

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.004 RULE TITLE:
Procurement, Use and Assessment of
Voting Equipment and Systems

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update the provisions governing the local procurement of certified voting systems and equipment in the state. The proposed amendments also provide uniform procedures for supervisors of elections and governing bodies to follow in the use and assessment of certified voting systems and equipment throughout the state. Testing of voting systems is an important part of ensuring fair and accurate elections and test procedures are essential to maintaining the integrity of certified voting systems used in any election in Florida. The proposed amendments establish procedures for proper use of certified voting systems and a protocol for assessing a voting system during a routine test or system audit as well as opportunities to identify potential or actual problems that require immediate resolution and to assess potential vulnerabilities to the integrity of voting systems. The amendments also ensure transparency to the testing of these systems, including public notice, and a report of the results.

SUBJECT AREA TO BE ADDRESSED: Use and Assessment of Voting Systems.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1) 101.293, 101.294 FS.

LAW IMPLEMENTED: 101.292, 101.2923, 101.294, 101.295, 101.5604 FS.

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

DATE AND TIME: June 12, 2006, 1:30 p.m.

PLACE: Florida Heritage Hall, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule development workshop should contact the Department of State at 1(850)245-6536 no later than three business days before the workshop. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Maria Matthews, Assistant General Counsel, Division of Elections, R.A. Gray Building, Tallahassee, Florida 32399; (850)245-6536; e-mail: mimatthews@dos.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.004 Procurement, Use and Assessment of Voting Equipment and Systems ~~Voting Machine Equipment Regulation/Purchase, Use and Sale.~~

(1) Purpose. ~~This rule provides procedures for~~ It is the purpose of the regulations and procedures set forth in this section to give effect to the provisions of Section 101.5601, F.S., relating to the purchase, sale, use and assessment sale of new and used voting machines and voting machine equipment, including electronic and electromechanical voting systems and equipment, by governing bodies of political subdivisions of the State of Florida. The standards and specifications outlined herein shall be applied in accordance with Section 101.5601, F.S., to:

(a) Promote efficiency, and economy and to effect the coordination in the purchase, sale, use and assessment sale of voting machines and attendant equipment and voting systems in the State;

(b) Provide a uniform policies and procedures for minimum requirements in the procurement of voting equipment and voting systems program of accepted minimum requirements;

(c) Provide for the maximum of competition on a basis of fair and equal opportunity to persons, companies and corporations interested in the sale and purchase of voting equipment and voting systems in the State;

(d) Promote cost-effective procurement of voting equipment and voting systems; and

~~(e)(4)~~ Serve as a guide to supervisors of elections and governing bodies and as information to suppliers, by providing intended to portray good practices and procedures in governmental purchase, sale, and use and sale of voting equipment and voting systems.

(2) Definitions. ~~The following words and terms used in these regulations and procedures outlined herein are intended to have the following meanings:~~

(a) “Division” means the Division of Elections of the Florida Department of State.

~~(b)(a)~~ “Governing body” as defined in Section 101.292, F.S., means the board of county commissioners of a county or any other governing body empowered by a general or special act or local ordinance to purchase, sell or use voting equipment the legislative branch of the political subdivisions of this State which are empowered by general or special laws, or local ordinance, to authorize the purchase and sale of voting equipment by that political subdivision.

~~(b)~~ “Voting Equipment” means new or used voting machines and materials, parts, or other equipment necessary for the maintenance or improvement of voting machines, the individual retail value of which is in excess of 1,000 dollars, or the combined retail value of which is in excess of 1,000

dollars. ~~Voting equipment shall also include electronic or electromechanical voting systems, marking devices, and automatic tabulating equipment as defined in the Electronic Voting Systems Act, as well as materials, parts or other equipment necessary for the operation and maintenance of such systems and devices.~~

(c) "Purchase" means a contract for the purchase, lease, rental or other acquisition of voting equipment.

(d) "Sale" means a contract for the sale or disposition of voting equipment in return for a valuable consideration.

(e) "Voting Equipment" as defined in Section 101.292, F.S., means electronic or electromechanical voting systems, voting devices, and automatic tabulating equipment as defined in Section 101.5603, F.S. It also includes materials, parts, or other equipment necessary for the operation and maintenance of such systems and devices. "Division" means the Division of Elections for the Florida Department of State.

(f) "Voting System" as defined in Section 97.021, F.S., means a method of casting ballots and processing voters that functions wholly or partly by use of electromechanical or electronic apparatus or by use of marksense ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, supplies, printouts, and other software necessary for the system's operation. "Bid List" means a current list of sources of supply for each classification of voting equipment purchase or sale.

(g) ~~"Responsible Bid" means an offer submitted by a responsible bidder in ink or typewritten form for the purchase or sale of voting equipment in conformity with the specifications, delivery, terms and conditions, and other requirements included in bid invitations.~~

(h) ~~"Responsible Bidder" means one who submits a responsible bid, and who has furnished, when requested, information and data to prove his financial resources, production or service facilities, and one whose service reputation and experience are adequate to insure delivery on which he bids, and one who has not violated any, or attempted to violate any, provisions of the statutes or regulations of the Division.~~

(i) ~~"Regulations" means and includes the provisions herein.~~

(3) Bid Procedures and Regulations for Purchase and Sale.

(a) L. Competitive Bids, When Required – A governing body shall adhere to its established policies, practices, and rules for competitive bid procurement including procedures for protests to the extent not otherwise addressed by rule or state law for the No purchase or sale of voting equipment may be made when the total expenditure price thereof is in exceeds the \$25,000 threshold amount in Section 287.017, F.S., for CATEGORY TWO purchases excess of \$1,000, unless made upon competitive sealed bids received. If and when the total

expenditure exceeds \$25,000 price is in excess of \$1,000, the bid must be advertised in accordance with county publication requirements. no purchase or sale shall be made unless competitive sealed bids are received after advertising in a newspaper of general circulation one time at least 10 days prior to the date on which bids are to be received provided, however, that the governing body agrees by vote that an emergency situation exists in regard to the purchase of such equipment to the extent that the potential benefits derived from competitive bids is outweighed by the detrimental effects of a delay in the acquisition of such equipment or if a majority of the governing body finds that there is only a single source from which suitable equipment may be obtained, then the governing body may make the purchase and Tthe chairman of the such governing body shall certify to the Division of Elections within 10 days of approval of an exception by the governing body's procedures for procurement and include the circumstances and conditions requiring an exception purchase to this subsection competitive bidding requirements of this section.

2. All bids, tabulations of bids, and responses related to bids or procurement shall be entered in a permanent record, maintained by the governing body, and made available for inspection upon request by the Division, the public or other interested person or entity.

(b) Notice of Competitive Bid for Purchase or Sale – The governing body shall provide notice the Division of Elections of all invitations to bid for the purchase or sale of new or used voting equipment whose total expenditure exceeds \$25,000.00.

(c) Vendor Lists Maintained – The Division shall maintain a list of vendors whose voting equipment is certified for purchase or sell by the respective governing bodies.

(d)(b) Content of Competitive Bid Data on Bid Furnished by Governing Body:

All bid invitations shall specify at a minimum, the following information: shall indicate what is or is not wanted, by what governing body, the quantity, delivery time requested, and the specification or other description establishing the capability of such voting equipment, including compliance with the minimum requirement provisions of Section 101.5606, F.S. Also, included shall be any special conditions which bidders must meet:

1. Name and address of governing body.
2. Date of issuance.
3. Required time, place and terms of delivery and any other delivery conditions.
4. Date, hour and place of opening bids.
5. Surety requirements, if any.
6. Quantity of voting equipment to be furnished under each item.
7. Any specifications or other description establishing the capability of such voting equipment.
8. The requirement that the voting equipment must be certified under the Florida Election Code.

9. Any special conditions that the bidder must meet.

10. A statement that the governing body reserves the right to reject any and all bids.

11. A statement that the bidder must indicate any cash discounts or terms of discounts provided if the bid is accepted.

12. The requirement that the bidder must include all costs for delivery, storage, freight and packing to the address on the bid invitation unless otherwise specified.

13. Any other general conditions or special provisions required by the governing body.

All bids shall be signed manually by a responsible officer of the company in ink or indelible pencil and returned to the governing body prior to the time and date set for the bid opening. Bids received after that time shall be returned to the sender unopened.

The following information and any other necessary shall be in all calls for bids:

1. Name and address of governing body.
2. Date of issuance.
3. Time, place and terms of delivery.
4. Date, hour and place of opening bids.
5. Surety requirements, if any.
6. Quantity of voting equipment to be furnished under each item.
7. Any other general conditions or special provisions.

~~(e) Prior Approval by Division of Elections — Prior approval of the Division of Elections is required for all calls for bids and purchases or sale of new or used voting equipment priced in excess of \$1,000. Bid invitations for such purchases or sale of equipment by a governing body shall be prepared as outlined in paragraph (b) and forwarded to the Division. Upon receipt, the Division shall examine those invitations for compliance with the procedures and regulations stipulated herein. All approved invitations will be returned to the governing body for bid purposes or other appropriate action. Each person engaged in the business of selling new or used voting equipment shall register with the Secretary of State by supplying the name and address of the seller and the name of the person responsible for such sales in the State of Florida.~~

~~(d) Formal Bids — Purchases or sales which are valued in excess of \$1,000 shall be based on competitive bids received. Bids on requirements which are \$1,000 or less may be procured in any one of three methods: by telephone inquiries to bidders; by return mail inquiry; or by formal bid procedure. In any event, all bids, tabulations of bids, and quotations related to bids shall be entered in a permanent record and maintained by governing body for inspection by the public or other appropriate authority.~~

~~(e) Bids Lists Maintained — The Division shall maintain a list of vendors whose voting equipment is certified for purchase by the respective governing bodies. The bid list shall~~

~~be forwarded to the governing body upon approval, by the Division, of the bid invitations. At least two vendors on the bid list shall be solicited.~~

~~(f) How to Submit Bids — Bids shall be filled out and executed by each bidder in accordance with the instructions contained in the call for bids. Bids shall be submitted to the purchasing authority by mail or by delivery. In each instance, the bid shall be in a sealed envelope clearly identified by bid number, time, date of opening, and name of bidder.~~

~~(h) Time of Submission — Bids shall be submitted in sufficient time to reach the designated office prior to the time set for the opening. Bids received after the time of the opening shall be returned to the bidder unopened.~~

~~(i) Modification or Withdrawal of Bids — Bids may be modified or withdrawn at any time prior to the date and time set for the opening thereof. After the opening of bids, no bid may be modified or withdrawn.~~

~~(j) Delivery and Receipt — Each bidder shall show the earliest date on which he can guarantee delivery or receipt of the items on which his bid is submitted. Where a specific date is required, the call for bids will so indicate. Except for this provision, all bidders shall bear in mind that early delivery or receipt is desirable.~~

~~(k) Opening Bids — All bids received prior to the time of opening shall be opened publicly and read aloud (if requested) at the time and place established in the call for bids. All interested persons may attend bid openings. All original bids shall be retained in the office of the governing body and made available for inspection if requested.~~

~~(l) Tie Bids — In case of exact tie bids the decision for award shall be made by the purchasing authority. In making this decision, consideration shall be given to the bidder's past performance, reputation, time and potential service that can be rendered. All factors being equal, the decision may be made by drawing lots.~~

~~(m) Rejection of Bids — The right shall be reserved by the governing body to reject any and all bids and such reservation shall be indicated in all bid invitations and advertising. When bids are rejected and the projects or requirements are not abandoned, new bids may be called for. Bids which contain any alteration or erasure may be rejected. Otherwise, bids will be rejected only for good and sufficient cause, such as faulty specifications, abandonment of requirement, insufficient funds or other irregularities.~~

~~(n) Award of Contracts — All awards of purchases and sales for which competitive bids are received shall be made to the lowest responsible bidder in the case of purchases, and to the highest responsible bidder in the case of sales, taking into consideration quality, probability of performance and any other factors consistent with good business practices. In analyzing purchasing bids, officials must exercise careful judgment to insure that quality, performance, merit, utility and value are at least equal to that specified in the call for bids. Award of~~

~~contracts shall be made with reasonable promptness by due notice to the bidder whose bid is deemed to be the best bid price, performance and other factors considered. Award shall be a properly executed written document.~~

~~(e) Purchase or Sale Order; A Contract—The issuance by a governing body of a purchase or sale order or other written notice to a bidder regarding any or all of the items for which bids are submitted shall be a contract of purchase or sale as to the voting equipment at the prices, terms and conditions specified therein.~~

~~(p) Recording or Tabulation of Bids—The names of the bidders, the prices quoted and such other pertinent data as necessary will be entered on tabulation and attached to the bids when filed by the governing body and shall be made available for inspection by any interested party.~~

~~(q) Bids Prepared to Location—All bids received from bidders by a governing body for voting equipment shall include all costs for delivery, storage, freight and packing to the address on the bid invitation unless otherwise specified. Bid invitations shall clearly state delivery conditions.~~

~~(e)(†) Deliveries.—All deliveries shall be made to the point or points specified in the call for bids and in all instances, charges therefor shall be prepaid to the location of the governing body, except when expressly otherwise provided for in the purchase order and/or bid. All deliveries of purchased equipment shall be subject to inspection at time of delivery and require written certification by the vendor of proper delivery. Voting equipment that fails in any respect to meet specifications, or not in satisfactory condition when received by the governing body, may be subject to rejection by it.~~

~~(f)(*) Notice of Rejection.—A governing body that receives any voting equipment that fails in any respect to meet the standards for certification under state law, that fails to meet the specifications upon which the award was based or representations of the vendor, or that is defective may be rejected. Notice of any rejection, based on defects that would be disclosed at the time of delivery or by ordinary methods of inspection, will be given to the supplier and the carrier within a reasonable time after delivery of the item(s). Notice of latent defects that which would make the items unfit for the purpose intended may be given by the governing body any time after acceptance.~~

~~(g)(†) Exceptions – Should any conditions arise wherein an exception to this subsection the regulations is required, then the governing body shall forward a certification stating the conditions and circumstances along with the complete file to the Division for its review and approval.~~

~~(3) Certification and Notice of Use of Voting Equipment and Voting System.~~

~~(a) Prior to the procurement of any voting equipment or voting system, each governing body shall certify in writing to the Division that the equipment or system shall be used for the purpose intended, that the equipment or system meets the~~

requirements for certification under state law and rules, and that the equipment or system satisfies all other requirements under federal and state law. Prior to the subsequent sale of any voting equipment or voting system by a governing body, each governing body shall certify in writing to the Division the anticipated terms of the sale and the fact that such sale will not adversely affect the ability of the supervisor of elections or the governing body to comply with or otherwise perform its duties under state and federal law as pertains to elections.

(b) A supervisor of elections or the governing body shall notify the Division when he or she receives any voting equipment or voting system that fails in any respect to meet the standards for certification under state law or that fails to meet the specifications upon which a contract, agreement or other written representation was based.

(5) Procedures for Use of Voting System.

(a) Routine use. A voting system shall not use equipment or software not specifically enumerated within the voting system's certification or the configuration defined within the voting system's documentation. Critical elements of the voting system may be replicated to serve as a backup system. Critical elements include the software and database modules that comprise the election management system. Commercial-off-the-shelf (COTS) items may be replaced with like-kind items upon written concurrence from the voting system vendor and the Division.

(b) Improvement to the election process. A voting system may be used in any manner approved by the vendor in an effort to improve the election process. However, any deviation from the documented procedures or manual for use and operation of the voting system must be approved and documented by the vendor and must be approved in writing by the Division. Such documentation may be in the form of "user notes," "technical bulletins," or other suitable format.

(c) Training and educational purposes. A voting system may be used for training or educational purposes, provided security procedures include sufficient safeguards to protect the database(s) and software from inadvertent or intentional corruption. A backup of the voting system software and data must be performed prior to the conduct of any training or educational demonstration or practice on that system. Alternatively, a secondary backup system may be used for training or education. The training and educational procedures must ensure that the training or educational material and election data are segregated from official election material and data. Any training or educational session or program must occur sufficiently in advance so as not to interfere with or comprise the preparations of the voting system for use in an upcoming scheduled election.

