and 2 to be constructed in Palm Beach County. The proposed units consist of two new natural-gas fired, three-on-one combined cycle units which will utilize three Mitsubishi Power Systems 501G series advanced combustion turbines (CTs), three heat recovery steam generators (HRSGs) and one steam driven turbine generator. Each three-on-one unit is expected to have an approximate total rated peak capacity of 1,219 MW in summer and 1,335 MW in winter. This proceeding shall: (1) allow FPL to present evidence and testimony in support of its petition for a determination of need for its proposed electrical power plant; (2) permit any intervenors to present testimony and exhibits concerning this matter; (3) permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and (4) allow for such other purposes as the Commission may deem appropriate.

Any member of the public who wishes to offer testimony should be present at the beginning of the hearing. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The hearing will be governed by the provisions of Chapter 120, Florida Statutes; Section 403.519, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code.

Only issues relating to the need for the electrical power plant will be heard at the June 8, 2006, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed power plant, as required by the "Power Plant Siting Act," Sections 403.501-.519, Florida Statutes.

Any person requiring some accommodation at the prehearing conference or hearing because of a physical impairment should call the Division of Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the particular event. If you are hearing or speech impaired, please contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 050419-TP – Petition by MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services for arbitration of certain terms and conditions of proposed interconnection agreement with BellSouth Telecommunications, Inc.

DATES AND TIME: May 24-25, 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 permit parties to present testimony and exhibits relative to the petition by MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services for arbitration of certain terms and conditions of proposed interconnection agreement with BellSouth Telecommunications, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on May 15, 2006. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the 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 **Governor's Ex-offender Task Force** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, May 8, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Room 24, LL House Office Building, Tallahassee, FL

The **Florida Sports Foundation** announces its quarterly BOARD OF DIRECTORS MEETING to which all persons are invited.

DATE AND TIME: Friday, June 16, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: Pelican Beach Resort, 2000 N. Atlantic Blvd., Ft. Lauderdale, FL 33305, (954)568-9431

Please make 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.

REGIONAL PLANNING COUNCILS

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, May 18, 2006, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIMES: Wednesday, May 17, 2006, 10:00 a.m.; Please be advised that committee meetings will begin at 9:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075, ext. 304 to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing to: Ms. Andrea Fant, Administrative Assistant, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting www.ecfrpc.org

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

The **Tampa Bay Local Emergency Planning Committee**, (LEPC) District VIII, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 31, 2006, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, Ext 33.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, within three working days of the meeting.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location.)

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, June 12, 2006, 8:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, June 12, 2006, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Joint Meeting of the Clearinghouse Review Committee and the Legislative Committee

DATE AND TIME: Monday, June 12, 2006, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Clearinghouse Review Committee and the Legislative Committee.

MEETING: Agency On Bay Management

DATE AND TIME: Thursday, June 8, 2006, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited.

DATE AND TIME: May 18, 2006, 9:00 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by either contacting the SWFRPC at (239)338-2550 or on their website www.swfrpc.org

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that

a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will meet either immediately prior or following the Council meeting unless otherwise advertised.

Any person requiring special accommodation due to disability or physical impairment should contact: Mr. David Burr, (239)338-2550, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Region IX, **Local Emergency Planning Committee** (LEPC) announces a public meeting to which all persons are invited.

DATE AND TIME: May 25, 2006, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and implement provisions of the Emergency Planning and Community Right To Know Act.

A copy of the Agenda may be obtained by contacting: Executive Director, David Y. Burr, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901.

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

DATE AND TIME: Wednesday, May 10, 2006, 2:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Business Meeting.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2128 Imperial Point Drive, Fort Lauderdale, Florida 33308 or contacting the South Florida Regional Planning Council at (954)985-4416.

The Regional Business Alliance is comprised of business leaders from Miami-Dade, Broward, and Palm Beach counties, including members of the South Florida Regional Transportation Authority.

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

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 19, 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.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: May 11, 2006, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – To consider District business, and conduct public hearings on regulatory and land acquisition matters.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Workshop will follow the Board meeting.

PLACE: Suwannee River Conference and Retreat Center, Advent Christian Village, Dowling Park, Florida

DATE AND TIME: May 12, 2006, 8:30 a.m.

PLACE: Suwannee River Conference and Retreat Center, Advent Christian Village, Dowling Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of Workshop.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

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

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or (800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

AGRICULTURAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, May 16, 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: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41 South), Brooksville, Florida 34604 or by calling the Southwest Florida Water Management District, (352)796-7211, extension 4402 or 1(800)423-1476, extension 4402, Suncom 628-4150.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advised 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** announces a public meeting, hearing or workshop to which all persons are invited.

GREEN INDUSTRY ADVISORY COMMITTEE

DATE AND TIME: Thursday, May 18, 2006, 9:30 a.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: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41 South), Brooksville, Florida 34604 or by calling the Southwest Florida Water Management District, (352)796-7211, extension 4402 or 1(800)423-1476, extension 4402 or Suncom 628-4150.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advised 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 **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATES AND TIME: May 4, 2006; June 1, 2006; July 6, 2006; No August 2006 Meeting; September 7, 2006; October 5, 2006; November 2, 2006; December 7, 2006, 9:00 a.m. Call Rick Smith Prior to Meeting Date to Confirm That Meeting Will Be Held on That Date and The Exact Location (561)682-6517.

PLACE: South Florida Water Management, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406 (Location Subject to Change)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting (WRAC).

A copy of the agenda may be obtained at: (1) District Website (<http://www.sfwmd.gov/gover/wrac/mtgdate.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.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Rick Smith, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

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

DATES AND TIME: Every Monday in 2006. May 8, 15, 22, 29; June 5, 12, 19, 26; July 3, 10, 17, 24, 31; August 7, 14, 21, 28; September 4, 11, 18, 26; October 2, 9, 16, 23, 30; November 6, 13, 20, 27; December 4, 11, 18, 2006, 9:00 a.m. ALL MEETING DATES ARE TENTATIVE. Call Rick Smith Prior to Meeting Date to Confirm That Meeting Will Be Held on That Date (561)682-5417.

PLACE: South Florida Water Management, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406. (Location Subject to Change.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting – Issues Workshop Meeting.

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.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

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

Potential WRAC Issues Workshops

DATES AND TIME: May 18, 2006; June 15, 2006; July 20, 2006; August 17, 2006; October 19, 2006; November 16, 2006; December 21, 2006, 9:00 a.m. Call Rick Smith Prior to Meeting Date to Confirm That Meeting Will Be Held on That Date (561)682-6517.

PLACE: South Florida Water Management, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406. (Location Subject to Change.)

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

A copy of the agenda may be obtained at: (1) District Website (<http://www.sfwmd.gov/gover/wrac/agendas.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.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

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

DATE AND TIME: Wednesday, May 17, 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: Governing Board Land Resources and Construction Committee to discuss and consider District business including Alternative Water Supply Program Projects.

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: (1) District Website www.sfwmd.gov/gover/GovBoard/webpage/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.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

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

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

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

DATE AND TIME: Wednesday, May 31, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: John Boy Auditorium, 1200 W. C. Owens Avenue, Clewiston, FL 33440

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC)/Lake Okeechobee Committee.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 1131, 3301 Gun Club Road, West Palm Beach, Florida 33406, or at our website <http://my.sfwmd.gov/wrac>.

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

Those who want more information, please contact Rick Smith, (561)682-6517 or Sandra Gomez, (561)682-2047.

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

DATE AND TIME: Wednesday, June 28, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: TBD, Stuart, FL

DATE AND TIME: Wednesday, July 26, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: TBD, Belle Glade, FL

DATE AND TIME: Wednesday, August 30, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: TBD, Ft. Myers, FL

DATE AND TIME: Wednesday, September 27, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: TBD, Okeechobee City, FL

DATE AND TIME: Wednesday, October 25, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: TBD, Clewiston, FL

DATE AND TIME: Wednesday, November 29, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: TBD, Stuart, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC)/Lake Okeechobee Committee.

A copy of the agenda and a list of meeting dates may be obtained at our website <http://my.sfwmd.gov/wrac> or by writing: South Florida Water Management District, Mail Stop 1131, 3301 Gun Club Road, West Palm Beach, Florida 33406. Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Rick Smith, (561)682-6517 or Sandra Gomez, (561)682-2047.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Public Hearing to which all persons are invited.

DATE AND TIME: Thursday, May 11, 2006, 5:30 p.m. – until completion

PLACE: Courtyard by Marriott Ft. Lauderdale North, 2440 West Cypress Creek Road, Ft. Lauderdale, Florida 33309, (954)772-7770

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear comments from the public concerning the Transportation Disadvantaged Program.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact: Niki Branch at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Finance, Audit, and Program Performance (FAPP) Meeting to which all persons are invited.

DATE AND TIME: Friday, May 12, 2006, 8:30 a.m. – until completion

PLACE: Courtyard by Marriott Ft. Lauderdale North, 2440 West Cypress Creek Road, Ft. Lauderdale, Florida 33309, (954)772-7770. Conference Call Number: (850)922-2903, Suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact Niki Branch at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49,

Tallahassee, Florida 32399-0450, (850)410-5700 or 1-800-983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Friday, May 12, 2006, 10:00 a.m. – until completion

PLACE: Courtyard by Marriott Ft. Lauderdale North, 2440 West Cypress Creek Road, Ft. Lauderdale, Florida 33309, (954)772-7770. Conference Call Number: (850)922-2903, Suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact: Niki Branch at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Rate Review Committee Meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 16, 2006, 10:00 a.m. – completion

PLACE: Commission Business Office, 2740 Centerview Drive, Tallahassee, Florida 32301, (850)410-5700, Conference Call Number (850)922-2904

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear, discuss, and approve rate increase requests.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact: Niki Branch at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular May monthly board meeting as scheduled. This is a public meeting to which all persons are invited.

DATE AND TIME: May 17, 2006, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, Florida 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

FLORIDA SPACE AUTHORITY

The **Florida Space Authority** announces a Board of Supervisors meeting to which the public is invited.

DATE AND TIME: June 2, 2006, 10:00 a.m. – 12:00 Noon (EDT)

PLACE: Florida Space Authority, Conference Center, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss the status of Authority programs in the areas of business development, space transportation and planning, construction and facilities, education, policy coordination and any other administrative issues that may need to be considered relating to the business of the Authority and other state agencies.

For more information, contact Glenn Vera, (321)730-5301, ext. 244. To obtain a copy of the agenda, write to: Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003 or visit their website at www.floridaspaceauthority.com.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors 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.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 10, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: 400 West Robinson Street, Hurston Building, Conference Room B/C, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Area Seven Managed Care Behavioral Health Advisory Group will hold its quarterly meeting. The purpose of the meeting is to provide a forum for the community to discuss issues surrounding managed behavioral health care services with representatives from the managed care plans, the Agency, and the Department of Children and Families.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jennifer Gallman, (813)871-7600, ext. 133, at least five calendar days prior to the meeting.

For additional information contact: Jennifer Gallman, Agency for Health Care Administration, 6800 North Dale Mabry Highway, Suite 200, Tampa, FL 33607, gallmanj@ahca.myflorida.com

The **Agency for Health Care Administration** announces a meeting of the Governor's Health Information Infrastructure Advisory Board FHIN White Paper Minimal Clinical Dataset Workgroup, to which all interested parties are invited.

DATE AND TIME: Monday, May 15, 2006, 12:00 p.m. – 1:30 p.m., EDST

PLACE: This will be a meeting by conference call. Anyone interested in participating may telephone: (641)793-7500 and use Pass Code: 9701442#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workgroup meeting will discuss the development of a minimal dataset that will reside on the server of a local regional health information organization connecting to the Florida Health Information Network and make recommended additions to the FHIN White Paper.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Christopher Sullivan, at (850)414-5421 at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing to: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at http://ahca.myflorida.com/dhit/work_group05.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Health Plan Consumer Report Technical Workgroup to which all interested parties are invited.

DATE AND TIME: Wednesday, May 17, 2006, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor Conference Rooms, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Bill Dahlem, (850)410-0224, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Penny Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at: http://ahca.myflorida.com/SCHS/chistwg_hpcr.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Governor's Health Information Infrastructure Advisory Board FHIN White Paper Minimal Clinical Dataset Workgroup, to which all interested parties are invited.