(6) Procedures for Assessments of Voting Systems.

(a)1. The supervisor of elections on his or her own, or upon the direction of the governing body, may conduct an assessment of a voting system for the purpose of examining or

evaluating security procedures, access control, system reliability and accuracy. This assessment may be conducted as a routine test or a test on the basis of subsection (2), a system audit or an examination of the functionality of the software and firmware and may include penetration testing. The supervisor of elections is responsible for the conduct of these assessments but may use the services of an independent professional person or entity approved in writing by the Division. The professional person or entity must possess one or more relevant certifications from either the American Software Testing Qualifications Board (ASTQB), the American Society for Quality (ASQ) or from EC-Council.

2. A supervisor of elections may also conduct or order an assessment based upon any potential or actual deficiency, problem, vulnerability or flaw identified or detected in a certified voting system that relates to its hardware, software, design, operation, vote tabulation, access control, system reliability and accuracy, or security including the potential for unauthorized manipulation and fraud. Any potential or actual deficiency, problem, vulnerability or flaw that is identified or detected must be reported in writing to the Division of Elections and the affected vendor(s) no later than 10 days of its identification or detection.

(b) The following procedures apply to an assessment of a voting system under this subsection:

1. The supervisor of elections shall provide written notice to the Division of Elections of its intent to conduct an assessment. A test plan must be submitted to the Division of Elections for approval before an assessment is conducted. The test plan must include at a minimum, provisions for protecting the vendor(s)' intellectual property and confidential and exempt information, whether the voting equipment or voting system will be altered or an attempt made to alter such equipment or system during the assessment, ensuring that all terms of the license and maintenance agreements will be maintained during such scheduled assessment.

2. Upon approval, the supervisor of elections may not schedule the assessment of the voting system any earlier than 21 days from the date the Division approves the test plan.

3. The supervisor of elections shall provide notice of the scheduled assessment and opportunity to attend to the following persons or entities: the Division, the vendor(s) of the certified voting system or equipment components affected by the test or assessment, other supervisor of elections who have similar voting systems in operation in their county, and the governing body. Notice to the public shall also be posted continuously at least 2 weeks in advance of the assessment on the respective supervisor of elections' webpage and published for two consecutive weeks in a newspaper of general circulation in advance of a scheduled assessment.

4. The Division of Elections has the right to be present or to have access, pursuant to Section 101.58, F.S., to all premises, records, and equipment and staff of the supervisor of elections during the assessment.

5. The assessment of the voting system shall be conducted in public and on location, if practicable, in the county of the respective supervisor of elections.

6. The assessment shall be conducted in a manner that protects the disclosure of intellectual property and other information and documentation protected under the public records law.

7. A duplicate or backup voting system in lieu of a live system shall be used in any assessment whenever practicable.

8. The supervisor of elections shall ensure that the process and results of the assessment are documented and submit a written report to the Division no later than 20 days from the completion of the assessment with copies of the report provided to the vendor(s) affected by the assessment. The test report shall include any recommendations for addressing any identified potential or actual deficiency, problem, vulnerability, or flaw. The test report shall also flag all information that is confidential and exempt under the public records law in a separate addendum to the report.

9. The vendor(s) of the voting system or voting equipment component affected by the assessment may submit a written response to the report. A vendor's response must be provided to the supervisor of elections and the governing body, with a copy to the Division, no later than 10 days from the date of receipt of the report.

10. The supervisor of elections shall develop and implement security procedures to mitigate any adverse effect resulting from a deficiency, problem, flaw or vulnerability identified by the assessment report. These procedures shall remain in place until such time as procedures are permanently implemented pursuant to Section 101.015(4), F.S., or changes, if warranted, to the voting systems have been made by the vendor(s) and certified by the Division. The Division may also issue technical advisories to the supervisors of elections and the governing bodies relating to the results of any such assessment.

Specific Authority 20.10(3), 97.012(1), 101.293, 101.294 FS. Law Implemented 101.292, 101.293, 101.294, 101.295, 101.5604, FS. History—New 12-20-73, Amended 1-19-74, Repromulgated 1-1-75, Amended 5-20-76, Formerly 1C-7.04, Amended 7-7-86, Formerly 1C-7.004, Amended _____.

DEPARTMENT OF STATE

Division of Elections

RULE NO.:
1S-2.015

RULE TITLE:
Minimum Security Procedures for
Voting Systems

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide comprehensive security procedures to ensure the highest level of voting system protection. The substance of these amendments is primarily based on a technical advisory issued on March 3, 2006, that pertained to enhancements to voting system security procedures, prompted in part by the outcome of recent tests of voting systems in local jurisdictions and a review of the State of California’s Voting Systems Technology Assessment Advisory Board’s (VSTAAB) Security Analysis of the Diebold AccuBasic Interpreter and Ciber Laboratory’s Source Code Review and Functional Testing reports. The Division of Elections recognizes that as technology evolves, the operations and access to certified voting systems ought to be evaluated so as to determine whether a system and a county’s overall security plan and procedures need to be modified or enhanced in order to ensure the integrity of the voting system and the electoral process.

SUBJECT AREA TO BE DISCUSSED: Security Procedures for Voting Systems.

SPECIFIC AUTHORITY: 20.10, 97.012(1), 101.015 FS.

LAW IMPLEMENTED: 101.015 FS.

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

DATE AND TIME: June 12, 2006, 1:30 p.m.

PLACE: Florida Heritage Hall, Plaza Level, R.A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule development workshop should contact the Department of State at 1(850)245-6536 no later than three business days before the date of the workshop. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free numbers: 1(800)955-8770 (voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND PRELIMINARY DRAFT IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.015 Minimum Security Procedures for Voting Systems.

(1) PURPOSE. To establish minimum security standards for voting systems pursuant to Section 101.015(4), F.S.

(2) DEFINITIONS. The following words and phrases shall be construed as follows when used in this rule:

(a) ~~A~~ “Ballot” when used in reference to:

1. “~~Marksense Paper~~ Paper ballot” means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election, on which sheet of paper an elector casts his or her vote.

2. “Electronic or electromechanical device” means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment.

(b) “Election Materials” means those materials provided to poll workers to properly conduct the election and shall include, but not be limited to: legally required affidavits and forms, provisional ballots, voter authority slips, precinct registers, and any electronic devices necessary to activate ballot styles in the voting system.

~~(c)(b)~~ A “Voted Ballot” means a ballot as defined above, which has been cast by an elector.

~~(d)(e)~~ “Voting System” means a method of casting and processing votes that functions wholly or partly by use of electromechanical or electronic apparatus or by use of ~~marksense paper~~ ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, ~~supplies, tabulating cards,~~ printouts, and other software necessary for the system’s operation.

~~(e)(d)~~ “Voting Device” means any apparatus by which votes are registered electronically.

~~(e) “Election Materials” means those materials provided to poll workers to properly conduct the election and shall include, but not be limited to: legally required affidavits and forms, provisional ballots, voter authority slips, precinct registers, and any electronic devices necessary to activate ballot styles in the voting system.~~

(3) FILING OF SECURITY PROCEDURES. ~~Requirements for filing security procedures with the Division of Elections. Within fifteen days of the effective date of this rule, e~~Each supervisor of elections shall ~~place on~~ file with the Division of Elections security procedures ~~that which~~ meet the minimum standards set forth in this rule. Any subsequent revision ~~Revisions~~ to procedures on file with the Division of Elections shall be submitted at least 45 days prior to the commencement of early voting for the first election in which they are to take effect and shall be accompanied by a statement describing which part of the procedures previously filed have been revised. The procedures as revised must continue to meet the requirements of this rule. Each supervisor of elections has the authority to make changes to the security procedures within 45 days prior to the commencement of early voting for an election as a result of an emergency situation or other unforeseen circumstance. The supervisor shall document any changes to include the reasons why such changes were

necessary. A copy of changes in security procedures ~~any changed document~~ authorized by the supervisor shall be submitted to the Division of Elections within 5 days of the change.

(4) REVIEW OF SECURITY PROCEDURES.

~~(a)~~ The Division of Elections shall conduct a review of the submitted security procedures to determine if they meet the minimum requirements set forth in subsection (5) in this rule. The Division of Elections shall ~~will~~ notify the supervisor of elections as to the results of the review within 30 days of receipt of the security procedures or revisions thereto ~~the date revisions to the security procedures are received in the office of the Division of Elections~~. If the Division is unable to complete its review within the 30 days time frame established in this rule, the procedures or revisions shall be temporarily approved until such time as the review is completed and the supervisor of elections will be notified accordingly. The notice shall ~~notification of the results of the review will~~ include an enumeration of specific provisions that ~~which~~ were found to be incomplete or otherwise do not meet the provisions of this rule.

~~(b)~~ Security procedures on file with the Division of Elections shall be reviewed by the Division of Elections in each odd numbered year, pursuant to Section 101.015(4)(b), F.S.

(5) STANDARDS FOR SECURITY PROCEDURES.

(a) Security procedures shall include copies and descriptions of the content of each referenced form, schedule, log or checklist ~~or descriptions of the contents of forms, schedules, logs or checklists~~ that vary from election to election. The procedures must also include measures for ensuring security on election day and during the early voting period including daily overnight storage.

(b) Election Schedule. The security procedures shall require the establishment of an election schedule at least 90 days prior to each regularly scheduled election and within 20 days of the date a special election is scheduled. The election schedule shall contain the following:

1. A list of all tasks necessary to conduct the election;
2. The legal deadline, where applicable, or tentative date each task is to be completed; and
3. The individual (position title), group or organization responsible for completing each task.

(c) Ballot Preparation. The security procedures shall describe the steps necessary to ensure ~~insure~~ that the ballot contains the proper races, candidates and issues for each ballot variation and that the ballots can be successfully tabulated. The ballot preparation procedures shall, at a minimum, contain the following:

1. Method and materials required to determine each type of ballot or ballot variations;
2. Assignment of unique marks or other coding necessary for identifying ballot variations or precincts;

3. Verification that unique marks or other coding necessary for tabulation are correct;

4. Description of system used to facilitate ballot preparation, if applicable; and

5. Description of method to verify that all ballots and ballot variations are accurately prepared and printed.

(d) Filing election parameters. The security procedures shall include filing with the Division of Elections a copy of the parameters used within the voting system to define the tabulation and reporting instructions for each election regardless of filings for previous elections. The filing shall, at a minimum, include the following:

1. Copy of the administrative database used to define the election;

2. Copy of all election-specific files generated and used by the system; and

3. If the election definition is created by an individual who is not an employee of the supervisor of elections, then the parameters shall include a statement signed by the person who created the election definition. The statement shall be in substantially the following form:

ELECTION PARAMETER STATEMENT

Pursuant to Section 837.06, F.S., whoever knowingly makes false statement in writing with the intent to mislead a public servant in the performance of his or her official duty, shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, F.S. The election coding for _____ County was assembled according to specified procedures using (name of system and Florida certification number). Furthermore, included with the election materials is a duplicate copy of the administrative database used to define the election, a copy of all election-specific files generated and used by the system and a document stating the release level of the precinct tabulation equipment and firmware. To the best of my knowledge and belief, the foregoing statement is truthful.

Signature of the Person Coding the Election.

~~(e)(d)~~ Preparation and Configuration of Tabulation System.

1. The procedures relating to the preparation and configuration of the tabulation system shall, at a minimum, include the following:

a. Description of the ballot definition and verification process;

b. Description of the steps necessary to program the system; and

c. Description of the process to install the program and the procedures for verification of correctness.

2. The security procedures shall describe the test materials utilized and the voting system tests performed prior to the conduct of the public logic and accuracy tests.

(f)(e) Logic and Accuracy Test. The security procedures for use with electronic and electromechanical voting systems shall, at a minimum, describe the following aspects of logic and accuracy testing as required by Section 101.5612, F.S.:

1. Description of Each component of the test performed including the test materials utilized.

2. The procedures for sealing, securing and retaining Description of how the programs, ballots, test results, and other test materials, and records of proceedings are sealed, secured and retained.

(f) Filing election parameters. The security procedures shall include filing with the Division of Elections a copy of the software and parameters used within the voting system to define the tabulation and reporting instructions for each election regardless of filings for previous elections. The filing shall, at a minimum, include the following:

1. Copy of the voting system software;
2. Copy of the administrative database used to define the election;
3. Copy of all election-specific files generated and used by the system;
4. Documentation stating the release level of the precinct tabulation equipment and firmware; and

5. If the election definition is created by an individual who is not an employee of the supervisor of elections, then the parameters shall include a statement signed by the person who created the election definition. The statement shall be in substantially the following form:

ELECTION PARAMETER STATEMENT

Pursuant to Section 837.06, F.S., whoever knowingly makes false statement in writing with the intent to mislead a public servant in the performance of his or her official duty, shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or 775.083, F.S. The election coding for _____ County was assembled according to specified procedures using (name of system and Florida certification number). Furthermore, included with the election materials is a duplicate copy of the administrative database used to define the election, a copy of the voting system software, a copy of all election specific files generated and used by the system and a document stating the release level of the precinct tabulation equipment and firmware. To the best of my knowledge and belief, the foregoing statement is truthful.
Signature of the Person Coding the Election.

(g) Pre-election Steps for Voting Systems. The security procedures for use with voting devices shall, at a minimum, include a the following:

1. Description of how the number of voting devices for each precinct is determined;
2. Description of each component of the public test, including any test materials utilized;

3. ~~d~~Description of the process to seal and secure the voting devices including on election day and daily during the early voting period. This description shall include: It shall also provide for a record to be kept on which the identification numbers, seal numbers and protective counter numbers for voting devices shall be noted; and

1. The process for permanently identifying electronic media type including but not limited to memory packs, compact flash cards, PC Cards or PCMCIA cards, Personalized Electronic Ballots (PEBs), voter card encoders, supervisor cards, and key cards with a unique identification (e.g., serial number). This activity shall include:

a. The process to create and maintain an inventory of all electronic media.

b. The chain of custody process and procedure for identifying, documenting, handling, and tracking electronic media from the point of collection or transfer from their storage location, through election coding, through the election process, to their final post-election disposition and return to storage. Such process must use two or more individuals to perform any written check and verification checks whenever a transfer of custody takes place. This electronic media must be given the same level of attention that one would give to official ballots.

2. The establishment and maintenance of a secured location for storing the electronic media when not in use, for coding an election, for creating the election media, for transferring and installing the election media into the voting device, and for storing these devices once the election parameters are loaded. This process shall ensure that:

a. No election media is left unattended or in an unsecured location once it has been coded for an election. At least two persons must be in attendance. Where applicable, coded election media must be immediately loaded into the relevant voting device, logged, and made secure or must be placed in a secured and controlled environment and inventoried.

b. Each election media is sealed in its relevant voting device or container utilizing one or more uniquely identified tamper-resistant or tamper-evident seals. A combined master tracking log of the voting device, the election media, and the seal(s) must be created and maintained. For election media that are device independent (for example, PEBs, voter card encoders) these devices must be stored in a secured, sealed container and must also be identified on the master tracking log.

c. A procedure is created and maintained for tracking the custody of these voting devices once these devices are loaded with an election definition. This record shall include the protective count for the voting device, where applicable. The chain of custody must specifically provide for the identifying, documenting, handling, and tracking of such devices from the point of loading to final post-election disposition. A minimum of two persons must be used to perform any written checks and

verification checks when a transfer of custody takes place. These voting devices must be given the same level of attention that one would give to official ballots.

3. A recovery plan that is to be followed should there be any indication of a security breach in the accountability and chain of custody procedures. Any indication of a security breach must be confirmed by more than one individual.

4. A training plan for relevant election officials, staff, and temporary workers that addresses these security procedures and the relevant work instructions. Description of the procedures for retaining the test results and any records of the proceedings.

(h) Ballot Distribution. Where marksense paper ballots (as defined in subparagraph (2)(a)1. of this rule) are used including on election day and during early voting, the security procedures shall, at a minimum, include the following:

1. Description of how the number and variations of ballots required by each precinct is determined;
2. Description of the method for securing the ballots; and
3. Description of the process for distributing the ballots to precincts, to include an accounting of who distributed and who received the ballots, the date, and how they were checked.

(i) Distribution of Precinct Equipment. The security procedures shall describe the steps necessary for distributing voting system equipment to the precincts.

(j) Election Board Duties.

1. The security procedures when marksense paper ballots, including provisional ballots are used shall, at a minimum, include the following Election Board duties including on election day and during early voting:

- a. Verification that the correct number of ballots were received, and that they are the proper ballots for that precinct;
- b. Checking the operability or readiness of the voting devices;
- c. Checking and sealing the ballot box;
- d. Description of how spoiled ballots are handled;
- e. Description of how write-in and provisional ballots are handled; and
- f. Accounting for all ballots after the polls close.

2. The security procedures for use with voting devices shall, at a minimum, include the following Election Board duties:

- a. Verification of the identification numbers, seal numbers, and protective counter numbers of precinct tabulation and/or voting devices;
- b. Checking the operability or readiness of the voting device;
- c. Verification that all counters except protective counters are set at zero on each voting device;
- d. Securing a printed record from each voting device, if applicable;
- e. Checking the correctness of the ballot;

- f. Preparing voting devices for voting;
- g. Verification that the correct number of voter authorization slips were received;
- h. Checking and sealing the voter authorization slips container(s);
- i. Handling write-in ballots;
- j. Handling voting system malfunctions;
- k. Securing voting machines at the close of the polls to prevent further voting;
- l. Accounting for all voter authorization slips received; and
- m. Recording and verifying the votes cast.

(k) Transport of Ballots and/or Election Materials. The security procedures shall describe the steps necessary to ensure a complete written record of the chain of custody of ballots and/or election materials including on election day and daily during the early voting period and shall include:

1. A description of the method and equipment used to transport all ballots and/or election materials;
2. A method of recording the names of the individuals who transport the ballots and/or election materials from one site to another and the time they left the sending site;
3. A method of recording the time the individuals who transport the ballots and/or election materials arrived at the receiving site and the name of the individual at the receiving site who accepted the ballots and/or election materials.

4. A description of the process to create and maintain a secured location for storing and transporting voting devices once the election parameters are loaded. This shall include procedures that are to be used at locations outside the direct control of the supervisor of elections, such as overnight storage at a polling location or early voting site. This description shall include:

a. A process for creating and maintaining an inventory of these items for each storage location, for each election. These voting devices must be given the same level of attention that one would give to official ballots.

b. A chain of custody process that specifically provides for the identifying, documenting, handling, and tracking of such voting devices from the point of storage to transfer to final disposition or when the voting devices have been left unattended for any length of time. A minimum of two persons must be used to perform any written checks and verification checks when a transfer of custody takes place. Particular attention must be given to the integrity of the tamper-resistant or tamper-evident seals. These voting devices must be given the same level of attention that one would give to official ballots.

5. A recovery plan that is to be followed should there be any indication of a security breach in the accountability and chain of custody procedures. The plan must address inadvertent damage to any seals or accountability/chain of

custody documentation errors. These plans must be developed in a manner that enhances public confidence in the security and integrity of the election. Any indication of a security breach, documentation errors, or seal damage must be confirmed by more than one individual.

6. A training plan for relevant election officials, staff, and temporary workers that address these security procedures and the relevant work instructions.

(l) Receiving and Preparing the Ballots for Central and Regional Counting. The security procedures shall describe the process of receiving and preparing voted ballots, including provisional ballots, election data and/or memory devices for counting to include, at a minimum, the following:

1. Verification that all of the ballot containers are properly secured and accounted for and that the seal numbers are correct;
2. Verification that the ballot container(s) for each precinct contain voted ballots including provisional ballots, unused ballots, spoiled ballots and write-in ballots as shown to exist on the forms completed by each election board for that purpose;
3. Inspection of the marksense paper ballots to identify those that must be duplicated or upon which voter intent is unclear, thus requiring a determination by the Canvassing Board. A record shall be kept of which marksense paper ballots are submitted to the Canvassing Board and the disposition of those marksense paper ballots; and
4. Description of the process for duplicating and recording the voted marksense paper ballots which are damaged or defective.

(m) Tabulation of Vote.

1. The security procedures for use with central and regional processing sites shall describe each step of a ballot tabulation including on election day and daily during the early voting period and shall to include, at a minimum, the following:

- a. Counting and reconciliation of voted marksense paper ballots;
- b. Processing, tabulation and accumulation of voted ballots and election data;
- c. Processing and recording of all write-in and provisional ballots;
- d. The process for handling unreadable ballots and returning any duplicates to tabulation;
- e. Backup and recovery of tabulated results and voting system programs for electronic or electromechanical voting systems; and
- f. ~~Describe~~ The procedure for public viewing of the tabulation process and access to results.

2. The sSecurity procedures shall describe the steps necessary for vote tabulation in the precincts including on election day and daily during the early voting period.

3. The security procedures for use in the precincts including on election day and daily during the early voting period shall include procedures that describe each step of ballot tabulation to include, at a minimum, the following:

- a. Printing of precinct results and results from individual tabulating devices;
- b. Processing and recording of write-in votes;
- c. Endorsing a copy of the precinct results by the Election Board;
- d. Posting of precinct results;
- e. Transport of precinct results to central or regional site;
- f. Consolidation of precinct and provisional ballot results; and
- g. ~~The Describe~~ the process for public viewing of the tabulation process and access to results.

4. The procedures for resolving discrepancies between the counted ballots and voted ballots and any other discrepancies found during the tabulation process shall be described.

(n) Electronic Access to Voting Systems. Security procedures shall identify all methods of electronic access to the vote tabulation system including on election day and daily during the early voting period. The, including procedures for authorizing electronic access and specific functions, and specifying methods for detecting, controlling and reporting access to the vote tabulation system shall be identified, and shall additionally include:

1. A document that defines the procedure that ensures that default or vendor supplied passwords, encryption keys, or other identifier have been changed. This activity must ensure that:

a. Access control keys/passwords are maintained in a secured and controlled environment. The individual(s) with access to these items must be delineated in the relevant position descriptions.

b. Changes to the encryption keys and passwords are at the discretion of the supervisor of elections. This discretionary authority should not be delegated. The individual(s) that implement a change to the encryption keys and/or passwords must have this "authorization to change" responsibility delineated within their position description(s).

c. The degree of access is defined within each relevant position description and maintained at that level within the election management system and/or equipment. This applies where a voting system can limit an individual's access to certain menus, software modules, or other component.

2. A procedure that governs access to any device, election media, or election management system with a requirement to use an encryption key. This process must be witnessed by one or more individuals authorized to use such information and an access log must be created and maintained.

3. A training plan for relevant election officials, staff, and temporary workers that address these security procedures and the relevant work instructions.

(o) Absentee Ballot Handling. The security procedures shall include procedures that describe absentee ballot handling to include, at a minimum, the following:

1. Description of process for determining and verifying absentee ballot variations;
2. Description for process to assure voters are issued the proper absentee ballot;
3. Process for precluding voters from voting at the polls and casting an absentee ballot;
4. Process for opening valid absentee ballots in preparation for tabulation;
5. Process for recording the receipt of advance absentee ballots, regular absentee ballots, State write-in ballots and Federal write-in ballots and determining which ones should be counted if more than one per voter is received; and
6. Security measures for storing absentee ballots and related materials prior to and after an election.

(p) Ballot Security. The security procedures shall describe ballot accountability and security beginning with their receipt from a printer or manufacturer until such time as they are destroyed. The procedures for each location including on election day and during the early voting period shall describe physical security, identify who has authorized access and identify who has the authority to permit access.

(q) Voting System Maintenance and Storage. The security procedures shall describe the maintenance and testing performed on all components of the system to assure that it is in proper working order and is within manufacturer’s operating specifications for election day and during the early voting period. Procedures shall also describe storage and nonoperational maintenance of all voting devices.

(6) ACCESS TO TABULATION PROGRAM SOURCE CODE.

(a) No supervisor shall have access to any vote tabulation program source code to be used in an election unless prior approval has been obtained from the Division of Elections. Approval shall be based on the supervisor establishing security procedures which provide for maintaining a secured control copy of the certified release of the tabulation program source code; protecting source code from unauthorized access; and verification that the tabulation program source code used for each election is identical to the certified release.

(b) Any modification to tabulation program source code must be certified by the Division under the provisions of Rule Chapter 1S-5, F.A.C., before use in any election.

Specific Authority 20.10(3), 101.015 FS. Law Implemented 101.015(4) FS. History—New 5-27-85, Formerly 1C-7.15, 1C-7.015, Amended 8-28-93, 11-24-04,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

| | |
|------------|--|
| RULE NO.: | RULE TITLE: |
| 33-102.101 | Public Information and Inspection of Records |

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow the department to charge a special service charge when a staff member’s presence is necessary during the inspection of public records to protect the records from alteration or destruction and to modify Form DC1-201, Invoice for Production of Records, to add a line for calculating staff supervision time and hourly rate.

SUBJECT AREA TO BE ADDRESSED: Public inspection of records.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 119.07, 120.53 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: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-102.101 Public Information and Inspection of Records.

(1) through (2) No change.

(3) In addition to the actual cost of materials and supplies, a special service charge will be assessed for providing information when the nature or volume of the records requested requires extensive clerical or supervisory assistance by departmental personnel. For the purpose of this rule, “extensive” means that it will take more than 15 minutes to locate, review for confidential information, copy and refile the requested material. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the current rate of pay for the paygrade of the person who performed the service and will be assessed regardless of the number of individual copies made. The special service charge shall also be imposed when it is necessary to have a staff member present during inspection of records when the nature of the records being inspected is such

that they need a heightened degree of protection from alteration or destruction. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the current rate of pay for the paygrade of the person who performed the service.

(4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on an Invoice for Production of Records, Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is 12-5-05.

Specific Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History—New 10-8-76, Amended 2-24-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, 12-5-05, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.403
 RULE TITLE: Random Drug Testing of Employees

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to expand the current random drug testing program to include other specified positions in addition to certified officers, provide a review process for employees whose positions have been designated as subject to random testing, and provide for on-site presumptive testing with a confirmation process follow-up for presumptive positive results.

SUBJECT AREA TO BE ADDRESSED: Random drug testing program.

SPECIFIC AUTHORITY: 944.09, 944.474 FS.

LAW IMPLEMENTED: 112.0455, 944.09, 944.474 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: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.403 Random Drug Testing of Employees.

(1) Definitions.

(a) Authorizing ~~Authorized~~ Individual – The person designated by the Chief of Personnel to interact with an employee regarding the drug testing program.

(b) Chain of Custody – The procedures used to account for the integrity of each ~~urine~~ specimen by tracking its handling and storage from the point of specimen collection to final disposition.

(c) Contact Person – the employees designated by the Chief of Personnel to interact with the laboratory and Medical Review Officer and coordinate the drug testing program regarding drug test results.

(d) Medical Review Officer – a licensed physician under contract with the Department or the outside vendor used by the Department who reviews all drug tests from the laboratory and makes the final determination regarding the test result.

(e) Random Drug Test – A drug test conducted based on a computer generated random sampling ~~in positions identified as being subject to random testing;~~ administered for the purposes of detecting ~~determining~~ the presence of drugs, controlled substances, including anabolic steroids, or their metabolites.

(f) Random Test Designated Position – An employee is in a random test designated position, and thus is required to submit to random testing, if the employee:

1. Has job duties that require or allow the employee to carry a firearm;
2. Possesses law enforcement powers;
3. Has job duties involving regular unsupervised access to and direct contact with inmates or offenders under community supervision;
4. Has job duties involving unsupervised access to controlled substances;
5. Operates dangerous instrumentalities such as vehicles;
6. Provides health care and psychological care to inmates;
7. Provides direct services to inmates;
8. Has access to investigations of criminal allegations and the ability to alter the investigation;
9. Has the ability to alter information in databases, computer systems, or records relating to inmates or offenders under community supervision; or
10. Is in any position, including a supervisory or management position, in which a drug impairment could constitute an immediate and direct threat to public health or safety.

~~(g)~~(f) Test refusal – failure on the part of a randomly selected employee to willfully and fully comply with the Department’s random drug testing procedures. This includes refusal to sign required forms, refusal to provide specimens for testing, failing to report to the collection site within required time frames, failing to provide a valid specimen, attempting to alter the specimen with adulterants, and using substitute specimens in makeshift devices or objects.

(2) Only employees in random test designated positions, including employees required to maintain certification under Sections 943.13 and 943.135, F.S., shall be subject to mandatory random drug testing. Employees who are not in test designated positions will be included in the random drug testing pool only if such employees choose to voluntarily participate in the random testing program. An employee may seek review of the determination that he or she is working in a test designated position within 14 days of notification of test designation or, subsequently, within 14 days of a change in the employee's job duties.

(a) To seek review, the employee shall submit a letter of explanation based upon the criteria in paragraph (1)(f) of this rule to the Chief, Bureau of Personnel.

(b) Additional review of position duties will be conducted by the Bureau of Personnel and the Office of the General Counsel and will include information provided in the employee's request as well as any other information obtained during the review.

(c) A written response from the Bureau of Personnel will be provided to the employee once a determination is made on the appeal.

(3) ~~The Department Bureau of Research and Data Analysis~~ shall generate random lists of individual positions subject to testing.

(a) ~~The Department Bureau of Personnel~~ shall disburse the list to the authorized individuals during each random testing period.

(b) The list shall include the date by which all tests for that testing period must be completed.

(c) Each time an employee's name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.

(d) Listed employees shall not be excused from random drug testing unless they are on approved leave of absence, ~~or out of town on department business, or it is determined that the employee was listed in error.~~ If the employee returns to his or her assigned worksite in time for the test to be rescheduled and completed within the prescribed deadline, the authorized individual shall ensure testing is ~~rescheduled and~~ completed.

(e) The list is confidential and shall not be disseminated to non-essential staff members prior to testing.

(4) Off-Site Testing and Confirmation Process. Once an employee is randomly selected ~~and scheduled for a test,~~ the authorized individual shall:

(a) through (c) No change.

(5) through (9) No change.

(10) If the test results are positive, the specimen sample will be retested by the laboratory for confirmation.

(11) All employees with a positive confirmed drug test shall be contacted by the Medical Review Officer within 3 days of receipt of the results from the laboratory and offered the opportunity to produce valid documentation of lawful

ingestion of the identified controlled substance. The Medical Review Officer may also request consent to review the employee's medical records to assist in evaluating the test results. The employee shall have 15 days from the date of contact by the Medical Review Officer to present valid documentation of lawful intake of the identified controlled substance from that provides a legitimate explanation for the positive test results.

(12) No change.

(13) In the case of positive test results for which the employee did not or could not provide valid documentation of lawful intake of the identified controlled substance a legitimate explanation, the employee shall be notified in writing of the positive test results and the consequences of the results. Depending upon the employee's position and the surrounding circumstances, possible consequences include: The employee shall be immediately removed from his position in accordance with the department's dismissal process and the Criminal Justice Standards and Training Commission shall be notified.

(a) Referral to an employee assistance program;

(b) Immediate removal from his or her position to a position in another class;

(c) Immediate placement in paid or unpaid leave status;

(d) Disciplinary action up to and including dismissal; and

(e) Notification of the Criminal Justice Standards and Training Commission for possible decertification.

(14) In the event of collection site or laboratory error, If the Medical Review Officer will reports the test results as cancelled, ~~it shall be considered collection site or lab error~~ and a re-test shall be scheduled immediately. The employee shall be given no more than 24 hours notice for the re-test. If a re-test cannot be conducted prior to the deadline for the random testing period, the authorized individual Regional Personnel Officer shall provide an explanation to the Chief of Personnel.

(15) through (16) No change.

~~(17) Within 5 days of the completion of random testing, the authorized individual shall submit to the Bureau of Personnel the names of the employees not tested and the reason the test was not completed, with the attendance and leave reports or travel reimbursement requests attached for any employee unavailable for the test.~~

~~(17)(18)~~ The following appeal process shall be available to an employee who wants to appeal a positive confirmed drug test.