DATE AND TIME: Monday, May 22, 2006, 12:00 Noon – 1:30 p.m. (EDST)

PLACE: This will be a meeting by conference call. Anyone interested in participating may telephone: (641)793-7500, Pass Code: # 9701442

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workgroup meeting will discuss the development of a minimal dataset that will reside on the server of a local regional health information organization connecting to the Florida Health Information Network and make recommended additions to the FHIN White Paper.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christopher Sullivan, (850)414-5421, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at: http://ahca.myflorida.com/dhit/work_group05.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 11, 2006, 1:30 p.m. – 3:00 p.m.

PLACE: Area One Medicaid Office, 160 Governmental Center, Pensacola, Florida 32502

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Area One Managed Care Behavioral Health Advisory Group will hold its quarterly meeting. The purpose of the meeting is to provide a forum for the community to discuss issues

surrounding managed behavioral health care services with representatives from the managed care plans, the Agency, and the Department of Children and Family Services.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Deborah McNamara, (850)414-0633, at least five calendar days prior to the meeting.

For additional information contact: Deborah McNamara, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308, e-mail: mcnamard@ahca.myflorida.com

The **Agency for Health Care Administration** announces an Informational Workshop to which all persons are invited.

DATE AND TIME: May 16, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Conference Center at the Avenues, Banquet Room, Ponce de Leon, 6104 Gazebo Park Place S., Jacksonville, FL 32257

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to gather information regarding choice counseling and marketing under Medicaid reform as it relates to health plans.

A copy of the agenda may be obtained by writing: Joshua Davis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #48, Tallahassee, FL 32308.

Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (850)488-3560. Special Accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the Public hearing.

The **Agency for Health Care Administration** announces an Informational Workshop to which all persons are invited.

DATE AND TIME: May 17, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Wyndham Hotel and Resort Ft. Lauderdale Airport 1870 Griffin Road Ft. Lauderdale, FL 33004-2214

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to gather information regarding choice counseling and marketing under Medicaid reform as it relates to health plans.

Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (850)488-3560. Special Accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the Public hearing.

A copy of the agenda may be obtained by writing: Joshua Davis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #48, Tallahassee, FL 32308.

The **Agency for Health Care Administration**, in conjunction with the **Department of Elder Affairs** announces the following public meeting to which all persons are invited.

DATE AND TIMES: Friday, May 19, 2006, 1:00 p.m. – 3:00 p.m. (EST); Advance registration for those wishing to comment during the public comment period will begin at 12:00 Noon (EST)

PLACE: Orlando City Hall, Overlook Room, 9th Floor, 400 South Orange Avenue, Orlando, FL 32801 (Parking available behind City Hall at Commons Parking Garage, 460 Boone Avenue)

GENERAL SUBJECT MATTER TO BE CONSIDERED: SB 838 mandates the Agency for Health Care Administration, in consultation with the Department of Elder Affairs, to create an “integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The Agency for Health Care Administration shall implement the integrated system initially on a pilot basis in two areas of the state”. The Agency for Health Care Administration submitted waiver applications to the Centers for Medicare & Medicaid Services on January 26, 2006 in order to obtain Federal approval for implementation of managed, integrated long term care in the Panhandle Pilot Area-Escambia, Santa Rosa, Okaloosa and Walton Counties; and the Central Florida Pilot Area-Seminole, Orange, Brevard and Osceola Counties.

The public meeting will include an overview of the proposed program and an opportunity for public comment on a first come – first serve basis.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should advise the Agency at least seventy two (72) hours before the meeting by contacting: Stephanie L. Clarke, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)487-2618, e-mail carkest@ahca.myflorida.com.

The **Agency for Health Care Administration** announces the Enhanced Benefits Advisory Panel meeting.

DATE AND TIME: May 22, 2006, 9:30 a.m.

PLACE: Agency for Healthcare Administration, Conference Room B, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held to afford interested persons the opportunity to gather information regarding Medicaid reform, as it relates to Enhanced Benefits.

Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (850)488-3560.

Special Accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the Public hearing.

A copy of the agenda may be obtained by writing: Roger Carson, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #48, Tallahassee, FL 32308.

The **Agency for Health Care Administration**, in conjunction with the **Department of Elder Affairs** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 25, 2006, 1:00 p.m. – 3:00 p.m. (CDT). Advance registration for those wishing to comment during the public comment period will begin at 12:00 Noon (CDT).

PLACE: University of West Florida, Conference Center, Building 22, 11000 University Parkway, Pensacola, FL 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: SB 838 mandates the Agency for Health Care Administration, in consultation with the Department of Elder Affairs, to create an “integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The Agency for Health Care Administration shall implement the integrated system initially on a pilot basis in two areas of the state”. The Agency for Health Care Administration submitted waiver applications to the Centers for Medicare and Medicaid Services on January 26, 2006 in order to obtain Federal approval for implementation of managed, integrated long term care in the Panhandle Pilot Area-Escambia, Santa Rosa, Okaloosa and Walton Counties; and the Central Florida Pilot Area-Seminole, Orange, Brevard and Osceola Counties.

The public meeting will include an overview of the proposed program and an opportunity for public comment on a first come – first serve basis.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should advise the Agency at least seventy two (72) hours before the meeting by contacting: Stephanie L. Clarke, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)487-2618, e-mail: clarkest@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Department of Management Services** announces a meeting of the Statewide Florida State Employees’ Charitable Campaign (FSECC) Steering Committee to which all persons are invited.

DATES AND TIMES: May 12, 2006, 1:00 p.m.; May 19, 2006, 1:00 p.m.

PLACE: 307 East 7th Avenue, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the FSECC Statewide Steering Committee to review applications for participation in the campaign.

For more information about the meeting, for a copy of the agenda, or if special accommodations are needed to attend this meeting because of a disability, please contact: John Kuczanski, Department of Management Services, 4050 Esplanade Way, Suite 215, Tallahassee, FL 32399-0950, (850)921-4681.

The Governor's Americans with Disabilities Act Working Group, which is administered by the **Department of Management Services**, announces a meeting of its Board to which all interested persons are invited.

BOARD MEETING

DATES AND TIMES: May 22, 2006, 1:00 p.m. – 5:00 p.m.; May 23, 2006, 9:00 a.m. – 3:30 p.m.; May 24, 2006, 9:00 a.m. – 12:00 Noon

PUBLIC HEARING

DATE AND TIME: May 23, 2006, 4:00 p.m. – 6:00 p.m.

PLACE: Hampton Inn Cocoa Beach, 3425 N. Atlantic Ave., Cocoa Beach, FL 32931, (321)799-4099

GENERAL SUBJECT MATTER TO BE CONSIDERED: To facilitate the mission of the Governor's Americans with Disabilities Act Working Group. American Sign Language Interpreters, Certified Real Time Captioning, Audio/Visual Accommodations, and alternative formats will be available on site.

Should you require a different accommodation than those being provided, please contact Stacia Woolverton by May 17, 2006 at (877)232-4968 Toll Free (VOICE/TTY). A copy of the Board meeting agenda may also be obtained by calling this number.

The State of Florida, **State Technology Office** announces a Chief Information Officers (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, May 15, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Amy Caldeira, amy_caldeira@doh.state.fl.us, (850)245-4599.

The DMS – **Enterprise Information Technology Services, Wireless 911 Board** announces the following meeting schedule information.

DATES AND TIME: October 18-19, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Wyndham Casa Marina Resort, Key West, Florida
Wireless 911 Board Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wireless 911 Board Meeting.

DATES AND TIME: November 15-16, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Jupiter Beach Resort, Jupiter Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wireless 911 Board Meeting.

DATES AND TIME: December 13-14, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Disney Coronado Resort, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Wireless 911 Board Meeting.

If accommodation due to disability is needed in order to participate, please notify the DMS – Enterprise Information Technology Services Office/Wireless 911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Tuesday, May 23, 2006, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mandy Lemons at (888)862-7010.

Additional information may be obtained by contacting: Mandy Lemons, Executive Director, FMHRC, P. O. Box 14125 Tallahassee, FL 32317-4125, (888)862-7010.

NOTICE OF CORRECTION – The Florida Electrical Contractors' Licensing Board announces the following Board Meeting to which all interested persons are invited to attend.

DATE AND TIME: May 17, 2006, 8:30 a.m., or soon thereafter (incorrectly noticed as 8:30 p.m. in Vol. 32, No. 14 of the FAW)

PLACE: The Hilton Ocala, 3600 Southwest 36th Ave., Ocala, FL 34474, (352)854-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative and Rules Discussion and General Business Meeting.

The Florida **Board of Landscape Architecture** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: May 23, 2006, 12:00 Noon

PLACE: Access Phone: (850)413-9245, Toll Free (877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Engineers Management Corporation** and the Florida **Board of Professional Engineers** announces a joint public meeting, to which all persons are invited.

DATES AND TIMES: Wednesday, June 14, 2006, 8:30 a.m.; Thursday, June 15, 2006, until conclusion of meeting

PLACE: Hyatt Regency Tampa, Two Tampa City Center, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss old and new business of the Corporation and Board.

A copy of the agenda may be obtained by writing: the Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such

purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

NOTICE OF CANCELLATION – The Florida **Board of Professional Engineers** announces that the public meeting of the Legislative Committee has been cancelled.

DATE AND TIME: Tuesday, May 16, 2006, 2:00 p.m. – until conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

A copy of the agenda may be obtained by writing: The Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: June 14, 2006, 8:00 a.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, FL 32822, (407)851-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-7154, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Florida **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 22, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, FL 32399-1708

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Special Needs Shelter Interagency Committee Meeting is being hosted by the Department of Health, Office of Public Health Nursing, to identify and resolve problems related to special needs shelters that are not currently addressed in the state comprehensive plan. The meeting shall also serve as a forum to develop policies and procedures, which support sheltering best practices throughout the state.

MEETING CONTACT INFORMATION: To obtain a copy of the agenda, or for additional meeting information, please contact Makeshia Barnes, (850)245-4444, ext. 2183, or by e-mail Makeshia_Barnes@doh.state.fl.us.

Note: Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations at this hearing because of a disability, hearing or physical impairment should contact Makeshia Barnes at least five (5) business days prior to the meeting using the Florida Dual Party Relay System, which may be accessible by calling (800)955-8770 (Voice), (800)955-8771 (TDD).

The **Correctional Medical Authority** announces a meeting to be held in Tallahassee, Florida, to which all persons are invited.

DATE AND TIME: May 18, 2006, 12:00 Noon – 4:00 p.m.

PLACE: Correctional Medical Authority, 4030 Esplanade Way, Building 4030, Room 258, Tallahassee, FL 32399-1732, (850)245-4557

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin B-04, Tallahassee, FL 32399-1732, (850)245-4557.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of Health, Board of Dentistry** announces a meeting of the Budget Committee, an official meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: May 15, 2006, 5:30 p.m.

PLACE: Telephone Number: (850)487-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review budget.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

The **Department of Health, Board of Dentistry** announces a meeting of the Council on Dental Assisting, an official meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: May 16, 2006, 5:30 p.m.

PLACE: Telephone Number: (850)487-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review rules.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: May 12, 2006, 2:00 p.m.

PLACE: Meet Me Number: (850)414-5775, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

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

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Quality Assurance Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, May 26, 2006, 11:00 a.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, June 2-3, 2006, 8:00 a.m.

PLACE: Rosen Centre, 9840 International Drive, Orlando, FL 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, June 2, 2006, immediately following the Board Meeting

PLACE: Rosen Centre, 9840 International Drive, Orlando, FL 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department of Health, Board of Physical Therapy Practice announces a meeting to which all persons are invited.

DATES AND TIMES: May 11, 2006, 6:30 p.m. or soon thereafter; May 12, 2006, 8:00 a.m. or soon thereafter

PLACE: The Sheraton Ft. Lauderdale Airport, 1825 Griffin Road, Dania, FL 33004, (954)920-3500

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255, or by calling the board office, (850)245-4373, ext. 3467.

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.