(a) through (b) No change.

(18) On-Site Presumptive Testing with Confirmation Process Follow-up for Presumptive Positives. If on-site presumptive testing is employed, the authorized individual shall:

(a) Ensure administration of presumptive testing using an oral fluid device or other non-invasive process;

(b) Refer employees with presumptive positive results to off-site testing in accordance with subsection (4) of this rule.

(19) All information, interviews, statements, memoranda and drug test results, written or otherwise, received or produced as a result of the drug testing program shall be confidential.

Specific Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS. History–New 9-11-05, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.723
RULE TITLE: Visiting Check-in Procedures
PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The purpose and effect of the proposed rule is to clarify means of obtaining approval for a minor’s visit where the legal guardian is incarcerated, yet someone else is taking care of the minor.

SPECIFIC AUTHORITY: 944.09, 944.23 FS.
LAW IMPLEMENTED: 944.09, 944.23, 944.8031 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: Jason Hand, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-601.723 Visiting Check-in Procedures.
- (1) through (4) No change.
- (5) A visitor seventeen years old or younger who cannot furnish proof of emancipation must be accompanied during a visit by an approved parent, legal guardian, or authorized adult and must remain under the supervision of that adult at all times. An authorized non-parental adult accompanying a visiting minor must provide a notarized document of guardianship from the minor’s parent or legal guardian (neither of which may be an inmate except as provided below not an inmate) granting permission for the minor to visit a specifically identified inmate. The document shall be notarized by someone other than the non-parental adult accompanying the minor and shall be updated every six months from the date of issue. In cases where it can be determined that legal custody remains with the incarcerated parent or legal guardian and has not been given to another adult by the court, a notarized statement from the incarcerated parent or guardian shall be acceptable for purposes of authorizing children of the inmate to visit. Any such authorization remains subject to any relevant court orders or relevant departmental rules regarding the inmate’s contact with the minor in question. Falsification of a document of

guardianship shall result in the person being subject to suspension of visiting privileges pursuant to paragraph 33-601.731(9)(d), F.A.C.

(6) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.002
RULE TITLE: Salon Requirements
PURPOSE AND EFFECT: To establish pedicure equipment sterilization procedures.

SUBJECT AREA TO BE ADDRESSED: Salon Sterilization Requirements.
SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.
LAW IMPLEMENTED: 477.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, 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 BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-20.001
RULE TITLE: Licensee
PURPOSE AND EFFECT: The Board proposes the rule amendment to add the language regarding a delinquent license.

SUBJECT AREA TO BE ADDRESSED: Licensees.
SPECIFIC AUTHORITY: 455.271, 473.304 FS.
LAW IMPLEMENTED: 455.271 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: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-20.001 Licensee.

(1) "Licensee" shall be deemed and construed to mean a person, partnership or corporation which holds an active, inactive, delinquent, or temporary license issued under Chapter 473, F.S.

(2) No change.

Specific Authority 455.271, 473.304 FS. Law Implemented 455.271, 473.304 FS. History--New 12-4-79, Formerly 21A-20.01, Amended 10-20-86, Formerly 21A-20.001, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

| RULE NOS.: | RULE TITLES: |
|--------------|--|
| 61H1-20.007 | Generally Accepted Accounting Principles |
| 61H1-20.008 | Generally Accepted Auditing Standards |
| 61H1-20.009 | Standards for Accounting and Review Services |
| 61H1-20.0092 | Government Auditing Standards |
| 61H1-20.0093 | Rules of the Auditor General |
| 61H1-20.0095 | Standards for Consulting Services |
| 61H1-20.0096 | Services for Tax Practice |
| 61H1-20.0097 | Standards for Personal Financial Planning |
| 61H1-20.0098 | Standards for Business Valuations |
| 61H1-20.0099 | Standards for Attestation Engagements |

PURPOSE AND EFFECT: The Board proposes to review the existing language in the rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Generally Accepted Accounting Principles; Generally Accepted Auditing Standards; Standards for Accounting and Review Services; Government Auditing Standards; Rules of the Auditor General; Standards for Consulting Services; Services for Tax Practice; Standards for Personal Financial Planning; Standards for Business Valuations; Standards for Attestation Engagements.

SPECIFIC AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.304, 473.315 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: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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 Dentistry

RULE NO.: 64B5-13.0046
 RULE TITLE: Citation Authority

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the rule and clarify citation authority for violations and penalties.

SUBJECT AREA TO BE ADDRESSED: Citation authority.

SPECIFIC AUTHORITY: 456.077, 466.004(4) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #08, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-13.0046 Citation Authority.

(1) Pursuant to Section 456.077, F.S. (2000), the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation and the appropriate penalties for specific violations. In addition to the penalty, the costs of investigation and prosecution shall be assessed pursuant to Section 456.072(2), F.S. ~~as determined by rules of the Department of Health. The form to be used for the issuance of the citation shall be set forth in rules of the Department of Health.~~ The following subsections indicate those violations which may be disposed of by citation, with the accompanying penalty.

(2) Violation of Section 466.026(1)(a), ~~and/or 466.028(1)(aa)~~, F.S., by practicing for a period of 2-6 months without an active license. The penalty for a dentist shall be a \$1,000.00 fine to be in addition to any reactivation fee, and

completion within 6 months of 4 hours of continuing education in risk management. Said continuing education to be in compliance with Rule Chapter 64B5-12, F.A.C., and in addition to any continuing education required for biennial renewal of licensure. The penalty for dental hygienist shall be a \$250.00 administrative fine.

(3) A first time violation of Section 466.028(1)(i) and/or 466.028(1)(a)(aa), F.S., and/or subsection 64B5-12.013(1) or (2), F.A.C., by renewing a license without completing the required continuing education credits. The penalty for a dentist shall be an administrative fine of ~~\$100.00~~ ~~\$150.00~~ per hour not completed as required, and completion of all continuing education hours that were not completed, ~~and completion of one additional hour of continuing education for each hour not completed or completed late.~~ Said continuing education shall be in compliance with Rule Chapter 64B5-12, F.A.C., and shall not count toward any continuing education required for the biennium in which it is completed and shall be in addition to and not count toward any continuing education required for biennial renewal of licensure. Furthermore, the licensee shall submit proof of completion of all required continuing education under this rule to the Board office no later than 12 months from the date of the citation. The penalty for a dental hygienist shall be an administrative fine of ~~\$25.00~~ ~~\$35.00~~ per hour not completed as required, and completion of all continuing education hours that were not completed, ~~and completion of one additional hour of continuing education for each hour not completed or completed late.~~ Said continuing education shall be in compliance with Rule Chapter 64B5-12, F.A.C., and shall not count toward any continuing education required for the biennium in which it is completed and shall be in addition to and not count toward any continuing education required for biennial renewal of licensure. Furthermore, the licensee shall submit proof of completion of all required continuing education under this rule to the Board office no later than 12 months from the date of citation.

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

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

(d) Violation of subsection 64B5-4.003(5), F.A.C., by providing an advertisement for free or discounted services which does not comply with the requirements of Section ~~456.062~~ ~~455-664~~, F.S., and/or clearly identify the dates that free, discounted or reduced fee services will be available.

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

(7) The penalty for a violation of Rule Chapter 64B5-4, F.A.C., as enumerated above ~~is are~~ as follows: first offense will result in \$250.00 fine ~~and reprimand~~; second offense, will result in a \$1,000.00 fine, reprimand and four (4) hour continuing education in ethics. Violations occurring subsequent to the second offense of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed.

(8) No change.

(9) Violation of subsection 466.028(1)(II)(aa), F.S., by violation of Section 456.035(1), F.S., which requires licensees to notify the Board of change of address. Failure to comply will result in a \$250.00 fine.

(10) through (11) No change.

(12) Except for violations of Rule Chapter 64B5-4, F.A.C., as stated above, ~~The~~ procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 456.073, F.S., shall apply.

(13) Citations are to be served upon the subject either by personal service or by certified mail, restricted delivery return receipt, to the last known business or residence address of the subject.

(14) The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. All fines and costs are to be made payable to the “Board of Dentistry – Citations” and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine or costs.

(15) If the subject licensee rejects the Department of Health’s offer of the citation ~~or if the licensee fails to comply with the penalty~~ then the procedures of Section 456.073, F.S., shall apply to the original charge. In cases where the subject licensee fails to comply with the penalty, ~~both the original charge and a complaint for violation Section 456.072(1)(q), F.S., shall be filed and investigated.~~ a charge of violating Section 466.028(1)(i), F.S., shall be brought before the probable cause panel pursuant to Section 456.073, F.S.

~~(16) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued which report shall contain the name of the subject, the violation, fine imposed, whether the subject complied with the citation upon it becoming a final order, and the number of subjects who chose to follow the procedures of Section 456.073, F.S.~~

Specific Authority 456.077, 466.004(4) FS. Law Implemented 456.072(3)(a), 456.077 FS. History–New 12-24-91, Formerly 21G-13.0046, Amended 11-22-93, Formerly 61F5-13.0046, 59Q-13.0046, Amended 7-19-01,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-17.006
 RULE TITLE: Work Order Forms
 PURPOSE AND EFFECT: The Board proposes the rule amendment to update the information necessary for completion of approved work order forms.
 SUBJECT AREA TO BE ADDRESSED: Work order forms.

SPECIFIC AUTHORITY: 466.021 FS.

LAW IMPLEMENTED: 466.021 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-17.006 Work Order Forms.

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

(f) Signature of the licensed dentist, which may be an electronic signature.

~~(2) Work order forms must be sequentially numbered duplicate forms.~~

~~(3) Work order forms are non-transferable.~~

(2)(4) Copies of work order forms must be maintained, either on paper or stored electronically in an encrypted data base, by the dentist for a period of ~~four (4) two (2)~~ years.

Specific Authority 466.021 FS. Law Implemented 466.021 FS. History–New 12-21-99, Amended 3-23-06,_____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-12.011 Assessment Fees

PURPOSE AND EFFECT: The Board proposes the new rule to establish and clarify the one time assessment fee on all podiatric physicians.

SUBJECT AREA TO BE ADDRESSED: Assessment Fees.

SPECIFIC AUTHORITY: 456.025(5), 461.005 FS.

LAW IMPLEMENTED: 456.025, 461.005 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-12.011 Assessment Fees.

In order to maintain fiscal integrity, the Board is assessing a one time assessment fee on all podiatric physicians of \$375.00, payable by March 31, 2007.

Specific Authority 456.025(5), 461.005 FS. Law Implemented 456.025, 461.005 FS. History–New _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-14.002 Penalties

PURPOSE AND EFFECT: The Board proposes to add language clarifying penalties for termination from impaired practitioner treatment program and for failure to comply with a lawful order of Board suspension.

SUBJECT AREA TO BE ADDRESSED: Penalties.

SPECIFIC AUTHORITY: 456.072, 456.072(1)(qq), 456.073(3), 456.079, 461.003, 461.005, 461.013 FS.

LAW IMPLEMENTED: 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 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 Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-14.002 Penalties.

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

(rr) Termination from impaired practitioner treatment program. The Board shall impose a penalty of suspension until individual proves ability to practice with reasonable skill and safety.

(ss) Failure to comply with a lawful order of the Board. The Board shall impose a penalty of suspension until compliance and payment of fine from \$500.00 to \$1,000.00.

Specific Authority 456.072, 456.072(1)(qq), 456.073(3), 456.079, 461.003, 461.005, 461.013 FS. Law Implemented 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS. History–New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-86, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97, 8-24-00, 8-13-02, 4-26-04,_____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-14.010 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language clarifying citations for failure to pay the one time assessment fee.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 461.005 FS.

LAW IMPLEMENTED: 456.057, 456.077, 461.012, 461.013 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 Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-14.010 Citations.

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

Violations Penalties

(j) Failure to pay the one time assessment fee of \$375.00

Citation fine of \$500.00 plus payment of cost and the \$375.00 assessment fee.

(4) through (5) No change.

Specific Authority 456.077, 461.005 FS. Law Implemented 456.057, 456.077, 461.012, 461.013 FS. History—New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended 11-23-00, 8-13-02, 7-26-04, _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-17.005 Continuing Education Requirements After Initial Licensure

PURPOSE AND EFFECT: The Board proposes the new rule to clarify the requirements for continuing education in the area of Risk Management after initial licensure.

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 465.013, 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 465.013, 461.005, 461.007(3) 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 Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-17.005 Continuing Education Requirements After Initial Licensure.

During the first biennium after initial licensure, practitioners are required to obtain five hours of continuing education in the subject area of risk management by attending one full day of a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted.

Specific Authority 465.013, 456.033, 461.005, 461.007(3) FS. Law Implemented 465.013, 461.005, 461.007(3) FS. History—New _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.: RULE TITLE:

68C-22.027 Duval County Zones

PURPOSE AND EFFECT: The Commission is considering whether amendments to the existing manatee protection zones in the downtown Jacksonville area of Duval County should be made to make the zones consistent with existing federal manatee protection zones. At the request of the Commission, and as required by Section 370.12(2)(f), F.S., in February 2006 Duval County (city of Jacksonville) established a Local Rule Review Committee (LRRC) to review and comment on a preliminary rule proposal. The LRRC met three times and the Commission received the LRRC final report in May 2006. The Commission is scheduled to consider the LRRC report and Commission staff recommendations for proposed rule amendments at the June 7-8, 2006, Commission meeting to be held in West Palm Beach. The agenda for this meeting and background information on this issue can be viewed on-line at: <http://myfwc.com/commission/2006/June/index.html>.

SUBJECT AREA TO BE ADDRESSED: Manatee protection zones in the downtown Jacksonville area of Duval County.

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

LAW IMPLEMENTED: 370.12(2)(d), (k), (n) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Mr. Scott Calleson, Imperiled Species Management Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (telephone (850)922-4330)

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 690-142.015
 RULE TITLE: Standardized Requirements Applicable to Insurers After Hurricanes or Natural Disasters

PURPOSE AND EFFECT: Section 24 of Senate Bill 1980 created Section 627.7019, F.S. It requires the Financial Services Commission to adopt by rule standardized requirements that may be applied to insurers as a consequence of a hurricane or other natural disaster. The purpose of the rule development workshop is to develop rules with respect to claims reporting requirements, grace periods for payment of premiums, and performance of other duties by insureds and temporary postponement of cancellations or nonrenewals. Interested persons should consult the Office of Insurance Regulation website at <http://www.floir.com/HotTopics.htm> for copies of past 2004 and 2005 emergency rules and orders and memorandums that have addressed the above referenced matters. These will be used as a basis for developing the rules.

SUBJECT AREA TO BE ADDRESSED: Standardized requirements applicable to insurers after hurricanes or other natural disasters.

SPECIFIC AUTHORITY: 627.7019 FS.

LAW IMPLEMENTED: 627.7019 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: June 14, 2006, 9:30 a.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: Tom Streukens, Deputy Commissioner, Property and Casualty, Office of Insurance Regulation, E-mail: thomas.streukens@fldfs.com

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

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 690-186.013
 RULE TITLE: Title Insurance Statistical Gathering
 PURPOSE AND EFFECT: To set out the data to be provided to the Office in compliance with Section 627.782, F.S.
 SUBJECT AREA TO BE ADDRESSED: Title Insurance Industry Statistical Gathering.
 SPECIFIC AUTHORITY: 624.308 FS.
 LAW IMPLEMENTED: 624.307(1), 627.782 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: June 15, 2006, 9:30 a.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: Lawrence Steinert, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: lawrence.steinert@fldfs.com

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

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 690-186.017
 RULE TITLE: Certificate of Mortgage Release
 PURPOSE AND EFFECT: Section 701.041(9), Florida Statutes, requires the Financial Services Commission to “adopt rules establishing an actuarially sound premium charge to be made for each certificate of release recorded pursuant to this section.” This rulemaking proceeding will be utilized to determine and establish appropriate rates to be charged for certificates of mortgage release that are recorded in Florida, pursuant to Section 701.041, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Certificate of Mortgage Release Rate.

SPECIFIC AUTHORITY: 701.041(9) FS.

LAW IMPLEMENTED: 701.041(9) 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: June 15, 2006, 9:30 a.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: Lawrence Steinert, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: lawrence.steinert@fldfs.com.

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

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

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

DATE AND TIME: June 16, 2006, 9:00 a.m.

PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650, (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.016 Commercial Values for Penalty Assessments.

The commercial values used in assessing penalties for plant nutrient deficiencies are determined by the annualized average market prices published by the Green Markets Publication (effective 3/27/06), ~~Chemical Market Reporter Publication (effective 8-13-01)~~ which is hereby incorporated by reference. Commercial Values not provided in Industry Publications will be established thru survey approved by the Fertilizer Technical Council. Copies may be obtained from the Green Markets, 1010 Wayne Avenue, Suite 1400, Silver Spring, MD 20910 USA. ~~Chemical Market Reporter, 307 Southgate Court, Brentwood, TN 37027.~~ This rule shall be reviewed annually.

(1) PRIMARY PLANT NUTRIENTS.

| | Guaranteed as | Commercial Values (Per unit*) | |
|--|-------------------------------|----------------------------------|-----------------------------|
| Total Nitrogen | N | <u>\$8.14</u> | \$5.49 |
| Nitrate Nitrogen | N | | <u>7.80</u> 5.39 |
| Ammoniacal Nitrogen | N | | <u>6.32</u> 4.60 |
| Water Soluble or Urea Nitrogen | N | <u>5.17</u> | 4.81 |
| Slow Release Nitrogen (from other SRN sources) | N | <u>13.48</u> | 14.48 |
| Water Insoluble Nitrogen | N | <u>13.29</u> | 12.32 |
| Available Phosphorus | P ₂ O ₅ | <u>4.90</u> | 3.55 |
| Slow Release Phosphate | P ₂ O ₅ | 19.10 | 19.10 |
| Potassium (from Muriate) | K ₂ O | <u>3.00</u> | 2.21 |
| Slow Release Potassium | K ₂ O | <u>14.78</u> | 15.04 |
| Potassium (from any source other than Muriate or a combination of sources) | K ₂ O | <u>6.74</u> | 4.31 |

(2) SECONDARY PLANT NUTRIENTS.

| | Guaranteed as | Commercial Values (per unit*) | |
|---|------------------|----------------------------------|-------------------|
| Total and water Soluble Magnesium (from any source) | Mg | <u>\$6.53</u> | \$6.53 |
| Manganese (from sulfate) | Mn | <u>19.78</u> | 15.89 |
| Manganese (from Sucrate) | Mn | <u>16.44</u> | 11.25 |
| Manganese (from chloride) | Mn | 6.10 | 6.10 |
| Manganese (from oxide) | Mn | <u>9.35</u> | 6.27 |
| Manganese (from chelate in group 1**) | Mn | 215.50 | 215.50 |

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-1.016
RULE TITLE: Commercial Values for Penalty Assessments

PURPOSE AND EFFECT: The purpose of this rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUMMARY: Rule 5E-1.016, F.A.C., updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 576.181(2), 570.07(23) FS.

LAW IMPLEMENTED: 576.051(2), (3), (7), 576.061, 576.071, 576.181 FS.

| | | | |
|---|-------------------|---------------|-------------------|
| Manganese (from chelate in group 2**) | Mn | 70.90 | 70.90 |
| Copper (from sulfate) | Cu | <u>62.03</u> | 36.52 |
| Copper (from chloride) | Cu | 22.15 | 22.15 |
| Copper (from oxide) | Cu | 19.25 | 19.25 |
| Copper (from chelate in group 1**) | Cu | 156.00 | 156.00 |
| Copper (from chelate in group 2**) | Cu | 113.20 | 113.20 |
| Zinc (from sulfate) | Zn | <u>21.68</u> | 17.94 |
| Zinc (from succrate) | Zn | 14.20 | 14.20 |
| Zinc (from chloride) | Zn | 18.45 | 18.45 |
| Zinc (from oxide) | Zn | <u>12.98</u> | 9.92 |
| Zinc (from chelate in group 1**) | Zn | 188.00 | 188.00 |
| Zinc (from chelate in group 2**) | Zn | 65.00 | 65.00 |
| Iron (from sulfate) | Fe | <u>14.51</u> | 12.88 |
| Iron (from succrate) | Fe | <u>8.67</u> | 6.18 |
| Iron (from humate) | Fe | 16.11 | 16.11 |
| Iron (from oxide) | Fe | <u>4.94</u> | 3.88 |
| Iron (from chelate in group 1**) | Fe | <u>248.67</u> | 244.96 |
| Iron (from chelate in group 2**) | Fe | 82.00 | 82.00 |
| Aluminum | Al | 14.42 | 14.42 |
| Sulfur (free) | S | <u>3.50</u> | 2.55 |
| Sulfur (combined) | S | <u>2.27</u> | 2.21 |
| Boron | B | <u>38.95</u> | 33.74 |
| Molybdenum | Mo | <u>222.22</u> | 198.80 |
| Cobalt | Co | 89.90 | 89.90 |
| Calcium (from any source) | Ca | <u>.79</u> | .71 |
| (3) DOLOMITE and LIMESTONE (when sold as material). | | | |
| Magnesium | MgCO ₃ | .18 | .18 |
| Calcium | CaCO ₃ | .09 | .09 |

(4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

| | | | |
|---------|-------------------|-----|-----|
| Calcium | CaSO ₄ | .30 | .30 |
|---------|-------------------|-----|-----|

*A "Unit" of plant nutrient is one percent (by weight) of a ton or 20 pounds.

**Chelates in "group 1" have aminopolycarboxylic acids, such as EDTA, HEDTA, DTPA and NTA, or related compounds as chelating agents. Chelates in "group 2" have chelating agents other than those in group 1.

Specific Authority 570.07(23), 576.181(2) FS. Law Implemented 576.051(2), (3), (7), 576.061, 576.071, 576.181 FS. History--New 1-23-67, Amended 10-22-68, 11-20-69, 10-22-70, 3-9-74, 6-28-74, 10-25-74, 7-6-76, 7-26-77, 7-22-79, 4-23-80, 10-27-80, 10-18-81, 2-16-84, 12-2-85, Formerly 5E-1.16, Amended 11-16-86, 10-8-87, 9-26-88, 11-19-89, 3-28-91, 2-25-92, 8-3-93, 7-12-94, 10-25-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Dubberly, Chief, Bureau of Compliance Monitoring,
Division of Agricultural Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Anderson Rackley, Director,
Division of Agricultural Environmental Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2006

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

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. 060035-GU

RULE NO.: 25-7.037 RULE TITLE: Change in Character of Service

PURPOSE AND EFFECT: To state clearly that where a local distribution company makes certain changes to the character of its service it must revise its tariffs, obtain Commission approval and notify the customers.

SUMMARY: The rule contains the requirement that a regulated natural gas utility may not make any change in the character of the gas it provides for customers' appliances without prior approval of the Commission and adequate notice. The proposed rule amendments would clarify that a Florida regulated gas utility is only responsible for changes made by itself to the characteristics of the gas it delivers to its customers and is not responsible for the characteristics of the gas it receives from interconnecting interstate pipelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There should be no additional costs to the regulated companies, the public, or the Commission.

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 FS.

LAW IMPLEMENTED: 366.03, 366.05(1) 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 RULE IS: Christiana Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6098

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.037 Change in Character of Service.

~~A utility shall not make a~~Any changes in heating value, pressure, specific gravity, gas composition, or other condition or characteristic of the gas it delivers which would impair the safe, efficient utilization of the gas in customers' the customer's appliances ~~shall not be made~~ without tariff revisions setting forth the changes, the prior approval of the Commission, and ~~without~~ adequate notice to the customers. Any such change by the utility shall be accompanied by a general inspection and adjustment of all appliances that would be affected thereby to the extent necessary that such appliances the appliance may operate as efficiently and give as good service as was possible before the change. This shall be done promptly, without direct charge, and with a minimum of inconvenience to the customer.

Specific Authority 366.05 FS. Law Implemented 366.03, 366.05(1) FS. History—Repromulgated 1-8-75, 5-4-75, Formerly 25-7.37, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Mills

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 11, March 17, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.401
RULE TITLE: Admissible Reading Material

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide criteria for admissibility of blank journals or diaries.

SUMMARY: The proposed rule clarifies that blank journals or diaries are permitted, subject to restrictions as to size and construction. The cover may be hardback or cardboard unless otherwise prohibited by rule. Chief of institutional programs or designee replaces the library services coordinator on the literature review committee.

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

Any person who wishes to provide information regarding the statement of estimated 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, 944.11 FS.

LAW IMPLEMENTED: 944.11 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: Jason Hand, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.401 Admissible Reading Material.

(1) No change.

(2) Definitions.

(a) General circulation newspaper – a publication issued daily or weekly under the same title that contains current news, editorials, feature articles, and usually advertising.

(b) Hard-bound book – a publication with a rigid, pressboard cover that is commonly attached to the book through use of end sheets.

(c) Impoundment – the action taken by authorized department staff to withhold an inmate’s incoming publication or a publication found in an inmate’s personal property pending review of its admissibility by the Literature Review Committee.

(d) Inmate grievance appeal – a Request for Administrative Remedy or Appeal, Form DC1-303. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C.

(e) Mail order distributors and bookstores – business establishments that sell publications to the general public.

(f) Non-print media – publications published in formats other than on paper. Examples include microfilm, microfiche, computer disks, CD-ROM disks, and audio-tapes.

(g) Periodical – a publication issued under the same title and published at regular intervals of more than once a year. Examples of periodicals include journals and magazines and some newspapers and catalogs.

(h) Print media – publications that are printed or written on paper. These include hardcover books, soft cover books, magazines, newspapers, catalogs, and brochures.

(i) Publication – a document that is offered to the public by sale or by gratuitous distribution. Single photographs are not publications.

(j) Publisher – a corporation, governmental agency, private or public educational institution, church or other religious organization, professional, business or fraternal organization or association that prints publications for sale or gratuitous distribution to the public.

~~(k) Redaction — a procedure whereby a reviewer removes specific subject matter deemed inadmissible.~~

~~(k)(4)~~ Rejection – the act or procedure for declaring a book, periodical, or other single issue of a publication to be contraband.

~~(l)(m)~~ Religious testament – sacred texts, prayer books, and devotional books for the inmate’s recorded faith orientation.

~~(m)(n)~~ Soft cover book – a bound publication with a flexible, paper cover, also referred to as a soft bound or paperback book.

(3) through (13) No change.

(14) Inmates may appeal the impoundment or rejection of reading material through use of the inmate grievance procedure, Chapter 33-103, F.A.C.

(a) When publications are rejected for reasons not relating to subject matter, inmates shall file an informal grievance as prescribed by Rule 33-103.005, F.A.C.

1. Only one impounded or rejected publication shall be addressed in the grievance;

2. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, that documents the rejection, must be attached to the grievance; and

3. The complaint must be filed within 15 days from the date of rejection.

(b) When publications are impounded or rejected pursuant to the criteria established in subsections (3) and (11) of this rule, inmates shall bypass the informal and formal institutional level of review, and file grievances direct to the office of the secretary as prescribed by Rule 33-103.007, F.A.C.

1. Only one impounded or rejected publication shall be addressed in the grievance;

2. The inmate shall identify the grievance as being related to admissible reading material by writing the words “Admissible Reading Material” at the top of the grievance;

3. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, which documents the impoundment or rejection, must be attached to the grievance;

4. The complaint must be filed within 15 days from the date of impoundment or rejection;

5. The grievance appeal shall be addressed to the office of the secretary ~~and not to the literature review committee or to the library services administrator~~; and

6. The inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he or she intends to appeal the impoundment or rejection to the office of the secretary if he or she wishes to have the order to dispose of the publication within 30 days stayed while the grievance is pending. The written notice shall include a statement that the inmate intends to appeal the impoundment or rejection of admissible reading material and must specifically identify the publications on which the appeal is to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(15) Literature Review Committee.

(a) There shall be a literature review committee to act as the final reviewing authority for appeals regarding reading material impounded or rejected pursuant to criteria established in this rule. The committee shall be composed of:

1. Chief of bureau of security operations or designee;

2. Chief of bureau of inmate grievance appeals or designee;

3. Chief of bureau of institutional programs ~~Library services administrator~~ or designee.

(b) The chief of the bureau of institutional programs ~~library services administrator~~ or designee shall be designated chairman of the literature review committee and shall be responsible for coordinating all activities of the committee.

(c) Upon receipt of a Form DC5-101, Notice of Rejection or Impoundment of Publication, from a correctional facility or receipt of inmate grievance appeals forwarded by the ~~b~~Bureau of ~~i~~Inmate ~~g~~Grievance ~~a~~Appeals, the chief of institutional programs ~~library services administrator~~ or designee shall schedule a meeting of the literature review committee to review institutional decisions to impound publications and inmate appeals within 30 days of receipt. The committee shall review the inmate’s appeal, or, in the case of institutional impoundment decisions, the rule authority and reasons for the impoundment cited on the Form DC5-101, Notice of Rejection or Impoundment of Publications, the portions of the publication that have been cited as cause for impoundment, and any other specific material relating to the decision to impound the publication or the inmate’s appeal. The committee shall affirm or overturn the impoundment decision, or approve or deny the appeal based upon the criteria set forth in this rule. Decisions shall be by majority vote. The decision of the committee shall be final.

(d) Decisions relating to the review of impounded or rejected publications shall be communicated to all institutions of the department and all privately operated institutions under contract with the department. When an impoundment decision is overturned, institutions shall issue the publication to all affected inmates as soon as possible. Decisions relating to grievance appeals shall be communicated to the chief of the bureau of inmate grievance appeals or designee who shall then approve or deny the grievance based upon the committee’s decision.

(e) If the inmate’s grievance appeal is approved or if the literature review committee notifies institutions that the impoundment of a publication has been overturned, the institution shall issue the publication to the inmate. The following guidelines shall be followed:

1. The publication shall be retrieved from secure storage and turned over to security or service center staff authorized by the warden or designee to issue impounded publications to inmates.

2. A copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be attached to the publication.

3. The stamped Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be presented to the inmate. The inmate shall be required to sign and date the form. The inmate shall be issued the publication only after he or she has signed and dated the form.

4. The signed form shall be retained by institutional or service center staff as documentation that the inmate was issued the publication.

(16)(a) The publisher, mail order distributor, bookstore or sender may obtain an independent review of the warden's decision to impound a publication by writing to the library services administrator at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 within 15 days following receipt of Form DC5-101, Notice of Rejection or Impoundment of Publications. The request for review must be accompanied by:

1. A copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications; and
2. A copy of the impounded or rejected publication.

(b) The library services administrator shall forward this information to the literature review committee for review. The ~~chief of institutional programs or designee library services administrator~~ shall provide the publisher, mail order distributor, bookstore or sender written notification of the literature review committee's decision. The decision shall also be communicated to all correctional facilities.

(17)(a) Inmates may subscribe to no more than one daily or weekly general circulation newspaper and four other periodicals, except as otherwise provided in Rule 33-601.800, F.A.C.

(b) No inmate shall be allowed to receive or keep more than one copy of any volume, issue or edition of any book, periodical or other publication. For example, an inmate will be allowed to keep the January and February 1994 issues of a specific magazine, but will not be allowed to keep two copies of the January 1994 issue. No inmate shall be issued admissible reading material if he or she can not store it in his or her personal living area without creating a fire, safety, or sanitation hazard. Inmates shall be limited to no more than 2 single issues of a daily or weekly newspaper title and 8 single issues of a periodical. Inmates shall be allowed to order single issues of periodicals and newspapers from publishers' wholesale or mail-order distributors and bookstores in lieu of purchasing subscriptions; however, all of the above-referenced limits shall still apply.

(c) Inmates subscribe to periodicals or other reading materials at their own risk and expense. Inmates will not be reimbursed by the Department of Corrections for materials that are rejected.