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)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The Board of Speech-Language Pathology and Audiology announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Thursday, May 25, 2006, 9:00 a.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: The Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

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

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Board of Speech-Language Pathology and Audiology** announces a meeting:

DATE AND TIME: Wednesday, May 24, 2006, 5:00 p.m. or soon thereafter

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Robert E. Fricke, Department of Health, 4052 Bald Cypress Way, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Practitioner Regulation Section may be contacted at 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

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

DATE AND TIME: Friday, May 12, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, Room 166, Capital Circle Office Complex, 4075 Esplanade Way, Tallahassee, FL 32399

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

A copy of the agenda may be obtained from: Gail Vail, Department of Health, (850)245-4200, ext. 2238, Gail_Vail@doh.state.fl.us

The **Diabetes Advisory Council** announces a meeting to which all interested persons are invited.

DATE AND TIME: May 10, 2006, 9:00 a.m. – 1:00 p.m.

PLACE: Tampa at the Clarion Hotel, Tampa Westshore, 5303 West Kennedy Blvd. Tampa, FL 33609

The Florida **Department of Health**, Drug Wholesaler Advisory Council announces a meeting to which all interested persons are invited.

DATE AND TIME: May 18, 2006, 9:30 a.m.

PLACE: Via Conference Call: (850)414-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include Welcome/Introductions, Approval of Minutes from February 23, 2006, Meeting; Old Business; New Business; Open Discussion.

Please contact Maxine Wenzinger, (850)245-4736, if you have any questions.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 12, Community Alliance ByLaws/Nominating Committee announces a public meeting to which all persons are invited.

DATE AND TIME: May 5, 2006, 9:15 a.m.

PLACE: Department of Children and Family Services, 210 N. Palmetto Ave., Conference Room 430, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn: Denise Kelly).

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (386)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY at 1(800)955-8771.

The **Department of Children and Family Services** announces a meeting of the Florida Interprogram Task Force addressing implementation of Florida's State Plan for the Prevention of Child Abuse, Abandonment, and Neglect: July 2005-June 2010. The meeting will be held in Tallahassee.

DATE AND TIME: May 17, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: 4042 Bald Cypress Way, Southwood Office Complex, Room 301, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update on activities since the last meeting and the continuing role of the task force, subcommittees, and district planning teams.

A copy of the agenda may be obtained from Julie Helter at (850)488-4768.

Persons with disabilities who require assistance to participate in the meeting are requested to notify Julie Helter at least 48 hours in advance so that their needs can be accommodated.

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

Executive Committee

DATE AND TIME: May 10, 2006, 9:00 a.m. – 11:00 a.m.

PLACE: Clem C. Benton Bldg., Room 335, 337 North U.S. Hwy. #1, Fort Pierce, Florida 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North U.S. Hwy. 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800) 955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited.

ALLIANCE MEETING

DATE AND TIME: May 26, 2006, 8:30 a.m. – 10:30 a.m.

PLACE: St. Lucie County Department of Health, 5150 N. W. Milner Drive, Port St. Lucie, Florida 34983

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North U.S. Hwy. 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Briarwood Apartments, a 102-unit multifamily residential rental development located on approximately 26.61 acres at or around 3791 County Road 218 and 3793 County Road 218, Middleburg, Clay County, Florida 32068. The prospective owner and operator of the proposed development is 218 Housing Partners, LP, 7865 Southside Blvd., Jacksonville, FL 32256, or such successor in interest in which Sanford L. Seligman, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Dimension One Management, Inc., 7865 Southside Blvd., Jacksonville, FL 32256. The total tax-exempt bond amount is not to exceed \$4,150,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Clear Harbor Apartments, an 84-unit multifamily residential rental development located on approximately 5.83 acres at or around 11240 US Highway 19, Pinellas Park, Pinellas County, Florida 33782. The prospective owner and operator of the proposed development is Clear Harbor, Ltd., c/o The Richman Group of Florida, Inc., 340 Pemberwick Road, Greenwich, CT 06831, or such successor in interest in which The Richman Group of Florida, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The total tax-exempt bond amount is not to exceed \$5,200,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed.

Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Cutler Hammock Apartments, a 162-unit multifamily residential rental development located on approximately 7.013 acres at or around 10376 SE 212th Street, Miami, Miami-Dade County, Florida 33189. The prospective owner and operator of the proposed development is Cutler Hammock Preservation, LP, 60 Columbus Circle, New York, New York, 10023, or such successor in interest in which Cutler Hammock Developer, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is TRG Management

Company of Florida, 2828 Coral Way, Penthouse Suite, Miami, FL 33145. The total tax-exempt bond amount is not to exceed \$11,370,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Heritage Villas, a 116-unit multifamily residential rental development located on approximately 7.24 acres at or around 4440 43rd Avenue and 4049 44th Manor, Vero Beach, Indian River County, Florida 32967. The prospective owner and

operator of the proposed development is Indian River RDA, LP, 7865 Southside Blvd., Jacksonville, FL 32256, or such successor in interest in which Sanford L. Seligman, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Dimension One Management, Inc., 7865 Southside Blvd., Jacksonville, FL 32256. The total tax-exempt bond amount is not to exceed \$5,100,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the

acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Hudson Ridge Apartments, a 168-unit multifamily residential rental development located on approximately 10.97 acres at or around 8140 State Road 52, Hudson, Pasco County, Florida 34667. The prospective owner and operator of the proposed development is Hudson Ridge, Ltd., c/o The Richman Group of Florida, Inc., 340 Pemberwick Road, Greenwich, CT 06831, or such successor in interest in which The Richman Group of Florida, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The total tax-exempt bond amount is not to exceed \$9,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Hunt Club Apartments, a 96-unit multifamily residential rental development located at 9450 Lazy Lane, Tampa, Hillsborough County, Florida 33614. The prospective owner and operator of the proposed development is Sunset View, Ltd., c/o The Richman Group of Florida, Inc., 340 Pemberwick Road, Greenwich, CT 06831, or such successor in interest in which The Richman Group of Florida, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The total tax-exempt bond amount is not to exceed \$6,200,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Mariner's Club Apartments, a 336-unit multifamily residential rental development located at 1700 South San Pablo Road, Jacksonville, Duval County, Florida 32224. The prospective owner and operator of the proposed development is Fairfield Mariner's Club, LLC, 5510 Morehouse Drive, Suite 200, San Diego, CA 92121, or such successor in interest in which Fairfield Residential LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is FF Properties LP, 5510 Morehouse Drive, Suite 200, San Diego, CA 92121. The total tax-exempt bond amount is not to exceed \$30,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Parkview Gardens, a 40-unit multifamily residential rental development located at 1475 N. W. 61st Street, Miami, Miami-Dade County, Florida 33142. The prospective owner and operator of the proposed development is Carlisle Group VI, Ltd., 2950 S. W. 27th Avenue, Ste. 200, Miami, FL 33133, or such successor in interest in which Carlisle Group VI Development, LLC and Tacolcy Economic Development Corporation, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Carlisle Property Management, Inc., 2950 S. W. 27th Avenue, Ste. 200, Miami, FL 33133. The total tax-exempt bond amount is not to exceed \$8,000,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Savannah Springs Apartments, a 234-unit multifamily residential rental development located at N. E. Corner of Morse Avenue & I-295, Jacksonville, Duval County, Florida 32244. The prospective owner and operator of the proposed development is Savannah Springs Apartments, Ltd., c/o The Richman Group of Florida, Inc., 340 Pemberwick Road, Greenwich, CT 06831, or such successor in interest in which The Richman Group of Florida, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The total tax-exempt bond amount is not to exceed \$14,250,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should

be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Windover Woods Apartments, a 128-unit multifamily residential rental development located at 2605 Columbia Blvd., Titusville, Brevard County, Florida 32780. The prospective owner and operator of the proposed development is Windover Woods, Ltd., c/o The Richman Group of Florida, Inc., 340 Pemberwick Road, Greenwich, CT 06831, or such successor in interest in which The Richman Group of Florida, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is WRMC, Inc., 340 Pemberwick Road, Greenwich, CT 06831. The total tax-exempt bond amount is not to exceed \$6,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

Concerning Issuance of Bonds to Finance Multifamily Residential Rental Developments

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 16, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Woodsdale Oaks Apartments, a 172-unit multifamily residential rental development located at 2573 N. W. 49th Avenue, Lauderdale Lakes, Broward County, Florida 33313. The prospective owner and operator of the proposed development is Woodsdale Oaks Preservation, LP, 60 Columbus Circle, New York, New York, 10023, or such successor in interest in which Woodsdale Oaks Preservation,

LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Related Management Company, 203 East 86th Street, New York, New York 10028. The total tax-exempt bond amount is not to exceed \$7,110,000. All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), May 15, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

The **Affordable Housing Study Commission** announces a conference call to which all interested persons are invited.

DATE AND TIME: May 30, 2006, 10:00 a.m. – 12:00 Noon
PLACE: Dial-in: Local (Tallahassee) (850)921-5230, Toll Free 1(888)816-1123. Callers in the Tallahassee area should NOT use the Toll Free number. Use only the local Tallahassee number. There is no “code number” for this call - just call the appropriate number for your location. The call will not be established until at least two people have called in. The first person will hear a constant ringing until at least one other person calls; other people will be added as they call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Study Commission’s Finance Workgroup will be continuing its work on the development of components of a statewide comprehensive preservation policy.

For questions, please contact: Odetta MacLeish-White, Florida Housing Finance Corporation, (850)488-4197. For agendas and updates, please visit our website at www.floridahousing.org/ahsc.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: If you are hearing or speech impaired, please contact Florida Housing using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF FINANCIAL SERVICES

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: May 17, 2006, 12:00 Noon

PLACE: Prime F. Osborne Convention Center, 1000 Water Street, Jacksonville, FL 32204. CONTACT NAME AND NUMBER: Kristopher Duer, Esquire, (850)413-4276 or Sam Coskey (850) 413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hanover Companies (Hanover Insurance, Hanover American, Massachusetts Bay) have requested a 27.7% average statewide rate increase with regard to homeowners policies. The requested rate increase is 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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone Sam Coskey, (850)413-2616 or email sam.coskey@fldfs.com at least 48 hours before the hearing.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: May 18, 2006, 12:00 Noon, First Hearing Session; 7:00 p.m., Second Hearing Session

PLACE: State of Florida, Hurston Building, 400 W. Robinson Street, South Tower, 1st Floor, Conference Rooms C & D, Orlando, FL 32801. CONTACT NAME AND NUMBER: Kristopher Duer, Esquire, (850)413-4276 or Sam Coskey (850)413-2616

GENERAL SUBJECT MATTER TO BE CONSIDERED: Security First Insurance Company has requested a 49% average statewide rate increase with regard to homeowners policies. The requested rate increase is 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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone Sam Coskey, (850)413-2616 or email him at sam.coskey@fldfs.com at least 48 hours before the hearing.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: May 18, 2006, First Hearing Session, 1:00 p.m.; Second Hearing Session, 6:00 p.m.

PLACE: State of Florida, Hurston Building, 400 W. Robinson Street, South Tower, 1st Floor, Conference Rooms C & D, Orlando, Florida 32801. CONTACT NAME AND NUMBER: Kristopher Duer, Esquire, (850)413-4276 or Sam Coskey (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Amica Mutual Insurance Company has requested a 22.2% average statewide rate increase with regard to homeowner policies. The requested rate increase is 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone Sam Coskey at (850)413-2616 or email him at sam.coskey@fldfs.com at least 48 hours before the hearing.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: May 18, 2006, 2:00 p.m., First Hearing Session; 5:00 p.m., Second Hearing Session

PLACE: State of Florida, Hurston Building, 400 W. Robinson Street, South Tower, 1st Floor, Conference Rooms C & D, Orlando, FL 32801. CONTACT NAME AND NUMBER: Kristopher Duer, Esquire, (850)413-4276 or Sam Coskey (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Auto-Owners, Owners, and Southern-Owners Insurance Companies have requested a 23.1% average statewide rate increase with regard to homeowners policies. The requested rate increase is 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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone Sam Coskey, (850)413-2616 or email sam.coskey@fldfs.com at least 48 hours before the hearing.

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program** announces scheduling of a Management Board Meeting to which all persons are invited.

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

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on approval of the FY05/06 Annual Workplan and budget, acceptance of the annual audit report, and approval of Contractor for Synthesis of Tampa Bay Science and Management. Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Management Board to any matter considered at the above-cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Estuary Program** announces scheduling of a Policy Board Meeting to which all persons are invited.