(d) Except as otherwise provided in Rule 33-601.800, F.A.C., inmates shall be limited to the possession of 4 books. Religious testaments, correspondence study materials and law books not in the institution's law library collection shall not be counted against this limit. Religious testaments include sacred texts, prayer books and devotionals.

(e) Inmates may only receive and possess print media publications. Incoming publications published on non-print media or print media publications that include non-print media that are an integral part of the publication will be rejected and returned to the sender along with an explanation as to why the material is being rejected. However, unsolicited promotional computer diskettes and CD-ROMs that are mailed with a periodical issue, e.g., the CD-ROMs promoting America Online's Internet service, will be handled as provided in subsection ~~(26)~~(25) of this rule.

(f) If an inmate does not have space to store admissible reading material in his or her personal living area without creating a fire, safety, or sanitation hazard, the institution is authorized to not issue the items or to impound the items if previously issued until the inmate disposes of other personal property in order to create storage space for the publications.

(g) Inmates shall not order publications from publishers or senders on a "bill me later" basis. All book or periodical subscription purchases that are initiated by inmates shall include an Inmate Bank Trust Fund Special Withdrawal, Form DC2-304, that covers the complete cost of the purchase, and postage, if necessary, and shall include an envelope that is properly addressed to the publisher or sender. Such requests shall be submitted to the warden or designee for approval. If approved, the warden or designee shall forward the request to the Bureau of Finance and Accounting, Inmate Bank Section, for processing. Any outgoing correspondence that does not comply with these requirements shall be returned to the inmate. Form DC2-304 is incorporated by reference in Rule 33-203.201, F.A.C.

(18) through (24) No change.

(25) Blank journals or diaries.

(a) Restrictions.

1. Quantity – see possession limits set forth in paragraph (17)(d);

2. Size – limited to 9" x 12";

3. Medium – limited to paper;

4. Binding – limited to glue bindings; journals with staples or metal or spiral bindings shall not be permitted;

5. Cover, if any – limited to paper materials; hard back or cardboard covers are authorized except where possession of hardbound books is otherwise prohibited by rule (paperback);

6. Can not have any audio or electronic components.

(b) Authorized sources:

1. Inmates shall be permitted to receive diaries or journals from publishers, mail order distributors and bookstores.

2. Chaplaincy services and other authorized programs of the department shall be authorized to accept donations of diaries and journals for distribution to inmates, however, the diaries and journals must comply with the requirements of this rule.

(c) Diaries or journals that contain written or pictorial matter that is inadmissible per subsection (3) of this rule shall be rejected and shall not be issued to inmates.

~~(26)~~(25) Whenever an otherwise admissible magazine is received that includes product samples or advertising with product samples attached, the products shall be removed and the publication itself shall be issued to the inmate recipient. Any inmate who wishes to object to the removal of product samples from his or her publications shall submit a written request on Form DC6-236, Inmate Request, to the warden asking that product samples not be removed. Thereafter, any publication sent to the requestor that contains product samples shall be held by the institution for 30 days or 30 days after exhaustion of grievance appeals. It shall be the inmate's responsibility to arrange for the mailing of the entire publication out of the institution at the inmate's expense. Any publication not mailed out within the 30 days will be destroyed.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History--New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, 7-2-03, 12-30-04, 9-5-05,_____.

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 7, 2006

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.302 RULE TITLE: Inmate Discipline – Terminology and Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the forms used to document inmate behavior while in confinement or close management; amend the term designating authority to include classification supervisor in place of employee assigned by the warden; revise the composition of the Disciplinary Team; and amend the definition of Hearing Officer to include additional employees.

SUMMARY: The proposed rule clarifies that the contact card is not to be used to document the behavior of inmates in administrative confinement, disciplinary confinement, or close management. The term Designating Authority is amended to

substitute the classification supervisor responsible for the review of disciplinary reports in place of the employee assigned by the warden. The Disciplinary team composition is revised to require that the team be chaired by a senior classification officer or above and specifies that the member of the team from security must be a correctional officer lieutenant or above unless substitution is absolutely necessary. The definition of Hearing Officer is amended to remove the requirement that the employee be of the rank of Lieutenant or higher.

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, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

- (1) No change.
- (2) Contact Card – refers to Form DC6-256, a written log used to document behavior of an inmate, other than an inmate in administrative confinement, disciplinary confinement or close management. Correctional officers maintain this card in the inmate's assigned dormitory. Form DC6-256 is incorporated by reference in paragraph 33-601.313(1)(c), F.A.C.
- (3) through (4) No change.
- (5) Designating Authority – The classification supervisor responsible for the employee assigned by the warden who shall review of disciplinary reports prior to hearing to determine if the disciplinary report is in accordance with due process requirements and Rules 33-601.301-314, F.A.C., and whether it shall be designated as minor or major as defined by subsections 33-601.302(11) and (12), F.A.C.
- (6) through (7) No change.
- (8) Disciplinary Team – A team made up of at least two staff persons, one of whom shall be a senior classification officer or above, who serves as team chair, and a correctional

officer lieutenant or above, who will be responsible for hearing disciplinary reports. The correctional officer chief shall designate a correctional officer sergeant as a substitute team member only if neither a lieutenant nor captain is available and only when such substitution is absolutely necessary.

(9) Hearing Officer – An employee, ~~who is of the rank of Lieutenant or higher~~, who will be responsible for hearing disciplinary reports designated as minor.

(10) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-01-95, Formerly 33-22.002, Amended 5-21-00, 2-11-01, 9-16-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2006

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

| | |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 59A-9 | Abortion Clinics |
| RULE NOS.: | RULE TITLES: |
| 59A-9.018 | Purpose |
| 59A-9.019 | Definitions |
| 59A-9.020 | Licensure Procedures |
| 59A-9.021 | Investigations and License and Validation Inspections |
| 59A-9.022 | Physical Plant Requirements for Abortion Clinics When Providing Second Trimester Abortions |
| 59A-9.0225 | Clinic Supplies and Equipment Standards for Second Trimester Abortions |
| 59A-9.023 | Clinic Personnel |
| 59A-9.024 | Clinic Policies and Procedures for Second Trimester Abortions |
| 59A-9.025 | Medical Screening and Evaluation of Patients Receiving Second Trimester Abortions |
| 59A-9.026 | Second Trimester Abortion Procedure |
| 59A-9.027 | Recovery Room Standards for Second Trimester Abortions |

| | |
|-----------|---|
| 59A-9.028 | Post Procedure Follow-up Care for Patients Receiving Second Trimester Abortions |
| 59A-9.029 | Abortion Clinic Incident Reporting for Second Trimester Abortions |
| 59A-9.030 | Disposal of Fetal Remains |
| 59A-9.031 | Clinical Records |
| 59A-9.034 | Reports |

PURPOSE AND EFFECT: The Agency proposes to revise Chapter 59A-9, Florida Administrative Code, consistent with provisions of Chapter 2005-95, Laws of Florida, which revised Section 390.012, F.S. The law provides for adoption of rules for regulation of clinics providing abortions after the first trimester of pregnancy.

SUMMARY: The proposed rule revisions establish criteria for abortion clinic’s physical facilities, supplies and equipment, clinic personnel, medical screening and evaluation, abortion procedures, recovery room standards, follow up care and incident reporting.

SPECIFIC AUTHORITY: 390.012 FS.

LAW IMPLEMENTED: 390.012 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: June 22, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: M. Riley Gibson, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)922-7752

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-9.018 Purpose.

The agency adopts the following minimum rules and standards governing services in the first and second trimesters provided in an abortion clinic to comply with the requirements of Chapters 381 and 390, F.S.

Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.013 FS. History–New 6-13-90, Formerly 10D-72.018, Repromulgated.

59A-9.019 Definitions.

The following definitions shall apply specifically to abortion clinics.

(1) “Abortion” means the termination of human pregnancy with the intention other than to produce a live birth or to remove a dead fetus.

(2) "Abortion Clinic" or "Clinic" means a facility, institution, or place in which abortions are performed other than a hospital or a physician's office that is not used primarily for the performance of abortions.

(3) "Anesthesiologist" means a person currently licensed to practice medicine or osteopathy pursuant to Chapter 458 or 459, F.S., and certified by the American Board of Anesthesiology. "Consultant" means an individual who provides professional services either upon request or on the basis of a prearranged schedule, usually on a contract basis, who is neither a member of the employed staff of the facility, nor whose services are provided within the terms of an affiliation agreement.

(4) "Advanced Registered Nurse Practitioner, (ARNP)" means a person currently licensed pursuant to Chapter 464, F.S.

(5)(4) "Agency" "AHCA" means the Agency for Health Care Administration.

(5) "F.A.C." means the Florida Administrative Code.

(6) "Certified Registered Nurse Anesthetist, (CRNA)" means a person currently licensed pursuant to Chapter 464, F.S., and certified by the Council on Certification of Nurse Anesthetists.

(7) "Clinical staff" means the individuals employed full or part time by an abortion clinic who are licensed or certified to provide care prior to, during, or after an abortion.

(8) "Department" means the Department of Health.

(9) "F.A.C." means the Florida Administrative Code.

(10)(6) "Facility" means those objects, including physical plant, equipment, and supplies necessary for providing required services.

(11)(7) "Hospital" means a facility licensed under Chapter 395, F.S.

(12)(8) "License" means the certificate issued by the agency for the operation of the facility. This document constitutes the authority to receive patients and to perform the services included within the scope of this rule and as specified on the license.

(13)(9) "Licensed" means that person or facility to which the term is applied has a current or valid license, certificate or registration issued by the State of Florida to follow his profession or vocation within the State of Florida, and when applied to a health care facility means that the facility has a current license issued by the agency AHCA.

(14)(10) "Licensee" means the person who has been granted a license to operate an abortion clinic and who has ultimate authority and responsibility for the operation, management, control, conduct, and functioning of the abortion clinic.

(15)(11) "Licensure" means the process of obtaining official or legal permission to operate an abortion clinic.

~~(12) "Clinical staff" means the individuals employed full or part time by an abortion clinic who are licensed or certified to provide care prior to, during, or after an abortion.~~

(16) "Licensed Practical Nurse, (L.P.N.," means a person currently licensed as an L.P.N. pursuant to Chapter 464, F.S.

(17) "Medical Director" means a physician licensed under Chapter 458 or Chapter 459, F.S., and who has admitting privileges at a licensed hospital in this state or has a transfer agreement with a licensed hospital within reasonable proximity of the abortion clinic.

(18)(13) "Patient" means any woman receiving services in an abortion clinic.

(19)(14) "Person" means any individual, firm, partnership, corporation, or association.

(20) "Physician Assistant, (P.A.," means a person currently licensed as a P.A. pursuant to Chapter 458 or 459, F.S.

(21)(15) "Physician" means a person currently physician licensed to practice medicine or osteopathy pursuant to Chapter 458 or 459, F.S., under Chapter 458 or Chapter 459, F.S., or a physician practicing medicine or osteopathy in the employment of the United States or this state.

(22)(16) "Premises" means those buildings, beds, and facilities of the clinic and all other buildings, beds, and facilities for the performance of abortions located in such reasonable proximity to the main address of the licensee and appear to the public to be under the domain and the control of the licensee.

(23) "Reasonable proximity" means a distance not to exceed thirty (30) minutes transport time by emergency vehicle.

(24) "Registered Professional Nurse, (R.N.," means a person currently licensed as a R.N. pursuant to Chapter 464, F.S.

(25) "Trimester" means a 12-week period of pregnancy.

(a) First Trimester. The first 12 weeks of pregnancy.

(b) Second Trimester. That portion of a pregnancy following the 12th week and extending through the 24th week of gestation.

(c) Third Trimester. That portion of pregnancy beginning with the 25th week of gestation.

(26) "Volunteer" means a person who is not employed by the facility who interacts with patients on behalf of the abortion clinic.

Specific Authority 390.012 FS. Law Implemented 390.011, 390.012, 390.013 FS. History—New 6-13-90, Amended 4-17-91, Formerly 10D-72.019, Amended 8-24-94, _____.

59A-9.020 Licensure Procedures.

(1) All persons planning or contemplating the operation of an abortion clinic under the provisions of Chapter 390, F.S., shall make application for a license to the Agency for Health Care Administration, Office of Health Facility Regulation,

Tallahassee, Florida, on Agency Form 3130-1000-revised July 2005 ~~MAR-94~~, "Abortion Clinic Licensure Application", hereby incorporated by reference, which can be obtained from the Agency for Health Care Administration, Bureau ~~Office~~ of Health Facility Regulation, Tallahassee, Florida, or on the agency website, and must shall receive a license prior to the acceptance of patients for care and treatment. The application shall be made under oath and shall contain such information as the agency AHCA reasonably requires, which may include evidence of the applicant's ability to comply with applicable laws and rules.

(2) A license fee of \$250 shall accompany the application for a license or a license renewal. The license fee shall be made payable to the agency and is not refundable.

(3) Each license shall be valid only for the persons to whom it is issued and shall not be subject to sale, assignment, or other transfer, voluntary or involuntary, nor shall a license be valid for any premises other than for which it was originally issued.

(4) A current license shall be posted in a conspicuous place within on the licensed premises where it can be viewed by patients.

(5) A license, unless sooner suspended or revoked, shall automatically expire one year from the date of issuance, and shall be renewable annually upon application for renewal and payment of the fee prescribed by these rules, provided that the applicant and abortion clinic meet the requirements established under Chapter 390, F.S., and Chapter 59A-9, F.A.C. Application for renewal of a license shall be made not less than 60 days prior to expiration of a license on agency Form 3130-1000-revised July 2005 ~~MAR-94~~, provided by the Agency for Health Care Administration AHCA, Office of Health Facility Regulation, Tallahassee, Florida. The application is also available on-line at the agency website.

(6) Where the agency finds that there has been a failure to comply with the requirements established under this part or in rules promulgated hereunder, the agency is authorized to deny, modify, suspend, or revoke a license.

Specific Authority 390.012 FS. Law Implemented 20.42(2)(a), 390.011, 390.012, 390.014, 390.015, 390.016, 390.017, 390.018, 390.019, 390.021 FS. History--New 6-13-90, Amended 4-17-91, 10-9-91, Formerly 10D-72.020, Amended 8-24-94,_____.

59A-9.021 Investigations and License and Validation Inspections.

(1) The agency AHCA has the right to enter an abortion clinic to make or cause to be made such inspections and investigations, including the review of all medical records, policies, procedures, personnel records and training records, as are necessary to:

- (a) Assure compliance with the licensure requirements; and standards as specified in statute and rule;
- (b) Respond to complaints; and

- (c) Protect the public health and safety.
- (2) The agency shall conduct an annual unannounced licensure inspection of all abortion clinics facilities.
- (3) The fee for the renewal license shall be \$250.
- (4) Representatives of the agency shall have the right to enter upon the premises of any facility licensed or applying for license, pursuant to this Chapter, at any reasonable time in order to determine the state of compliance with the provisions of Chapter 390, F.S., and these rules, providing that such entry and inspection shall be made with the least possible disruption to clinic activities and in a manner considerate of the privacy and confidentiality of any patient who is present therein. All inspections shall be unannounced.

Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.014, 390.019 FS. History--New 6-13-90, Amended 4-17-91, 10-9-91, Formerly 10D-72.021, Amended_____.

59A-9.022 Physical Plant Requirements for Abortion Clinics When Providing Second Trimester Abortions.
The following are minimum standards of construction and specified minimum essential physical plant requirements which must be met when providing second trimester abortions. These requirements shall apply to all new abortion clinic construction and shall apply to any abortion clinics receiving an initial license after the effective date of these rules when the abortion clinic provides second trimester abortions. Any abortion clinic which provides second trimester abortions and is in operation at the time of adoption of this rule shall be given one year within which to comply with the physical plant requirements.