DATE AND TIME: Friday, May 12, 2006, 1:00 p.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on approval of the FY 05/06 Annual Workplan and budget, acceptance of the annual audit report, and approval of Contractor for Synthesis of Tampa Bay Science and Management. Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Policy Board to any matter considered at the above-cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

WORKFORCE FLORIDA, INC.

The **Workforce Florida** announces their quarterly Board of Directors' and related meetings to which all persons are invited.

Partners' Meeting

DATE AND TIME: May 17, 2006, 1:00 p.m. – 5:00 p.m. EDT
Council and Committee Meetings

DATE AND TIME: May 18, 2006, 10:00 a.m. – 12:00 Noon EDT

Board of Directors' Meeting

DATE AND TIME: May 18, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Sheraton Tampa Riverwalk Hotel, 200 N. Ashley Drive, Tampa, Florida 33602, (813)223-2222
For more information contact: Peggy Dransfield, (850)921-1119.

SUNSHINE STATE ONE CALL OF FLORIDA

Mark your calendars for **Sunshine State One Call of Florida, Inc.**'s annual meeting, elections, board and committee meetings, and annual golf tournament. Formal business attire will be required during the annual meeting.

DATES AND TIME: May 18-19, 2006

May 18, 2006 – MEETINGS

PLACE: Sunshine State One Call, 11 Plantation Road, DeBary, FL 32713, (386)575-2000 or (800)638-4097

Executive Review Committee Meeting

TIME: 7:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Director's review.

Board of Directors Meeting

TIME: 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Review Committee will make a presentation to the board.

Annual Meeting

TIMES: Registration at 8:30 a.m.; Meeting 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Overview of the 2005-2006 fiscal year and annual elections.

Board of Directors Meeting

TIME: Immediately following Annual Meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Election of officers, and other matters that affect the operation of the call center.

COMMITTEE Meetings

During the board meeting, committees will be selected. The following committees will meet for 30 minutes each in succession: Damage Prevention, Operations, Finance, Legislative, Storm Planning, and Excavation Guide. Each committee will select a vice-chair and secretary and review action plans.

ELECTION

Each member company of SSOOF is entitled to one vote in the Board of Directors elections. Voting will be conducted at the meeting. Mail ballots will not be allowed.

GOLF TOURNAMENT

DATE: May 19, 2006

PLACE: Rolling Hills Golf Club, West 1749 Art Hagan Place, Longwood, FL

TIME: 8:30 a.m.

Registration/sponsorship forms available at <http://www.callsunshine.com/corp/docs/golf.pdf>. (Registration fee for golf is \$ 55 and includes breakfast, lunch, cart and range balls. Sponsorship is \$ 150 or \$ 175 for a sponsorship and one golfer.) Direct questions to Brad Martin at 850-514-9221.

Note: Any person requiring an accommodation at this meeting because of a physical impairment should call the One-Call Notification Center, (386)575-2000, at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center at (800)955-8771.

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.

PLACE: The meetings will be held at the Amerisuites Tampa Airport/Westshore Hotel, 4811 W. Main Street, Tampa FL 33067

MEETING TYPE: General Commission Meeting

DATE AND TIME: Thursday, June 8, 2006, 1:00 p.m. – 5:00 p.m.

MEETING TYPE: General Commission Meeting

DATE AND TIME: Friday, June 9 2006, 9:00 a.m. – 3:30 p.m.

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.

NORTHEAST FLORIDA CRIMINAL JUSTICE TRAINING AND EDUCATION

The Region V, **Training Council** Meeting will hold it's Bi-Annual Advisory meeting on:

DATE AND TIME: Thursday, June 8, 2006, 1:30 p.m.

PLACE: St. John's River Community College, Higgins-Solomon Criminal Justice Center Conference Room, 2990 College Dr., St. Augustine, FL

For an advance copy of the agenda, please contact Director Mark Stevens, N.E.F.C.J.T.E.C., (904)713-4900 or Fax (904)713-4828.

VISIT FLORIDA

The Florida **Commission on Tourism** announces a public meeting of the **VISIT FLORIDA**, Board of Directors and the Florida Commission on Tourism as follows:

PLACE: Sanibel Harbour Resort & Spa, 17260 Harbour Pointe Drive, Fort Myers, FL 33908, (239)466-6000

Meeting: Visitor Services Committee

DATE AND TIME: Wednesday, June 14, 2006, 9:00 a.m. – 10:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear updates on the Florida Welcome Centers and other business as necessary.

Meeting: New Product Development Council

DATE AND TIME: Wednesday, June 14, 2006, 9:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will hear regional updates and other business as necessary.

Meeting: Finance Committee

DATE AND TIME: Wednesday, June 14, 2006, 10:30 a.m. – 11:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will review financial statements and other business as necessary.

Meeting: Partner Development Committee

DATE AND TIME: Wednesday, June 14, 2006, 1:00 p.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss old business and strategies for recruiting new Partners.

Meeting: Marketing Steering Committee

DATE AND TIME: Wednesday, June 14, 2006, 3:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss and review marketing strategies and other business as necessary.

Meeting: Executive Committee

DATE AND TIME: Wednesday, June 14, 2006, 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will discuss and review the CEO contract for FY 2006/07.

Meeting: VISIT FLORIDA Board of Directors Meeting

DATE AND TIME: Thursday, June 15, 2006, 8:00 a.m. – until adjournment

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss committee reports, on-going issues and other matters.

Meeting: Florida Commission on Tourism

DATE AND TIME: Thursday, June 15, 2006, upon adjournment of the Board of Directors meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will ratify actions of the Board of Directors and discuss other matters as necessary.

For further information contact: Susan Gale, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, ext. 334.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

FILM COMMISSION

The **Office of Film and Entertainment** and the Florida **Film and Entertainment Advisory Council** will convene in a quarterly meeting. This is a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 28, 2006, 10:00 a.m. – 2:00 p.m.

PLACE: The Mayfair Hotel and Spa, 3000 Florida Avenue, Coconut Grove, FL 33133, (305)441-0000.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general administrative matters of the Advisory Council.

A copy of the agenda may be obtained by writing: Natalie Recio, Executive Assistant, The Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001 or calling (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

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."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has issued an order granting in part and deny in part the petition for declaratory statement filed by the Board of County Commissioners of Broward County. The final order was issued on April 19, 2006.

A copy of the order may be obtained at: <http://www.psc.state.fl.us> or by writing the Division of the Commission Clerk and Administrative Services, 4075 Esplanade Way, Tallahassee, FL 32399-0862.

DOCKET NO.: 060049-TL.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE OF CORRECTION – NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, William J. Gerace, Owner, Ocean Dunes of Hutchinson Island Condominium Association, Inc., Docket No.: 2006019359.

Whether a unit owner may designate a power of attorney to attend and vote at association meetings under Sections 718.1035, 718.111(12)(a)7., and 718.112(2)(c) and (d), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket No.: 2006019359 may be obtained by writing: the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, The Sea Brook Place Condominium Association, Inc., Joseph White, Unit Owner/Petitioner, Docket Number 2006009516.

Whether The Sea Brook Place Condominium Association, Inc. may solicit member approval by written agreement under Section 718.112(2)(d)4., Florida Statutes, without giving notice to all unit owners and without designating a time in which to vote.

A copy of the Petition for Declaratory Statement, Docket No.: 2006009516 may be obtained by writing: the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and

Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Construction Industry Licensing Board hereby gives notice that it has issued a Final Order on the Petition for Declaratory Statement filed on October 14, 2005, by T. Gregory Lang. The Board reviewed the Petition at its meeting held on January 13, 2006, in Ocala Beach, Florida. The Board’s Final Order, filed in this cause on April 12, 2006, gives the following answer to the question presented in the Petition:

1. Yes, the testing, adjusting and balancing of HVAC air and hydronic systems, which require partial disassembly of system components for obtaining data, including electrical and RPM measurements, drilling of holes in ducts and system components for temperature and air pressure measurements, temporary installation of pressure and differential gauges to piping systems, for obtaining pressure measurement, and subsequent patching of insulation disturbed during the above processes, is within the scope of Class A air-conditioning, Class B air-conditioning, and mechanical contracting licenses.

A copy of the Petition and the Board’s Final Order may be obtained by contacting: Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

The Construction Industry Licensing Board hereby gives notice that it has received a Petition for Declaratory Statement, which was filed by the Deputy Clerk on March 6, 2006, and submitted by Kevin D. Niles (Petitioner). Petitioner seeks the Board’s interpretation of Section 489.103(5), Florida Statutes, with the following questions:

- 1. Are individuals or companies contracted to Public Utilities, performing the same primary job functions as the Public Utility employees, such as overhead line construction and maintenance procedures, excluded or exempt from the necessity for a license to perform certain types of work? If so, is the requirement waived during storm outages?
- 2. Would inspection and remedial treatment of wooden utility poles, with no construction work taking place, fall under the same regulatory guidelines?

The Board will consider the Petition at its meeting, to be held on June 16, 2006, in Orlando, Florida.

Copies of the Petition may be obtained by writing: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**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

INVITATION TO NEGOTIATE

Sealed Request for Proposal shall be received by the Florida State University purchasing Department until the dates and times shown for the following projects. Solicitation may be brought to the bid opening or sent to:

Purchasing Department
Suite A1400, University Center
Florida State University
Tallahassee, FL 32306-2370

prior to Solicitation opening. Responder must reference solicitation number, opening date and time on outside of bid package to insure proper acceptance. For information relating to the Request for Proposal, contact the Purchasing Agent identified in the Proposal Number.

K 5023-5: Elevator Maintenance Term Contract
Public Bid Opening: 2:30 p.m., Wednesday, May 24, 2006
Purchasing Department Conference Room
Suite A1400 University Center

Pre-Solicitation

Mandatory Meeting: 8:30 a.m., Tuesday, May 9, 2006

NOTICE TO CONSTRUCTION MANAGERS

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

Project No.: P-4749 located at Florida Atlantic University's Boca Raton Campus.

The project consists of roof replacement, structural upgrades, interior renovations, new canopies, and site/landscape improvements to Building GY-38, the FAU Arena on the Boca Raton Campus. The estimated construction cost is \$3,638,000.00.

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

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, and staff and consultants. Finalists will be provided with a copy of the latest

A REQUEST FOR DOCUMENTS should be directed to: Ms. Anne M. Lodato, CPPB, SFRTA, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)788-7912. The cost of the solicitation documents is \$50.00, non-refundable. Checks or money orders, made in favor of SFRTA should be forwarded to Anne M. Lodato at the address above. Solicitation documents will be available on or about May 1, 2006.

A PRE-BID CONFERENCE will be held in SFRTA's Hialeah Train Yard, 9400 N. W. 37th Avenue, Miami, FL 33147, on Thursday, May 11, 2006, at 10:00 a.m. The purpose of the Pre-Bid Conference will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is highly recommended.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 4:00 p.m., Wednesday, May 31, 2006 at the address above.

SFRTA reserves the right to postpone, to accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for one hundred eighty (180) days from the date of Bid Opening.

BID SECURITY in the amount of five percent (5%) of the Bid must accompany each Bid in accordance with the Instruction to Bidders, General Terms and Conditions, and the Special Terms and Conditions.

TERM: The term of the Agreement shall be for 30 calendar days.

ESTIMATED BUDGET: \$800,000 – \$950,000.

FUNDING: This project is funded in part by a grant from the Federal Transit Administration. Any resultant Agreement shall be subject to all Federal rules and regulations.

DBE PARTICIPATION: The Disadvantaged Business Enterprise participation goal for this solicitation is thirteen percent (13%).

CONE OF SILENCE: Communications between any Bidder (potential or actual) or its representative, and any Board Member of SFRTA, its staff, or its consultants regarding this procurement are strictly prohibited from the date of the ITB advertisement through the date of execution of the contract.

INVITATION TO BID NO. 06-852

HOLLAND PARK MITIGATION PROJECT

The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, operates Tri-Rail, a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Invitation to Bid (ITB) is to enter into an Agreement to provide all supervision, project coordination, scheduling, construction management, labor, equipment, tools, supplies, insurance, permanent materials, temporary materials, survey and incidentals (including acquisition of all local agency permits and inspections if necessary) required for the

construction of a mitigation site, located on the City of Hollywood Property, 801 Johnson Street, Hollywood, Broward County, Florida.

The extent of the Project will include, at a minimum, the following items of work: excavation of soil, grading, removal of trees, planting of trees and plant life, construction of fencing, construction of a bike path and disposal of certain excavated soil off site. Also included in the Scope of this Contract will be the location, verification, and protection of existing utilities at work locations, as well as maintenance and protection of vehicular and pedestrian traffic.

A REQUEST FOR DOCUMENTS should be directed to: Mr. Robert Becker at SFRTA, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is Fifty Dollars (\$50.00) non-refundable. Checks or money orders made payable to SFRTA should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about May 1, 2006.

A PRE-BID CONFERENCE will be held in the SFRTA Board Room at the address above on May 16, 2006, 10:00 a.m. The purpose of the meeting will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 4:00 p.m. on June 1, 2006 at the SFRTA office in Pompano Beach.

SFRTA reserves the right to postpone, accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for One Hundred Eighty (180) days from the Bid opening date.

BID SECURITY in the amount of five percent (5%) of the Bid must accompany each Bid in accordance with the Instruction to Bidders and General Terms and Conditions.

TERM: The period of performance shall be effective from the date of the Notice to Proceed for a period of One Hundred Fifty (150) calendar days.

ESTIMATED BUDGET: \$350,000 – \$450,000

DBE PARTICIPATION: The Disadvantaged Business Enterprise participation goal for this solicitation is thirteen percent (13%).

CONE OF SILENCE: Communications between any Bidder (potential or actual) or its representative, and any Board Member of SFRTA, its staff, or its consultants regarding this procurement are strictly prohibited from the date of the ITB advertisement through the date of execution of the contract.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FISH AND WILDLIFE CONSERVATION COMMISSION

BIDS ARE REQUESTED FROM QUALIFIED CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:

PROJECT NO: FWC 05/06-117
PROJECT NAME: FLORIDA BASS CONSERVATION CENTER-PHASE 3 POND RENOVATIONS

PROJECT LOCATION: WEBSTER, SUMTER COUNTY, FLORIDA

FOR:

The Phase 3 Pond Renovation Project consists of demolition of existing concrete water control structures, and earthwork restoration of existing aquaculture production ponds; sitework, including aggregate pond roads, electrical distribution, site piping for pond supply mains and branches, new drain branches; a new low-pressure air (LPA) distribution system; new concrete water control structures and concrete harvest kettles in the production ponds.

QUALIFICATION:

Each bidder whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit qualification data of their eligibility to submit proposals with their bid.

PRE-BID CONFERENCE:

A non-mandatory pre-bid conference has been scheduled for 2:00 p.m. (EDT), Tuesday, May 23, 2006 at Richloam Fish Hatchery, 3771 CR 788, Webster, Florida 33597, (352)583-3545.

REQUIRED BONDS:

Bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

After award of Contract, a 100% Performance Bond and a 100% Labor and Material Payment Bond Will be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: June 5, 2006, 3:00 p.m. (EDT)

PLACE:

Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3428

PROPOSAL:

Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined at the above-mentioned Purchasing Office.

CONTRACT DOCUMENTS:

Contract documents shall be obtained from the ENGINEER, upon payment of \$150.00, non-refundable, for one set. The bid package will be sent via overnight delivery upon Engineer's receipt of payment. Submit requests for documents to:

Mr. Bill Jensen
FishPro
5201 S. Sixth Street Rd.
Springfield, Illinois, 62703
Phone (217)585-8333
Fax (217)585-1890
email: bjensen@cochran-wilken.com

Provide contact information, phone and fax number, as well as complete return address. DO NOT PROVIDE POST OFFICE BOX FOR RETURN ADDRESS.

Checks or money orders shall be made payable to FishPro.

WEST CENTRAL FLORIDA AREA AGENCY ON AGING

REQUEST FOR INFORMATION

2007 Older Americans Act Program

The West Central Florida Area Agency on Aging is seeking letters of interest and statements of qualifications from qualified agencies and organizations interested in providing an array of supportive and nutrition services under the Older Americans Act to older persons residing in Hardee, Highlands, Hillsborough, Manatee, and Polk Counties. Interested agencies are required to have the capability to provide service(s) throughout the entire county of interest effective January 1, 2007 through December 31, 2007.

The services to be provided include: Adult Day Care, Congregate Meals, Health Support, Homemaker, Home Delivered Meals, Housing Improvement, Legal Assistance, Nutrition Counseling (Individual), Nutrition Education, Outreach, Respite (in-home and facility based), and Transportation.

The Request for Information package may be obtained (beginning Friday, May 5, 2006, 9:00 a.m.) from the West Central Florida Area Agency on Aging by calling Phil Hollister, (813)740-3888, ext. 240, or the document can be accessed at the following web site: www.wcfaaa.org, (click on Provider Resources link on left menu and then click on the 2007 OAA Letter of Interest link).

The Request for Information documents are due at the West Central Florida Area Agency on Aging, 5905 Breckenridge Parkway, Suite F, Tampa, FL 33610-4239, by 3:00 p.m., May 19, 2006.

FLORIDA NETWORK OF YOUTH AND FAMILY SERVICES

INVITATION TO NEGOTIATE
RESIDENTIAL SERVICES
DADE COUNTY

It is the intent of this Invitation To Negotiate (ITN) to obtain qualified respondents interested in participating in contract negotiation with the Florida Network of Youth and Family Services (FNYFS) for the provision of Residential Core Services located in Judicial Circuit 11 which includes the following counties; Dade. These services will include:

- initial screening
- referral
- assessment
- case management
- crisis intervention
- short term shelter services and support
- staff secure care overlay
- data collection and management

and other services to eligible youth and families as defined in the Children in Need of Services and Families in Need of services (CINS/FINS) Operations Manual and specified by Chapter 984, F.S. See www.floridanetwork.org for more information and reference manuals. The FNYFS will accept only those proposals that are for the provision of the services stated herein.

Residential Services

The respondent agency shall deliver residential short term shelter services to provide families with crisis intervention and minimize out-of-home placements, based on the service needs of the youth and family as determined by screening. The PROVIDER shall serve an agreed upon minimum number of youth and families (subject to legislative appropriation) in Residential services from July 1, 2006 through June 30, 2007. Funding available for these services is \$284,671 subject to legislative appropriation and completion of funding allocation methodology.

High Risk Youth and Targeting

The respondent agency shall follow the efforts developed by the Department of Juvenile Justice in the Department's Delinquency Prevention Plan. This plan established a framework for delinquency efforts that is followed by the

FNYFS. See the Department's web site at www.djj.state.fl.us/prevention for more information. The plan has three main elements:

- Targeting, including targeting the youth most at-risk of becoming delinquent, targeting resources to communities with the most at-risk youth, and targeting funding toward research-based programs.
- Cooperation, including developing and implementing a coordinated statewide juvenile crime prevention strategy among multiple state agencies and encouraging community-based programs to work together toward a comprehensive approach to troubled youth and families.
- Accountability, including collecting data and data entry re: youth served by delinquency prevention programs and measuring how successful prevention programs are in keeping youth in school and crime-free.

The FNYFS is committed to targeting resources toward programs that will specifically address those life conditions that most influence and affect the direction at risk youth will take.

The contract period will be from July 1, 2006 to June 30, 2007. Proposals are due no later than 4:30 p.m. Thursday, June 1, 2006 and should be sent to: Florida Network of Youth and Family Services, 2850 Pablo Avenue, Tallahassee, Florida 32308. The full text of this notice can be found at www.floridanetwork.org or may be obtained by contacting Pauline Patrick at the above address or calling (850)922-4324.

EARLY LEARNING COALITION OF PUTNAM AND ST. JOHNS COUNTIES

Request for Proposal ELCPSJ-06/07-001

School Readiness and Voluntary Pre-Kindergarten Services
The Early Learning Coalition of Putnam and St. Johns Counties, Inc. is requesting proposals for School Readiness and Voluntary Pre-kindergarten services in Putnam and St. Johns Counties. The potential contractor will be responsible for coordinating school readiness services to children 0-12 years of age and pre-kindergarten services for four year old children in fiscal year 2006-2007. Services include direct services, eligibility and enrollment, quality initiatives and child care resource and referral. The Invitation to Negotiate released on April 20, 2006 may be obtained at www.sunkidz.net. An applicant's conference will be held on June 2, 2006. Notice of Intent to Submit a Proposal is due to the Coalition by April 25, 2006. The deadline for all applications to be submitted is May 25, 2006 by 3:00 p.m. The contract award notice will be posted on June 8, 2006. For more information contact: Ramichal Watkins, (386)328-8225.

Section XII
Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA06-OR-115

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND
DEVELOPMENT REGULATIONS
ADOPTED BY MONROE COUNTY
ORDINANCE NO. 001-2006

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On February 21, 2006, the Department received for review Monroe County Ordinance No. 001-2006 ("Ord. 001-2006").

3. The final order for this Ordinance must be signed by April 21, 2006.

4. The Ordinance creates and revises definitions under Section 9.5-4 of the Monroe County Code and deletes Section 9.5-235(a)(8) of the Monroe County Code, which allows storage areas, under specific criteria, within "Sub Urban Commercial." Thus, the adopted Ordinance no longer provides for storage areas in the Sub Urban Commercial land use district.

5. Ordinance 001-2006 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat. and § 380.0552(9), Fla. Stat. (2005).

7. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

8. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 001-2006 are land development regulations.

9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

10. Ord. 001-2006 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

11. Ord. 001-2006 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 001-2006 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

TRACY D. SUBER
State Planning Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE

PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 25th day of April, 2006.

Miriam Snipes, Deputy Agency Clerk

By U.S. Mail:

Honorable Charles McCoy
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Aref Joulani
Acting Director
Planning and Environmental Resources
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DEPARTMENT OF REVENUE

NOTICE OF ADOPTION OF COMMUNICATIONS SERVICES TAX ADDRESS/JURISDICTION DATABASE
Section 202.22(2), F.S., requires the Department of Revenue to create and maintain an electronic situsing database that assigns customer service addresses to local taxing jurisdictions for purposes of the communications services tax. The update to the database, as posted on April 5, 2006, becomes effective on July 1, 2006. The situsing database can be accessed at <http://geotax.state.fl.us>. The next update to the database will be effective January 1, 2007, and is required to be posted 90 days

in advance of the effective date. Local governments are required to submit changes and additions for inclusion in the January 1, 2007, update no later than September 3, 2006.

Additional information concerning procedures for requesting changes and additions to the database is available from the Department of Revenue Communications Services Tax Local Government Unit by telephone at (850)921-9181, Suncom 291-9181 or by e-mail cs-tax@dor.state.fl.us. Persons with hearing or speech impairments may call the TDD line at (800)367-8331 or (850)922-1115, Suncom 292-1115.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Malaguti USA, Inc., intends to allow the establishment of Honda Key West, Inc., as a dealership for the sale of Malaguti motorcycles, at 417 Southard Street, Key West (Monroe County), Florida 33040, on or after April 11, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Honda Key West, Inc., are dealer operator(s): Viktor Mills, 417 Southard Street, Key West, Florida 33040; principal investor(s): Viktor Mills, 417 Southard Street, Key West, Florida 33040.

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 U.S. Mail to: Joel Martin, President, Malaguti USA, Inc., 8350 Northwest 70th Street, Miami, Florida 33166.

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 Global Electric Motorcars, LLC, intends to allow the establishment of Beck Auto Sales, d/b/a Beck Chrysler Dodge Jeep, as a dealership for the sale of GEM vehicles, at 256 Highway 17 North, Palatka (Putnam County), Florida 32177, on or after April 14, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Beck Auto Sales, d/b/a Beck Chrysler Dodge Jeep, are dealer operator(s): Preston B. Sloan, 256 Highway 17 North, Palatka, Florida 32177; principal investor(s): Preston B. Sloan, 256 Highway 17, North, Palatka, Florida 32177; Carl C. Beck, 256 Highway 17, North, Palatka, Florida 32177; and Daryl R. Yonker, 256 Highway 17, North, Palatka, Florida 32177.

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 U.S. Mail to: Russell J. Kiefer, Director of Sales and Marketing, Global Electric Motorcars, LLC, 1301 39th Street Northwest, Suite 2, Fargo, North Dakota 58102.