- (1) Consultation room(s) with adequate private space specifically designated for interviewing, counseling, and medical evaluations;
- (2) Dressing rooms designated for staff and patients;
- (3) Handwashing station(s) equipped with a mixing valve and wrist blades and located in each patient exam/procedure room or area;
- (4) Private procedure room(s) with adequate light and ventilation for abortion procedures;
- (5) Post procedure recovery room(s) equipped to meet the patient's needs;
- (6) Emergency exits wide enough to accommodate a standard stretcher or gurney;
- (7) Cleaning and sterilizing area(s) adequate for the cleaning and sterilizing of instruments;
- (8) Adequate and secure storage area(s) for the storage of medical records and necessary equipment and supplies; and
- (9) If not otherwise required by the Florida Building Code, at least one general use toilet room equipped with a hand washing station.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(a), 390.013 FS. History--New_____.

59A-9.0225 Clinic Supplies and Equipment Standards for Second Trimester Abortions.

(1) Each abortion clinic providing second trimester abortions shall provide essential clinic supplies and equipment as required in subsections (1) through (7) when performing second trimester abortions. Any such abortion clinic which is in operation at the time of adoption of this rule and providing second trimester abortions shall be given one year within which to meet these standards as follows:

- (a) A surgical or gynecological examination table(s);
- (b) A bed or recliner(s) suitable for recovery;
- (c) Oxygen with flow meters and masks or equivalent;
- (d) Mechanical suction;
- (e) Resuscitation equipment to include, at a minimum, resuscitation bags and oral airways;
- (f) Emergency medications, intravenous fluids, and related supplies and equipment;
- (g) Sterile suturing equipment and supplies;
- (h) Adjustable examination light;
- (i) Containers for soiled linen and waste materials with covers; and
- (j) Appropriate equipment for the administering of general anesthesia, if applicable.

(2) Emergency equipment shall be provided for immediate use, maintained in functional condition, and capable of providing at least the following services:

- (a) Inhalation therapy;
 - (b) Defibrillation;
 - (c) Cardiac monitoring;
 - (d) Suctioning; and
 - (e) Maintenance of patient airway.
- (3) Anesthesia.

(a) The clinic shall have anesthesia equipment maintained in proper working order for the appropriate administering of general and local anesthesia, analgesia, and sedation if ordered by the physician.

(b) All reusable anesthesia equipment in direct contact with the patient shall be cleaned or sterilized as appropriate after each use and such cleaning and sterilization shall be documented.

(4) Resuscitative Medications Required. The clinic shall have a crash cart at the location the anesthetizing is being carried out. The crash cart must include, at a minimum, those emergency medications to support the procedures performed as determined by the medical director.

(5) Sterilization Equipment. Sterilizing equipment of appropriate type shall be available and of adequate capacity to properly sterilize instruments and materials. The sterilizing equipment shall have approved control and safety features.

(6) Ultrasound equipment shall be located in the clinic.

(7) Equipment Maintenance.

(a) When patient monitoring equipment is utilized, a written preventive maintenance program shall be developed and implemented. This equipment shall be checked and/or tested in accordance with manufacturer's specifications at periodic intervals, not less than annually, to insure proper operation, and a state of good repair. After repairs and/or alterations are made to any equipment, the equipment shall be thoroughly tested for proper calibration before returning it to service. Records shall be maintained on each piece of equipment to indicate its history of testing and maintenance.

(b) All anesthesia and surgical equipment shall have a written preventive maintenance program developed and implemented. Equipment shall be checked and tested in accordance with the manufacturer's specifications at designated intervals, not less than annually, to ensure proper operation and a state of good repair.

(c) All surgical instruments shall have a written preventive maintenance program developed and implemented. Surgical instruments shall be cleaned and checked for function after use to ensure proper operation and a state of good repair.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(a), 390.013 FS. History—New_____.

59A-9.023 Clinic Personnel ~~Clinic Staff and Consultants.~~

Abortions shall be performed only by a licensed physician. Each abortion clinic providing second trimester abortions shall have a staff that is adequately trained and capable of providing appropriate service and supervision to the patients. The clinic will have a position description for each position delineating duties and responsibilities and maintain personnel records for all employees performing or monitoring patients receiving a second trimester abortion. Any abortion clinic which is in operation at the time of adoption of this rule and performing second trimester abortions shall be given six months within which to comply with these clinical staff requirements as follows:

(1) Physicians. The clinic shall designate a licensed physician to serve as a medical director.

(2) Nursing Personnel. Nursing personnel in the clinic shall be governed by written policies and procedures relating to patient care, establishment of standards for nursing care and mechanisms for evaluating such care, and nursing services.

(3) Allied health professionals, working under appropriate direction and supervision, may be employed to work only within areas where their competency has been established.

(4) Orientation. Each facility shall have and execute a written orientation program to familiarize each new staff member, including volunteers, with the facility and its policies and procedures, to include, as a minimum, fire safety and other safety measures, medical emergencies, and infection control.

(5) In-service Training. In-service training programs shall be planned and provided for all employees including full time, part time and contract employees, at the beginning of

employment and at least annually thereafter and will also apply to all volunteers to insure and maintain their understanding of their duties and responsibilities. Records shall be maintained to reflect program content and individual attendance. The following training shall be provided at least annually, and for surgical assistants and volunteers, must include training in counseling, patient advocacy and specific responsibilities associated with the services they provide:

(a) Infection control, to include as a minimum, universal precautions against blood-borne diseases, general sanitation, personal hygiene such as hand washing, use of masks and gloves, and instruction to staff if there is a likelihood of transmitting a disease to patients or other staff members.

(b) Fire protection, to include evacuating patients, proper use of fire extinguishers, and procedures for reporting fires;

(c) Confidentiality of patient information and records, and protecting patient rights;

(d) Licensing regulations; and

(e) Incident reporting.

Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.013 FS. History—New 6-13-90, Amended 4-17-91, Formerly 10D-72.023, Amended _____.

59A-9.024 Clinic Policies and Procedures for Second Trimester Abortions.

An abortion clinic providing second trimester abortions shall have written policies and procedures to implement policies and to assure that quality patient care shall relate specifically to the functional activities of clinic services. These written procedures shall apply to second trimester abortions and shall be available and accessible to clinic personnel and shall be reviewed and approved annually by the clinic's medical director. Any abortion clinic which is in operation at the time of adoption of this rule and providing second trimester abortions shall be given six months within which to comply with these clinic policies and procedure requirements which shall include but not be limited to the following:

(1) Patient admission;

(2) Pre- and post-operative care;

(3) Physician's orders;

(4) Standing orders with required signatures;

(5) Medications, storage and administration;

(6) Treatments;

(7) Surgical asepsis;

(8) Medial asepsis;

(9) Sterilization and disinfection;

(10) Documentation: Medical records and facility records;

(11) Patient discharge;

(12) Patient transfer;

(13) Emergency measures;

(14) Incident reports;

(15) Personnel orientation;

(16) Inservice education record;

(17) Anesthesia;

(18) Equipment and supplies: availability and maintenance;

(19) Volunteers; and

(20) Visitors.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(c), 390.013 FS. History—New _____.

59A-9.025 Medical Screening and Evaluation of Patients Receiving Second Trimester Abortions.

(1) Each abortion clinic that provides second trimester abortions shall formulate and adhere to written patient care policies and procedures designed to ensure professional and safe care for patients undergoing second trimester abortions and shall maintain a medical record for each such patient that records history, care and services. Any abortion clinic that performs second trimester abortions which is in operation at the time of adoption of this rule shall be given six months within which to comply with these patient care policies and procedures for patients undergoing second trimester abortions, to include but not limited to the following:

(a) Admission criteria and procedures;

(b) Identification in the medical record of physician(s) and nurse(s) involved in providing the services offered for patients undergoing second trimester abortions;

(c) Specific details regarding the pre-operative procedures performed, to include:

1. History and physical examination, to include verification of pregnancy, estimation of gestational age, identification of any preexisting conditions or complications; including allergies to medications, antiseptic solutions, or latex; and a complete obstetric and gynecological history.

2. Special examinations, lab procedures, and/or consultations required, to include ultrasonography to confirm gestational age and a physical examination including a bimanual examination estimating uterine size and palpation of the adnexa. The physician shall keep original prints of each ultrasound examination of a patient in the patient's medical history file. For an abortion in which an ultrasound examination is not performed before the abortion procedure, urine or blood tests for pregnancy shall be performed before the abortion procedure.

(2) Laboratory Services.

(a) Laboratory services shall be provided on-site or through arrangement with a laboratory that holds the appropriate federal Clinical Laboratory Improvement Amendments (CLIA) certificate and state of Florida clinical laboratory license issued pursuant to Chapter 483, Part I, Florida Statutes.

(b) All laboratory services provided on-site shall be performed in compliance with state of Florida clinical laboratory licensure and federal CLIA provisions.

(3) Laboratory Equipment and Supplies.

(a) All equipment and supplies for the collection, storage, and testing of specimens shall meet the provisions of Chapter 59A-7, F.A.C., and shall be maintained according to manufacturer's instructions and in a manner that ensures accurate test results.

(b) Temperature controlled spaces for the storage of specimens or testing supplies shall be monitored and recorded to ensure that the proper storage temperature is maintained.

(c) All dated supplies and materials shall not be used beyond their expiration date.

(d) Adequate facilities and supplies for the collection, storage and transportation of laboratory specimens shall be available on site.

(4) Rh factor. Rh testing for Rh negative patients shall be conducted, unless reliable written documentation of blood type is available.

(5) All laboratory test reports shall be placed in the patient's medical record.

(6) All laboratory test and storage areas, records and reports shall be available for inspection by the agency.

(7) If a person who is not a physician performs an ultrasound examination, that person shall have documented evidence that he or she has completed a course in the operation of ultrasound equipment. The physician, registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant shall, at the request of the patient and before the abortion procedure is performed, review the ultrasound evaluation results with the patient, including an estimate of the probable gestational age of the fetus.

(8) A test for anemia shall be performed.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(d), 390.013 FS. History--New _____.

59A-9.026 Second Trimester Abortion Procedure.

Any abortion clinic which is providing second trimester abortions must be in compliance with the following standards relative to second trimester abortion procedures. Any abortion clinic in operation at the time of adoption of this rule, when performing second trimester abortions, shall be given six months within which to comply.

(1) A physician, registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant shall be available to all patients throughout the abortion procedure.

(2) The abortion procedure will be performed in accordance with obstetric standards and in keeping with established standards of care regarding the estimation of gestational age of the fetus.

(3) Anesthesia service shall be organized under written policies and procedures relating to anesthesia staff privileges, the administration of anesthesia, and the maintenance of strict safety controls.

(4) Prior to the administration of anesthesia, patients shall have a history and physical examination by the individual administering anesthesia, including laboratory analysis when indicated.

(5) Appropriate precautions, such as the establishment of intravenous access at least for patients undergoing post-first trimester abortions.

(6) Appropriate monitoring of the patient's vital signs by professionals licensed and qualified to assess the patient's condition will occur throughout the abortion procedure and during the recovery period until the patient's condition as specified by the type of abortion procedure performed, is deemed to be stable in the recovery room.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(e), 390.013 FS. History--New _____.

59A-9.027 Recovery Room Standards for Second Trimester Abortions.

Each abortion clinic which is providing second trimester abortions shall comply with the following recovery room standards when providing second trimester abortions. Any abortion clinic providing second trimester abortions and in operation at the time of adoption of this rule shall be given one year within which to comply with these standards.

(1) Following the procedure, post procedure recovery rooms will be supervised and staffed to meet the patient's needs. A physician or physician assistant, a licensed registered nurse, a licensed practical nurse or an advanced registered nurse practitioner who is trained in the management of the recovery area shall be available to monitor the patient in the recovery room until the patient is discharged. The individual must be certified in basic cardiopulmonary resuscitation. A patient in the post-operative or recovery room shall be observed for as long as the patient's condition warrants.

(2) The clinic shall arrange hospitalization if any complication beyond the medical capability of the staff occurs or is suspected. The clinic shall ensure that all appropriate equipment and services are readily accessible to provide appropriate emergency resuscitative and life support procedures pending the transfer of the patient or a viable fetus to the hospital. A physician shall sign the discharge order and be readily accessible and available until the last patient is discharged to facilitate the transfer of emergency cases if hospitalization of the patient or viable fetus is necessary. The clinic medical records documenting care provided shall accompany the patient. These records will include the contact information for the physician who performed the procedure at the clinic.

(3) A physician shall discuss Rho (D) immune globulin with each patient for whom it is indicated and will ensure that it is offered to the patient in the immediate postoperative period or that it will be available to the patient within 72 hours following completion of the abortion procedure. If the patient

refuses the Rho (D) immune globulin, refusal Form 3130-1002, herein incorporated by reference, shall be signed by the patient and a witness, and shall be included in the patient's medical record.

(4) Written instructions with regard to post abortion coitus, signs of possible medical complications, and general aftercare shall be given to each patient. Each patient shall have specific written instructions regarding access to medical care for complications, including a telephone number to call for medical emergencies. The physician will ensure that either a registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant from the abortion clinic makes a good faith effort to contact the patient by telephone, with the patient's consent, within 24 hours after surgery to assess the patient's recovery. A contact for post-operative care from the facility shall be available to the patient on a 24-hour basis.

(5) Facility procedures must specify the minimum length of time for recovery as warranted by the procedure type and gestation period.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(f), 390.013 FS. History–New_____.

59A-9.028 Post Procedure Follow-up Care for Patients Receiving Second Trimester Abortions.

Each abortion clinic which is providing second trimester abortions shall comply with the following post procedure follow-up care requirements when providing a second trimester abortion. Any abortion clinic operating at the time of adoption of this rule shall be given six months within which to comply.

(1) The clinic shall offer a post abortion medical visit that includes a medical examination and a review of the results of all laboratory tests.

(2) A urine pregnancy test will be obtained at the time of the follow-up visit to rule out continuing pregnancy. If a continuing pregnancy is suspected, the patient shall be evaluated and a physician who performs abortions shall be consulted.

(3) The clinic shall provide for the education of the patient in post-procedure care, including specific instructions in case of emergency.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(g), 390.013 FS. History–New_____.

59A-9.029 Abortion Clinic Incident Reporting for Second Trimester Abortions.

This section shall apply to incidents involving patients receiving second trimester abortions in any abortion clinic providing second trimester abortions. Those abortion clinics providing second trimester abortions which are in operation at

the time of adoption of this rule shall be given six months within which to comply with the following clinic incident reporting requirements.

(1) At a minimum an abortion clinic shall record each incident that results in serious injury to a patient as defined in Section 390.012(3)(h)1., F.S., or a viable fetus at an abortion clinic and shall report an incident in writing to the agency within 10 days after the incident occurs.

(2) If a patient death occurs the abortion clinic shall report the death to the department and the appropriate regulatory board not later than the next workday. The report to the department shall be filed as required by Rule 64V-1.0061, F.A.C.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(h), 390.013 FS. History–New_____.

59A-9.030 Disposal of Fetal Remains.

Fetal remains shall be disposed of in a sanitary and appropriate manner and in accordance with standard health practices and Chapters 381 and 390, F.S. and Chapter ~~64E-16~~ ~~40D-104~~, F.A.C.

Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.013 FS. History–New 6-13-90, Amended 4-17-91, Formerly10D-72.030, Amended_____.

59A-9.031 Clinical Records.

(1) A permanent individual clinical record shall be kept on each clinic patient.

(a) Clinical records shall be complete, accurately documented, and systematically organized to facilitate storage and retrieval.

(b) Clinical records involving second trimester abortion procedures shall be kept confidential and secure.

(c) Operative reports signed by the physician performing the second trimester abortion shall be recorded in the clinical record immediately following the procedure or that an operative progress note is entered in the clinical record to provide pertinent information.

(2) Clinical records shall be kept on file for a minimum of five years from the date of the last entry.

Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.013 FS. History–New 6-13-90, Amended 4-17-91, Formerly10D-72.031, Amended_____.

59A-9.034 Reports.

Pursuant to Chapters 382 and 390, F.S., an abortion clinic must submit a report each month to the Office of Vital Statistics of the Department of Health and ~~Rehabilitative Services~~, regardless of the number of terminations of pregnancy. Monthly reports must be received by the department within 30 days following the preceding month using ~~DOH HRS~~ Form 1578, ~~November 1999~~ ~~May 94~~, "Report of Induced Terminations of Pregnancy", hereby incorporated by reference,

and which can be obtained from the Department of Health and ~~Rehabilitative Services~~, Office of Vital Statistics, Jacksonville, Florida.