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, QLINK, L.P., intends to allow the establishment of Trance Energy, LLC, d/b/a Hot Ride, as a dealership for the sale of Zongshen motorcycles at 5227 East Colonial Drive, Orlando (Orange County), Florida 32807, on or after April 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Trance Energy, LLC, d/b/a Hot Ride, are dealer operator(s): Eugeni Karlou, 5227 East Colonial Drive, Orlando, Florida 32807; principal investor(s): Eugeni Karlou, 5227 East Colonial Drive, Orlando, Florida 32807.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Johnny Tai, Manager, QLINK, L.P., 756 Port America Place, Suite 200, Grapevine, Texas 76051.

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, Mitsubishi Fuso Truck of America, Inc., intends to allow the establishment of Raney's Truck Parts, Inc., d/b/a Raney's Mitsubishi Fuso, as a dealership for the sale of Mitsubishi Fuso vehicles at 1604 Northwest 38th Avenue, Ocala (Marion County), Florida 34482, on or after April 30, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Raney's Truck Parts, Inc., d/b/a Raney's Mitsubishi Fuso are dealer operator(s): Mark S. Raney, 1850 Southeast 59th Street, Ocala, Florida 34480; principal investor(s): Mark S. Raney, 1850 Southeast 59th Street, Ocala, Florida 34480.

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 U.S. Mail to: Debbie DiFranco, Administrator, Dealer Operations, Mitsubishi Fuso Truck of America, Inc., 2015 Center Square Road, Logan Township, New Jersey 08085.

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, Piaggio USA, Inc., intends to allow the establishment of Interlake Gulf Corporation, d/b/a Vespa Naples, as a dealership for the sale of Piaggio and Vespa motorcycles at 938 4th Avenue, North, Naples (Collier County), Florida 34102, on or after April 6, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Interlake Gulf Corporation, d/b/a Vespa Naples are dealer operator(s): John Nocera, 938 4th Avenue, North, Naples, Florida 34102; principal investor(s): John Nocera, 938 4th Avenue, North, Naples, Florida 34102, J.R. Nocera, 938 4th Avenue, North, Naples, Florida 34102, and Chet Singh, 938 4th Avenue, North, Naples, Florida 34102.

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 U.S. Mail to: Angellina Frasesr-Lubin, Paralegal/Assistant Administrator, Piaggio USA, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

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, U.S. Custom Cycles, d/b/a Rucker Performance Motorcycle Company, intends to allow the establishment of Roadhouse, LLC, d/b/a Hollywood Choppers, as a dealership for the sale of Rucker Performance motorcycles at 5749 Seminole Way, Hollywood (Broward County), Florida 33314, on or after March 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Roadhouse, LLC, d/b/a Hollywood Choppers are dealer operator(s): Max Osceola, Jr., 3301 North 63rd Avenue, Hollywood, Florida 33024; principal investor(s): Bruce Rossmeyer, 421 Ocean Shore Boulevard, Ormond Beach, Florida 32174.

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 U.S. Mail to: William Rucker, President, U.S. Custom Cycles, d/b/a Rucker Performance Motorcycle Company, 5518 East Belknap Street, Fort Worth, Texas 76116.

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, Piaggio USA, Inc., intends to allow the establishment of Vespa of Central Florida, LLC, d/b/a Vespa Tampa, as a dealership for the sale of Piaggio and Vespa motorcycles at 4506 West Spruce Street, Tampa (Hillsborough County), Florida 33609, on or after April 6, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Vespa of Central Florida, LLC, d/b/a Vespa Tampa, are dealer operator(s): Edward Englander, 930 Orange Avenue, Winter Park, Florida 32789; principal investor(s): Edward Englander, 930 Orange Avenue, Winter Park, Florida 32789.

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 U.S. Mail to: Angellina Fraser-Lubin, Paralegal/Assistant Administrator, Piaggio USA, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

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 United Motors of America intends to allow the establishment of MotoMania Powersports, LLC, as a dealership for the sale of UM motorcycles, motorcycles (ZHEJ) manufactured by Zhejiang Taizhou Wangye Power Co., Ltd., and motorcycles (ZONG) manufactured by Chongqing Zongshen Group-Zongshen Industrial Group, at 3264 Southeast Dixie Highway, Stuart (Martin County), Florida 34997, on or after April 12, 2006.

The name and address of the dealer operator(s) and principal investor(s) of MotoMania Powersports, LLC, are dealer operator(s): William Talero, 5910 Loxahatchee Pines Drive, Jupiter, Florida 33458; principal investor(s): Jorge A. Calvo, 2236 Southwest 156 Court, Miami, Florida 33185, and Camilo Zambrano, 11291 Southwest 26th Street, Miami, Florida 33165.

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 U.S. Mail to: Melissa Bell, Sales Support, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

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

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, MOD Cycles Corporation intends to allow the establishment of Suncoast Motors, Inc., as a dealership for the sale of Yumbo and Baccio motorcycles at 853 US Highway 41 Bypass, Venice (Sarasota County), Florida 34285, on or after March 16, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast Motors, Inc., are dealer operator(s): Douglas Fleming, 5009 Pocatella Avenue, North Port, Florida 34287; principal investor(s): Douglas Fleming, 5009 Pocatella Avenue, North Port, Florida 34287.

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 U.S. Mail to: Luz Gimenez, MOD Cycles Corporation, 7547 Northwest 52nd Street, Miami, Florida 33166.

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, Harley-Davidson Motor Company intends to allow the establishment of Adamec Cycle Sales Co., Inc., d/b/a Adamec Harley-Davidson of Jacksonville, d/b/a Adamec Buell of Jacksonville, as a dealership for the sale of Harley-Davidson and Buell motorcycles at 8909 Baymeadows Road, Jacksonville (Duval County), Florida 32207, on or after March 7, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Adamec Cycle Sales Co., Inc., d/b/a Adamec Harley-Davidson of Jacksonville, d/b/a Adamec Buell of Jacksonville, are dealer operator(s): Mark Adamec, 136 Oceanforest Drive, North, Atlantic Beach, Florida 32207; principal investor(s): Chris Adamec, 2316 Beachcomber Trail, Atlantic Beach, Florida 32233, and Helen Adamec, 3446 Palm Island, Jacksonville, Florida 32250.

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 U.S. Mail to: Ed Yagodinski, Regional Dealer Development Representative, Harley-Davidson Motor Company, P. O. Box 653, Milwaukee, Wisconsin 53201.

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 May 24, 2006 application filing date for Other Beds and Programs batching cycle:

- County: Hernando District: 3
Date Filed: 4/21/2006 LOI #: N0604001
Facility/Project: Hernando Pasco Hospice, Inc.
Applicant: Hernando Pasco Hospice, Inc.
Project Description: Establish a freestanding inpatient hospice facility of up to 24 beds
- County: Nassau District: 4
Date Filed: 4/21/2006 LOI #: N0604002
Facility/Project: GF/Amelia Island Properties, Inc.
Applicant: GF/Amelia Island Properties, Inc.
Project Description: Establish a 24-bed ICF/DD through the delicensure of 24 of the 70 beds at Amelia Island Care Center
- County: Nassau District: 4
Date Filed: 4/21/2006 LOI #: N0604003
Facility/Project: GF/Amelia Island Properties, Inc.
Applicant: GF/Amelia Island Properties, Inc.
Project Description: Establish a 24-bed ICF/DD through the delicensure of 24 of the 70 beds at Amelia Island Care Center
- County: Nassau District: 4
Date Filed: 4/21/2006 LOI #: N0604004
Facility/Project: GF/Amelia Island Properties, Inc.
Applicant: GF/Amelia Island Properties, Inc.

Project Description: Establish a 24-bed ICF/DD through the delicensure of 22 ICF/DD beds at Amelia Island and the addition of two new ICF/DD beds

- County: Pinellas District: 5
Date Filed: 4/21/2006 LOI #: N0604005
Facility/Project: Helen Ellis Memorial Hospital
Applicant: Tarpon Springs Hospital Foundation
Project Description: Establish an adult open heart surgery program
- County: Desoto District: 8
Date Filed: 4/24/2006 LOI #: N0604006
Facility/Project: Tidewell Hospice and Palliative Care, Inc.
Applicant: Tidewell Hospice and Palliative Care, Inc.

Project Description: Establish a freestanding inpatient hospice facility of up to 12 beds

- County: Palm Beach District: 9
Date Filed: 4/21/2006 LOI #: N0604007
Facility/Project: Chatsworth at PGA National
Applicant: Devonshire Associates, Ltd.
Project Description: Add 40 community skilled nursing beds through the delicensure of 40 beds at Palm Beach Shores Rehab and Sub-Acute Center

County: Broward District: 10
Date Filed: 4/24/2006 LOI #: N0604008
Facility/Project: Catholic Hospice, Inc.
Applicant: Catholic Hospice, Inc.

- Project Description: Establish a hospice program
- County: Broward District: 10
Date Filed: 4/24/2006 LOI #: N0604009
Facility/Project: Heartland Services of Florida, Inc.
Applicant: Heartland Services of Florida, Inc.

Project Description: Establish a hospice program
County: Broward District: 10
Date Filed: 4/24/2006 LOI #: N0604010
Facility/Project: Hospice of Palm Beach County, Inc.
Applicant: Hospice of Palm Beach County, Inc.

- Project Description: Establish a hospice program
- County: Broward District: 10
Date Filed: 4/20/2006 LOI #: N0604011
Facility/Project: Hospice of the Palm Coast, Inc.
Applicant: Hospice of the Palm Coast, Inc.

Project Description: Establish a hospice program
County: Dade District: 11
Date Filed: 4/24/2006 LOI #: N0604012
Facility/Project: Mount Sinai Medical Center
Applicant: Mount Sinai Medical Center of Florida, Inc.

- Project Description: Establish an adult autologous or allogeneic bone marrow transplantation program
- County: Dade District: 11
Date Filed: 4/21/2006 LOI #: N0604013

Facility/Project: New Riviera Nursing & Rehabilitation Center, LLC

Applicant: New Riviera Nursing & Rehabilitation Center, LLC

Project Description: Establish a skilled nursing facility of up to 234 community beds through the delicensure of up to 234 beds from Greynolds Park Manor Rehab. Center

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 June 28, 2006, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on June 9, 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 April 20, 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 Federico T. Labrador- Quintero, P.A. license number PA 9100417. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 20, 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 Harold Smith, M.D. license number ME 77300. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 21, 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 Michael A. Rosin, M.D. license number ME 31899. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6),

Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 24, 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 Catherine Ann O'Neill-Sassani, R.N., license number RN 2789302. 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.

The Department of Health will be submitting a new application to receive federal funds under the Title V Maternal Child Health Block Grant. If you wish to make any suggestions or provide input for the Federal Fiscal Year 2007 application and report, please call Bob Peck, (850)245-4444, ext. 2965, by May 31, 2006, or by e-mail at Bob_Peck@doh.state.fl.us.

FINANCIAL SERVICE COMMISSION

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.fldfs.com/ofr/banking/cufm.asp>. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 26, 2006):

Name and Address of Applicant: BrightStar Credit Union, Post Office Box 8966, Fort Lauderdale, Florida 33310

Expansion Includes: Select employee group

Received: April 17, 2006

Name and Address of Applicant: Seaboard Credit Union, Post Office Box 2377, Jacksonville, Florida 32203

Expansion Includes: Geographic Area

Received: April 26, 2006

BROWARD COUNTY MEDICAL EXAMINER AND TRAUMA SERVICES

Notice of Destruction of Autopsy Specimens

The Toxicology Laboratory of the Broward County Medical Examiner's Office announces the destruction of laboratory specimens collected prior to 2004 from autopsies as part of death investigation cases and specimens obtained prior to 2001 from law enforcement agencies as part of driving under the influence (DUI) cases and drug facilitated sexual assault cases. The destruction of these specimens shall begin on or about August 1, 2006.

If you require any specimens be retained for retesting or possible evidentiary purposes, please send a written request for preservation citing:

1. Name of the individual or agency responsible for initiating the request;
2. Date the request is initiated;
3. Name of the decedent, defendant or victim;

4. Approximate date of specimen collection;
5. Medical examiner laboratory case number (if known);
6. Reason for extending the retention period; and,
7. Terms of the specimen preservation, including the length of additional time the requested specimen is to be held.

All written requests must be received by July 15, 2006. If necessary, hearings will be arranged to explore these matters.

Send written requests to:

Toxicology Laboratory
District 17, Medical Examiner and Trauma Services
5301 S. W. 31st Avenue
Ft. Lauderdale, FL 33312

Or fax written requests to: (954)327-6582

If you have any questions, please call Toxicology at (954)327-6525.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN April 17, 2006
and April 21, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF TRANSPORTATION

14-51.011	4/18/06	5/8/06	31/42	32/12
14-51.051	4/18/06	5/8/06	31/42	32/12
14-51.052	4/18/06	5/8/06	31/42	32/12
14-94.001	4/18/06	5/8/06	32/11	
14-94.002	4/18/06	5/8/06	32/11	
14-94.003	4/18/06	5/8/06	32/11	

STATE BOARD OF ADMINISTRATION

19-8.010	4/20/06	5/10/06	32/8	
19-8.012	4/20/06	5/10/06	32/8	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
19-8.013	4/20/06	5/10/06	32/8	
19-8.029	4/20/06	5/10/06	32/8	
19-8.030	4/20/06	5/10/06	32/8	

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office**

59G-8.100	4/19/06	5/9/06	32/3	32/9
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Florida Real Estate Appraisal Board

61J1-2.005	4/18/06	5/8/06	31/44	32/10
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DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

64B10-15.001	4/17/06	5/7/06	31/40	31/46
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Section XIV
List of Rules Affected

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w - Signifies Withdrawal of Proposed Rule(s)
- c - Rule Challenge Filed
- v - Rule Declared Valid
- x - Rule Declared Invalid
- d - Rule Challenge Dismissed
- dw - Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
				4-154.202	29/37	29/42	
				4-154.203	29/37	29/46	
				4-154.204	29/37	30/3	
				4-154.210	29/37	30/3	
				4-154.525	29/16	29/25	
				4-166.045	30/1	30/3	
				4-176.013	29/36	30/3	
				4-200.007	29/44	30/3	
				4-211.031	27/44		
				4-228.055	26/35		
				4A-3.002	27/12		
				4A-21.115	29/37	29/46	
				4A-41.108	29/25		
				4A-62.0001	29/44	29/46	
				4A-62.001	29/44	29/46	
				4A-62.002	29/44	29/46	
				4A-62.003	29/44	29/46	
				4A-62.006	29/44	29/46	
				4A-62.007	29/44	29/46	
				4A-62.020	29/44	29/46	
				4A-62.021	29/44	29/46	
				4A-62.022	29/44	29/46	
				4A-62.023	29/44	29/46	
				4A-62.030	29/44	29/46	
				4A-62.031	29/44	29/46	
				4A-62.032	29/44	29/46	
				4A-62.033	29/44	29/46	
				4A-62.034	29/44	29/46	
				4A-62.035	29/44	29/46	
				4A-62.036	29/44	29/46	
				4A-62.040	29/44	29/46	
				4A-62.041	29/44	29/46	
				4A-62.042	29/44	29/46	
				4A-62.043	29/44	29/46	
				4A-62.044	29/44	29/46	
				4A-62.045	29/44	29/46	
				4C-6.003	29/38	30/29	
				4C-40.0055	28/47		
				4L-24.0231	29/39	29/46	
				AGRICULTURE AND CONSUMER SERVICES			
				5-1	31/6c		
					31/14c		
				5B-2.010	32/15		
				5B-58.001	27/29		
				5B-58.001(16)	27/50c		
				5C-4.001	32/11	23/18	
				5C-4.0015	32/11	32/17	
				5C-4.0016	32/11	32/17	
				5C-4.0017	32/11	32/17	
				5C-4.002	32/11	32/17	
				5C-4.003	32/11	32/17	
				5C-4.004	32/11	32/17	
				INSURANCE			
				4-138.047	28/41		
				4-149.203	29/52	30/3	
				4-149.204	29/52	30/3	
				4-149.205	29/52	30/3	
				4-149.206	29/52	30/3	
				4-149.207	29/52	30/3	
				4-154.201	29/37	30/3	

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12B-5.120	32/2		32/17	14B-2.006	32/8		32/16
12B-5.130	32/2		32/17	14B-2.007	32/8		32/16
12B-5.140	32/2		32/17				
12B-5.150	32/2	32/7	32/17	ENVIRONMENTAL REGULATION			
12B-5.200	32/2		32/17	17-503.420	16/15		
12B-5.300	32/2		32/17	17-503.430	16/15		
12B-5.400	32/2		32/17	17-503.500	16/15		
12B-7.031	32/2		32/17	17-660.300	15/50	16/8	
12B-8	23/8c			17-671.100	15/32		
12B-8.001	32/2	32/9		17-671.200	15/32		
12B-8.0012	32/2			17-671.300	15/32		
12B-8.003	32/2			17-671.310	15/32		
12C-1.0188	32/2		32/17	BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND			
12C-1.051	32/2	32/5	32/17	18-21.003	31/27c		
12C-2.0115	32/2	32/5		18-21.003(23)	31/16c		
12C-3.008	32/2			18-21.004	25/48	25/50	
				18-21.011	31/16c		
					31/27c		
TRANSPORTATION				STATE BOARD OF ADMINISTRATION			
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	32/2c			19-8.012	32/8		32/18
	32/2c			19-8.013	32/8		32/18
14-15.003	26/46			19-8.028	32/15		
14-15.0081	32/17			19-8.029	32/8		32/18
14-22.002	32/12			19-8.030	32/8		32/18
14-22.003	32/12			19B-15.001	28/8		
14-22.0042	32/12			19B-15.002	28/8		
14-22.005	32/12			19B-15.003	28/8		
14-22.006	32/12			19B-15.004	28/8		
14-22.008	32/12			19B-15.005	28/8		
14-22.015	32/12			19B-15.006	28/8		
14-51.011	31/42	32/12	32/18	19B-15.007	28/8		
14-51.051	31/42	32/12	32/18	19B-15.008	28/8		
14-51.052	31/42	32/12	32/18	19B-15.009	28/8		
14-51.053	31/42		32/12w	19B-15.010	28/8		
14-55.0012	32/8		32/15	19B-15.011	28/8		
14-55.0013	32/8		32/15				
14-75.0022	31/50	32/10	32/12w	CITRUS			
	32/12			20-64.025	31/44	32/5	32/12
14-75.003	31/50	32/10	32/12w	20-70.006	31/44	32/5	32/12
	32/12			20-71.006	31/44	32/5	32/12
14-75.004	31/50	32/10	32/12w	20-72.006	31/44	32/5	32/12
	32/12			20-72.008	31/28		
14-75.0051	31/50	32/10	32/12w	20-72.010	31/44	32/5	32/12
	32/12			PROFESSIONAL REGULATION			
14-75.0052	31/50	32/10	32/12w	21M-49.002	19/6c		
	32/12			21M-50.002	19/6c		
14-94.001	32/11		32/18	21M-50.003	19/6c		
14-94.002	32/11		32/18				
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14B-2.001	32/8		32/16				
14B-2.002	32/8		32/16				
14B-2.003	32/8		32/16				
14B-2.004	32/8		32/16				
14B-2.005	32/8		32/16				

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21M-50.007	19/6c			33-501.301	31/52		32/17w
21M-50.009	19/6c			33-601.230	29/19		
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				33-601.313	32/17		
23-4.001	32/2		32/11	33-601.606	32/4		32/14
23-4.002	32/2		32/11	33-601.717	32/13		
23-4.003	32/2		32/11	33-601.737	31/44	32/4	32/11
23-4.004	32/2		32/11	33-601.738	26/48	27/38	
23-4.005	32/2		32/11	33-601.800	32/7		32/14
23-15.026	32/2		32/11	33-601.820	32/5		32/14
23-15.030	32/2		32/11	33-602.210	32/18		
23-15.031	32/2		32/11	COMMISSION ON ETHICS			
23-15.055	32/2		32/11				
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23-21.001	32/6			34ER06-2			32/11
23-21.002	32/6			34ER06-3			32/11
23-21.003	32/6			34ER06-4			32/11
23-21.004	32/6			34ER06-5			32/11
23-21.0051	32/6			34ER06-6			32/11
23-21.0052	32/6			34ER06-7			32/11
23-21.006	32/6			34ER06-8			32/11
23-21.007	32/6			34-7.010	32/12		
23-21.008	32/6			34-12.010	32/12		
23-21.010	32/6			34-12.015	32/12		
23-21.011	32/6			34-12.020	32/12	32/18	
23-21.012	32/6			34-12.100	32/12		
23-21.013	32/6			34-12.190	32/12		
23-21.014	32/6			34-12.200	32/12		
23-21.015	32/6			34-12.300	32/12		
23-21.0155	32/6			34-12.310	32/12		
23-21.016	32/6			34-12.320	32/12		
23-21.0161	32/6			34-12.330	32/12		
23-21.0165	32/6			34-12.340	32/12		
23-21.017	32/6			34-12.400	32/12	32/18	
23-21.018	32/6			34-12.405	32/12	32/18	
23-21.019	32/6			34-12.407	32/12	32/18	
23-21.020	32/6			34-12.420	32/12		
23-21.021	32/6			34-12.430	32/12		
23-21.022	32/6			34-12.450	32/12		
PUBLIC SERVICE COMMISSION				34-12.460	32/12		
				34-12.660	32/12		
25-6.022	32/18			WATER MANAGEMENT DISTRICTS			
25-6.052	32/18						
25-6.056	32/18			40B-2.321	30/22	30/36	
25-6.058	32/18			40B-21.001	31/25		
25-6.059	32/18			40B-21.031	31/25		
25-6.060	32/18			40B-21.051	31/25		
25-6.103	32/18			40B-21.211	31/25		
CORRECTIONS				40B-21.221	31/25		
				40B-21.231	31/25		
33-208.002	32/6		32/15	40B-21.251	31/25		
33-210.101	30/43			40B-21.275	31/25		
33-301.605	31/7			40B-21.291	31/25		
33-302.111	31/34	31/43	32/15w	40B-21.421	31/25		
				40B-21.511	31/25		

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40B-21.541	31/25			40E-1.6107	32/18		
40B-21.571	31/25			40E-1.615	32/18		
40B-21.601	31/25			40E-4.021	32/18		
40B-21.621	31/25			40E-4.091	29/50c		
40B-21.631	31/25				32/18		
40B-21.641	31/25			40E-4.101	32/18		
40C-3.035	32/12			40E-4.321	32/18		
40C-4.091	31/12c			40E-4.381	32/18		
	31/12c			40E-6.011	32/8		
40D-1.002	32/8			40E-6.021	32/8		
	32/13			40E-6.051	32/8		
	32/13			40E-6.311	31/8		
40D-2.031	31/20	31/35		40E-7.511	32/8		
40D-2.091	22/48			40E-7.520	32/8		
40D-2.301	22/48			40E-7.521	32/8		
40D-2.331	20/48			40E-7.523	28/39		
40D-4.021	31/9	31/18	32/15w		32/8		
40D-4.041	31/14c			40E-7.525	32/8		
40D-4.091	22/48			40E-7.526	32/8		
	25/3			40E-7.527	32/8		
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40D-8.041	32/1		32/13	40E-7.530	32/8		
	32/1			40E-7.532	28/39		
40D-8.624	32/2		32/17		32/8		
40D-21.011	31/47		32/14	40E-7.534	32/8		
40D-21.031	31/47		32/14	40E-7.535	32/8		
40D-21.051	31/47		32/14	40E-7.537	32/8		
40D-21.211	31/47	32/5	32/14	40E-7.538	32/8		
40D-21.221	31/47		32/14	40E-7.5381	32/8		
40D-21.231	31/47	32/5	32/14	40E-7.5382	32/8		
40D-21.251	31/47		32/14	40E-7.5383	32/8		
40D-21.275	31/47		32/14	40E-7.5384	32/8		
40D-21.281	31/47		32/14	40E-7.539	32/8		
40D-21.331	31/47	32/5	32/14	40E-7.668	32/8		
40D-21.371	31/47	32/5	32/14	40E-7.669	32/8		
40D-21.391	31/47		32/14	40E-7.670	32/8		
40D-21.401	31/47		32/14	40E-7.671	32/8		
40D-21.421	31/47		32/14	40E-7.672	32/8		
40D-21.441	31/47		32/14	40E-7.673	32/8		
40D-21.511	31/47		32/14	40E-7.674	32/8		
40D-21.541	31/47		32/14	40E-7.675	32/8		
40D-21.571	31/47		32/14	40E-7.676	32/8		
40D-21.601	31/47		32/14	40E-7.677	32/8		
40D-21.621	31/47	32/5	32/14	40E-7.678	32/8		
40D-21.631	31/47	32/5	32/14	40E-20.651	29/17		
40D-21.641	31/47	32/5	32/14	40E-61.020	32/18		
40D-21.651	31/47		32/14	40E-61.031	32/18		
40E-1.021	32/18			40E-61.042	32/18		
40E-1.5095	32/18			40E-61.321	32/18		
40E-1.511	32/18			40E-61.381	32/18		
40E-1.603	32/18			40E-63.223	27/2	27/9	
40E-1.6058	32/18			40E-400.211	32/18		
40E-1.6065	32/18			40E-400.475	32/18		

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				58B-1.003	31/27		
				58B-1.005	31/27		
42RR-1.002	32/8			58B-1.007	31/27		
42YY-1.002	32/15			58B-1.009	31/27	31/31	
LOTTERY				AGENCY FOR HEALTH CARE ADMINISTRATION			
53ER05-96			31/52	59-1	29/35c		
53ER05-97			31/52		30/42c		
53ER06-1			32/5	59A-3.2085		24/7	32/11
53ER06-2			32/5		31/43	32/3	32/11
53ER06-3			32/5	59A-3.253	31/2	32/11	
53ER06-4			32/5	59A-3.255	29/36	29/48	
53ER06-5			32/7			30/3	
53ER06-6			32/7		29/43c		
53ER06-7			32/7	59A-3.281	32/3	32/8	32/16
53ER06-8			32/7	59A-7.020	32/12		
53ER06-9			32/7	59A-7.029	32/12		
53ER06-10			32/9	59A-7.030	32/12		
53ER06-11			32/9	59A-8.002	32/12		
53ER06-12			32/11	59A-8.003	32/12		
53ER06-13			32/11	59A-8.004	32/12		
53ER06-14			32/13	59A-8.0086	32/12		
53ER06-15			32/13	59A-8.0095	32/12		
53ER06-16			32/13	59A-8.0185	32/12		
53ER06-17			32/13	59A-8.020	32/12		
53ER06-18			32/13	59A-8.0215	32/12		
53ER06-19			32/15	59A-8.022	32/12		
53ER06-20			32/15	59A-8.027	32/12		
53ER06-21			32/15	59A-11.0115	30/5		
53ER06-22			32/17	59A-13.004	32/13		
53ER06-23			32/17	59A-13.005	32/13		
53-19.0035	25/43			59A-13.007	32/13		
53-302.101	29/22			59A-13.008	32/13		
53-302.109	29/22			59A-13.009	32/13		
ELDER AFFAIRS				59A-13.010	32/13		
				59A-13.013	32/13		
				59A-13.014	32/13		
58A-5.0131	32/18			59A-13.015	32/13		
58A-5.014	32/18			59A-13.020	32/13		
58A-5.015	32/18			59A-13.022	32/13		
58A-5.016	32/18			59A-18.002	32/6	32/18	
58A-5.0181	32/18			59A-18.004	32/6	32/18	
58A-5.0182	32/18			59A-18.005	32/6	32/18	
58A-5.0185	32/18			59A-18.0081	32/6	32/18	
58A-5.019	32/18			59A-18.011	32/6		
58A-5.0191	32/18			59A-18.012	32/6		
58A-5.023	32/18			59A-18.017	32/6	32/18	
58A-5.024	32/18			59A-18.018	32/6	32/18	
58A-5.0241	32/18			59A-26.001	32/12		
58A-5.025	32/18			59A-26.002	32/12		
58A-5.026	32/18			59A-26.003	32/12		
58A-5.029	32/18			59A-26.004	32/12		
58A-5.030	32/18			59A-26.005	32/12		
58A-5.031	32/18			59A-26.006	32/12		
58A-5.033	32/18						

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59A-26.0075	32/12			59G-13.110	32/8		
59A-26.008	32/12			59G-13.130	32/7		
59A-26.009	32/12			59H-1.00352	26/3	26/17	
59A-26.010	32/12			59T-11.013	23/22	23/35	
59A-26.011	32/12			59T-14.004	23/22	23/35	
59A-26.012	32/12			59T-15.002	23/22	23/35	
59A-26.013	32/12			59T-16.001	23/22	23/35	
59A-26.014	32/12			59T-16.002	23/22	23/35	
59A-26.015	32/12			59U-11.019	20/51	21/7	
59A-26.016	32/12			59U-14.002	23/24	23/35	
59A-26.017	32/12			59V-3.007	20/34	20/48	
59A-26.018	32/12						
59A-26.019	32/12						
59A-26.020	32/12						
59A-26.021	32/12						
59A-26.022	32/12			60BB-2.022	32/17		
59A-26.023	32/12			60BB-2.023	32/17		
59A-31.001	31/52		32/13	60BB-2.024	32/17		
59A-31.002	31/52		32/13	60BB-2.025	32/17		
59A-33.001	32/2			60BB-2.026	32/17		
59A-33.002	32/2			60BB-2.027	32/17		
59A-33.003	32/2			60BB-2.028	32/17		
59A-33.004	32/2			60BB-2.029	32/17		
59A-33.005	32/2			60BB-2.032	32/17		
59A-33.006	32/2			60BB-2.035	32/17		
59A-33.007	32/2			60BB-2.036	32/17		
59A-33.008	32/2			60BB-2.037	32/17		
59A-33.009	32/2			60BB-3.029	32/15		
59A-33.010	32/2			60BB-8.203	32/7		
59A-33.011	32/2			60BB-8.204	32/7		
59A-33.012	32/2			60BB-8.301	32/7		
59A-33.013	32/2			60BB-8.400	32/7		
59C-1.021	32/12			60DD-1.001	31/51		32/14
59C-1.038	31/6			60DD-1.003	32/18		
	31/6c			60E-1.001	31/49		
59G-1.010	31/49	32/8	32/15	60E-1.003	31/49		
59G-4.002	32/3		32/15	60E-1.004	31/49		
59G-4.020	32/13			60E-1.005	31/49		
59G-4.085	32/5			60H-1.001	31/22	31/41	
59G-4.160	31/52		32/15	60H-1.002	31/22	31/41	
59G-4.165	32/3			60H-1.003	31/22	31/41	
59G-4.199	31/50	32/10		60H-1.004	31/22		
59G-4.200	32/18			60H-1.006	31/22	31/41	
59G-4.210	32/8			60H-1.007	31/22	31/41	
59G-4.230	31/6c			60H-1.009	31/22		
59G-4.300	32/3	32/14		60H-1.013	31/22		
59G-4.340	32/7			60H-1.015	31/22	31/41	
59G-6.010	31/42	32/9	32/15	60H-1.017	31/22	31/41	
	32/17	32/18		60H-1.022	31/22		
59G-6.020	31/42	32/9	32/15	60H-1.025	31/22		
59G-6.030	31/45	32/9	32/15	60H-1.026	31/22		
59G-8.100	32/3	32/9	32/18	60H-1.027	31/22		
59G-9.070	32/6		32/16	60H-1.028	31/22		
59G-13.030	32/3		32/15	60H-1.030	31/22		
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	31/21c			61A-10.0111	32/3		
	31/21c			61A-10.0112	32/3		
	31/25c			61A-10.012	32/3		
	31/38c			61A-10.013	32/3		
	31/38c			61A-10.014	32/3		
	31/39c			61A-10.015	32/3		
	32/2c			61A-10.016	32/3		
	32/2c			61A-10.017	32/3		
	32/2c			61A-10.018	32/3		
	32/2c			61A-10.020	32/3		
				61A-10.021	32/3		
				61A-10.026	32/3		
				61A-10.027	32/3		
				61A-10.031	32/3		
				61A-10.050	32/3		
				61A-10.051	32/3		
				61A-10.052	32/3		
				61A-10.053	32/3		
				61A-10.054	32/3		
				61A-10.055	32/3		
				61A-10.080	32/3		
				61A-10.081	32/3		
				61A-10.082	32/3		
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69B-231.140	32/1			69O-170.006	30/46		
69B-231.150	32/1				31/2c		
69B-231.160	32/1				31/26		
69C-6.003	32/17				31/32c		
69I-21.003	32/14			69O-170.007	30/46	31/2	
69JER05-1			32/4		30/46	31/15	
69J-2.002	32/12				31/2c		
69L-5.101(4)	31/14c				31/26		
69L-5.102	31/49				31/32c		
69L-5.102(2)(b),(3)	31/14c			69O-170.013	30/14	31/7	
69L-5.103(3)(a)	31/14c				30/46	31/2	
69L-6.023	31/33				30/46	31/15	
	32/2c				31/2c		
69L-6.031	31/49	32/6			31/26	32/6	
69L-7.501	31/16				31/32c		
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	30/46	31/15		69O-211.021	31/43		32/17
	31/2c			69O-211.022	31/43		32/17
	31/26			69O-211.040	31/43		32/17
	31/32c			69O-211.041	31/43		32/17
69O-170.014	30/46	31/15		69O-211.042	31/43		32/17
	31/2c			69O-211.110	31/43		32/17
	31/26			69O-211.120	31/43		32/17
	31/32c			69O-211.130	31/43		32/17
69O-170.0141	30/46	31/15		69O-211.140	31/43		32/17
	31/2c			69O-211.150	31/43		32/17
	31/26			69O-211.160	31/43		32/17
	31/32c			69O-211.170	31/43		32/17
69O-170.0142	30/46	31/2		69O-211.180	31/43		32/17
	30/46	31/15		69O-211.190	31/43		32/17
	31/2c			69O-211.200	31/43		32/17
	31/26			69O-211.210	31/43		32/17
	31/32c			69O-211.220	31/43		32/17
69O-170.0143	30/46	31/2		69O-211.230	31/43		32/17
	31/26			69O-211.240	31/43		32/17
	31/32c			69O-211.250	31/43		32/17
69O-170.0155	30/46	31/15		69O-211.260	31/43		32/17
	31/2c			69O-211.270	31/43		32/17
	31/26			69O-211.280	31/43		32/17
	31/32c			69O-211.290	31/43		32/17
69O-170.020	32/5	32/12		69O-211.300	31/43		32/17
69O-171.003	32/8			69O-211.310	31/43		32/17
69O-171.009	32/8			69O-211.320	31/43		32/17
69O-175.001	31/2c			69O-213.010	32/1		
69O-175.003	30/46	31/2		69O-213.020	32/1		
	30/46	31/15		69O-213.040	32/1		
	31/2c			69O-213.050	32/1		
	31/26			69O-213.060	32/1		
	31/32c			69O-213.070	32/1		
69O-186.003	31/22			69O-213.080	32/1		
69O-186.003(1)(c)	31/32c			69O-213.090	32/1		
69O-186.005	31/24			69O-213.100	32/1		
69O-189.016	32/5			69O-213.110	32/1		
69O-191.051	31/49			69O-213.120	32/1		
69O-191.054	31/49			69O-213.130	32/1		
69O-203.042	31/49			69O-215.210	32/1		
69O-203.045	31/49			69O-215.215	32/1		
69O-203.204	31/44		32/17	69O-215.220	32/1		
69O-203.205	31/44		32/17	69O-215.225	32/1		
69O-204.201	32/10	32/18		69O-215.230	32/1		
69O-211.001	31/43		32/17	69O-221.001	32/1		
69O-211.002	31/43		32/17	69O-221.003	32/1		
69O-211.003	31/43		32/17	69O-221.005	32/1		
69O-211.0035	31/43		32/17	69O-221.051	32/1		
69O-211.004	31/43		32/17	69O-221.055	32/1		
69O-211.005	31/43		32/17	69O-221.060	32/1		
69O-211.007	31/43		32/17	69O-221.065	32/1		
69O-211.010	31/43		32/17	69O-221.070	32/1		
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69O-221.105	32/1			69W-600.013	32/8		
69O-221.110	32/1			69W-600.0131	32/8		
69O-221.115	32/1			69W-600.0132	32/8		
69O-221.120	32/1			69W-600.014	32/8		
69O-221.125	32/1						
69O-221.130	32/1						
69O-221.135	32/1						