Specific Authority 390.012 FS. Law Implemented 20.42(2)(a), 382.002, 390.002, 390.011, 390.012 FS. History—New 6-13-90, Formerly 10D-72.034, Amended 8-24-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: M. Riley Gibson, Bureau of Health Facility Regulation, Division of Health Quality Assurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Deputy Secretary, Health Quality Assurance, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2006

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

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

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

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

SUMMARY: This proposed rule amendment provides insurance requirements to be carried by certified elevator inspectors and certified elevator technicians working independent of a registered elevator company.

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

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

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

LAW IMPLEMENTED: 399.01(14), (15) 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: John Calpini, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012; telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (5) No change.

(6) Each elevator company employing a person or persons to construct, install, inspect, maintain, or repair any vertical conveyance regulated by the bureau, must register and have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence and the name of at least one employee who holds a current Certificate of Competency issued pursuant to Section 399.01(17) ~~399.045~~, F.S.

(7) No change.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: John Calpini, Bureau Chief, Division of Hotels and Restaurants, Department of Business and Professional Regulation

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: May 3, 2006

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: RULE TITLE:
61G5-24.020 Special Assessment Fee

PURPOSE AND EFFECT: The rule will impose a one-time fee assessment on all license and registration holders.

SUMMARY: The rule imposes a fee prior to the next license or registration renewal.

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: 455.219(2), 477.016, 477.019(5), 477.0201(4) FS.

LAW IMPLEMENTED: 455.219(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.020 Special Assessment Fee

(1) As a condition of license or registration renewal for the biennium beginning on November 1, 2006, December 1, 2006, or November 1, 2007 ~~the first renewal of their current license or registration following the effective date of this rule~~, all active and inactive licensee and registration holders, including all licensed cosmetologists, cosmetology and specialty salon license holders, registered specialists, registered hair braiders, registered hairwrappers, and registered body wrappers, shall pay a one-time special assessment fee of \$30.00 in order to eliminate the current cash deficit in the operating funds of the Board. Payment of this fee shall be due and payable at the time the license or registration is renewed.

(2) No change.

Specific Authority 455.219(2), 477.016, 477.019(5), 477.0201(4) FS. Law Implemented 455.219(2) FS. History—New 9-16-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-10.0014
RULE TITLE: Requirements for Evidence of Workers' Compensation Coverage

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the Workers' Compensation Compliance Form into the rule.

SUMMARY: The Workers' Compensation Compliance Form will be incorporated into the 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 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: 468.522, 468.525, 468.529 FS.

LAW IMPLEMENTED: 468.525, 468.529 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: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-10.0014 Requirements for Evidence of Workers' Compensation Coverage.

(1) through (2) No change.

(3) Evidence which meets the requirements of subsection (2) above shall consist of:

(a) A statement, initially filed with the application and thereafter filed ~~quarterly~~ annually at the same time that the statements provided for in Rule 61G7-10.0011, F.A.C., are submitted, which is signed by all of the controlling persons of the applicant or licensee and which attests that all leased employees in the State are covered by methods (2)(a) or (b) above; or

(b) If the employee leasing company performs its duties regarding workers' compensation coverage utilizing method (2)(c) either alone or in combination with methods (2)(a) or (b), by completing Form DBPR EL-4522 – Workers' Compensation Compliance Form, incorporated herein by reference, effective _____, submitting a written statement to the Department, initially filed with the application and thereafter filed ~~quarterly~~ annually at the same time that the statements provided for in Rule 61G7-10.0011, F.A.C., are submitted, which has been executed by all of the controlling persons, the CEO, the CFO, and the Chairman of the Board of

the employee leasing company. The Form DBPR EL-4522 -Workers' Compensation Compliance Form ~~statement~~ shall include an attestation by the signing parties that the form statement was executed after due inquiry of the employee leasing company's books and records and that, after making such an inquiry, the signing persons have taken reasonable steps to ascertain that all leased employees have workers' compensation coverage under methods (2)(a)-(c) above. The term "Reasonable Steps" as used herein is defined as requiring those persons making the above attestation to, at a minimum:-

1. ~~To~~ Recieve and review a workers' compensation certificate from all clients who are maintaining their own workers' compensation policy, which certification on its face provides workers' compensation coverage to such clients' leased employees, and

2. ~~To~~ Confirm that the client has reported that it has obtained such workers' compensation coverage to the Florida Department of Insurance.

3. Moreover, if the client of the employee leasing company changes or cancels the policy issued to it by the client's insurance carrier or if the client ceases providing workers' compensation coverage under a lawful plan of self insurance, the employee leasing company shall file an additional Form DBPR EL-4522 – Workers' Compensation Compliance Form ~~statement with the Department which shall be in the same form as that provided for in subparagraph (3)(b)1.~~ herein within 30 days of the change or cancellation of the policy or cessation of coverage under the lawful plan of self insurance.

~~(e) In addition to the foregoing, the statement shall set out the percentage of leased employees in the State which are covered by each of the methods set out in paragraphs (2)(a)-(c) above as of the date of the statement.~~

~~(c)(4)~~ The information and assertions contained in Form DBPR EL-4522 – Workers' Compensation Compliance Form ~~the statement~~ shall be subject to audit and verification by the Department as per Section 468.535, F.S.

Specific Authority 468.522, 468.525, 468.529 FS. Law Implemented 468.525, 468.529 FS. History—New 11-25-02, Amended 3-26-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-12.0015
RULE TITLE: License and Certificate Retention Eligibility

PURPOSE AND EFFECT: The Board proposes to create the rule in order to list the requirements for licensees to demonstrate their continued eligibility for licensure.

SUMMARY: The rule is being promulgated to provide the requirements for licensees to demonstrate their continued eligibility for licensure.

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: 310.085 FS.

LAW IMPLEMENTED: 310.073, 310.081(3), 310.091(3), 310.121(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-12.0015 License and Certificate Retention Eligibility.

(1) Licensees and Certificate holders, without regard to the status of their license or certificate, must reestablish their qualifications to hold the license or certificate by January 31 of each odd numbered year, in order to retain the license or certificate, through submission to the Board office of each of the following:

(a) Documentary evidence that the license or certificate holder remains in "active service" as required by Section 310.081(3)(e), Florida Statutes;

1. Active service by a pilot shall be established by submitting documentation of the identity of and the number of vessels piloted during the prior biennial period. A pilot who regularly takes a turn on duty is in "active service." Exceptions will be made from the "active service" definition for illness or injury not preventing performance as a pilot for more than twelve (12) consecutive months.

2. Active service by a deputy pilot shall be established by submitting a certification, from the licensed state pilots at the port being served during the prior biennial period, of availability and satisfactory training in accordance with the approved training plan.

(b) The biennial fee required by Section 310.121(2), Florida Statutes, and specified in Rule 61G14-14.004, F.A.C.:

(c) Annual documentary evidence of continued good physical and mental health required by Sections 310.073 and 310.081, Florida Statutes and Rule 61G14-20.001, F.A.C.; and

(d) Certificate of successful completion of a Board-approved course in professional skills including certification in the proper and efficient use of radar.

(2) License or certificate holders who fail to comply with this rule shall surrender their licenses or certificates to the Board until compliant.

Specific Authority 310.085 FS. Law Implemented 310.073, 310.081(3), 310.091(3), 310.121(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-36.005 Citations

PURPOSE AND EFFECT: The Board proposes to amend this rule to add a violation and accompanying fine.

SUMMARY: A new violation and penalty will be added to the 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 costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.224, 455.225, 473.304 FS.

LAW IMPLEMENTED: 455.224 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: John Johnson, Division Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-36.005 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed by the citation:

(a) Practicing on an inactive or delinquent license (Section 473.323 (l)(i), F.S.)

Reprimand and fine based on length of time in practice while inactive; \$100/month or \$5,000 maximum (penalty will require licensure or cease practice.)

(b) Licensees practicing in an unlicensed firm (including sole proprietors) or otherwise in violation of Sections 473.309, 473.3101 and 473.323(1)(g), F.S.

Reprimand and \$100 per month fine to maximum of \$5,000 and suspension of right to practice until corrected.

(c) Licensees who complete continuing professional education requirements timely but who are found to be deficient after December 1st of their renewal year.

Submit documentation that deficient hours have been completed and pay \$50 fine within 60 days.

(subsubsection 61H1-33.003(5), F.A.C.)

(d) Licensees who fail to timely submit complete documentation for a CE audit

finned \$100 per month

(e) Retention of client records when records are returned more than three months after the date requested and there is no evidence that the failure to return the records was due to any fees not being paid. (Rule 61H1-23.002, F.A.C.)

\$500 fine.

(4) through (5) No change.

Specific Authority 455.224, 455.225, 473.304 FS. Law Implemented 455.224 FS. History--New 12-30-91, Formerly 21A-36.005, Amended 12-7-93, 5-23-94, 8-16-99, 5-11-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 20, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 28, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Accountancy

RULE NO.: 61H1-36.0055
RULE TITLE: Minor Violation, Notice of
Non-Compliance

PURPOSE AND EFFECT: The Board proposes the rule amendment to add another violation for which the Department may issue a notice of non-compliance.

SUMMARY: A notice of non-compliance may be issued by the Department for the minor violation of a subsequently dishonored check.

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: 455.225(3), 473.304 FS.

LAW IMPLEMENTED: 455.225, 473.3101 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: John Johnson, Division Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-36.0055 Minor Violation, Notice of Non-Compliance.

(1) No change.

(2) The following violations are minor violations for which the Department may issue a notice of non-compliance:

(a) through (h) No change.

(i) Issuance of a check to the Board or Department that is subsequently dishonored.

(3) No change.

Specific Authority 455.225(3), 473.304 FS. Law Implemented 455.225, 473.3101 FS. History—New 10-15-97, Amended 7-16-98, 8-16-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 20, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 28, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Board of Accountancy

RULE NO.: 61H1-36.006
RULE TITLE: Mediation

PURPOSE AND EFFECT: The Board proposes the rule amendment to add more violations that can be resolved through mediation.

SUMMARY: More violations that can be resolved through mediation will be added to the 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 costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.2235 FS.

LAW IMPLEMENTED: 455.2235 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: John Johnson, Division Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-36.006 Mediation.

(1) No change.

(2) The Board finds that mediation is an acceptable method of dispute resolution for the following violations as they are ~~it is~~ economic in nature or can be remedied by the licensee:

(a) Failure of the licensee to timely pay any assessed administrative fines or costs;

(b) Retention of client records contrary to Rule 61H1-23.002, F.A.C.;

(c) Issuance of a check to the Board or Department that is subsequently dishonored;

(d) Practicing in or as an unlicensed firm less than three months; and/or

(e) Practicing on a delinquent license less than three months.

(3) No change.

Specific Authority 455.2235 FS. Law Implemented 455.2235 FS. History--New 11-21-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 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 Opticianry

RULE NO.: 64B12-16.003
RULE TITLE: Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The Board proposes amending the rule for the additional requirements of an Apprentice/Sponsor Orientation Course.

SUMMARY: The proposed rule will add an additional requirement orientation course to the apprenticeship 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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) through (3) No change.

(4) An apprenticeship shall consist of 6,240 hours of training, completed within five years after the apprentice's first registration with the Department. However, time spent in training at a board-approved school of opticianry may be substituted for required apprenticeship time. Each credit hour earned at such school shall count as 86.67 apprenticeship hours.

(a) An apprentice is required to obtain two of the required hours by completing an Apprentice/Sponsor Orientation Course and submitting the original certificate of attendance to the board office within one year of registration with the Department.

(b) Each sponsor is encouraged to attend one Apprentice/Sponsor Orientation course at least once every four years. These hours would count toward their continuing education requirement for laws and rules.

(5) through (6) No change.

Specific Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History--New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

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

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.: 64B15-10.0032
RULE TITLES: 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.

SUMMARY: The reactivation and retired status fees for physicians are established.

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(15), 459.005, 459.009 FS.

LAW IMPLEMENTED: 456.036, 459.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:
64B19-12.013 Retired Status Fee

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to implement a retired status fee.

SUMMARY: The new rule sets out the fee for a retired status license.

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: 456.036(4)(b), 490.004(4) FS.

LAW IMPLEMENTED: 456.036(4)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.013 Retired Status Fee.

The fee for retired status is \$50.00. An active status licensee or inactive status licensee who chooses retired status at any time other than at the time of license renewal must pay the retired status fee plus a change-of-status fee set out in Rule 64B19-12.006, F.A.C.

Specific Authority 456.036(4)(b), 490.004(4) FS. Law Implemented 456.036(4)(b) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: RULE TITLE:
64B21-503.004 Retired Status License

PURPOSE AND EFFECT: To create a new rule to implement legislative changes to Section 456.036, Florida Statutes.

SUMMARY: This rule explains how a licensee may place the license in retired status at any time and how to restore a license that has been retired for less than five years and for over five years to active status.

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(15), 490.004(4) FS.

LAW IMPLEMENTED: 456.036(2), (4), (8), (12) 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: Allen Hall, Program Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-503.004 Retired Status License.

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal, the licensee shall pay the retired status application fee provided in Rule Chapter 64B21-501, F.A.C. If the license is placed in retired status at any time other than at the time of license renewal, the licensee shall also pay the change of status fee provided in Rule Chapter 64B21-501, F.A.C.

(2) A licensee may reactivate a retired status license by:

(a) Paying the renewal fee for an active status licensee for each biennial licensure period in which the licensee was in retired status, the reactivation fee, and any owed delinquency fee as established in Rule Chapter 64B21-501, F.A.C.;

(b) Demonstrating satisfaction of the continuing education requirements established in Rule 64B21-502.001, F.A.C., for each licensure biennial period in which the licensee was in retired status.

(3) For a license in retired status over five years, the licensee also must provide the Department with an Affidavit that the licensee has read and understands the school psychology laws and rules in effect at the time of reactivation.

(4) The licensee must either report any disciplinary action that has been taken against the licensee by any regulatory agency or must state that no disciplinary action has been taken. If the Department has by Final Order assessed any undisputed, outstanding administrative fines and costs, the licensee may not be restored to active status until they are paid in full.

Specific Authority 456.036(15), 490.004(4) FS. Law Implemented 456.036(2), (4), (8), (12) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Hall

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

DEPARTMENT OF HEALTH

Dental Laboratories

RULE NO.:
64B27-1.001

RULE TITLE:
Dental Laboratory Inspections, and Practice and Procedure for Healthy and Safe Dental Laboratory Operation

PURPOSE AND EFFECT: To update the rule text.

SUMMARY: Requires a dental laboratory to maintain work orders for four years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 466.038 FS.

LAW IMPLEMENTED: 466.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE IS:

64B27-1.001 Dental Laboratory Inspections, and Practice and Procedure for Healthy and Safe Dental Laboratory Operation.

(1) No change.

(2) The following practice and procedure shall be implemented by each registered dental laboratory in the State of Florida and be subject to inspection pursuant to subsection (1) of this section. Each registered dental laboratory shall:

(a) Be clean and orderly and in good repair, with regard to normal fabrication procedures at time of inspection;

(b) All waste materials properly disposed of at the end of each day according to local restrictions;

(c) Maintain on the laboratory premises a copy of the laboratory registration so it is readily available for inspection by Department personnel;

(d) Maintain on the laboratory premises, for each separate appliance and for a period of ~~four~~ two years, a work order from a licensed dentist authorizing construction or repair of the specified artificial oral appliance; and

(e) Maintain on the laboratory premises a written policy and procedure document on sanitation. Said policy shall include, but not necessarily be limited to:

1. Intake and disinfection procedure for each appliance, impression, bite, or other material posing a possible contamination risk received by the laboratory; and

2. Separate procedure for handling dental appliances, and impressions previously identified by the dentist, known to have come from carriers of the HBV and/or HIV virus.

(3) through (4) No change.

Specific Authority 466.038 FS. Law Implemented 466.036 FS. History—New 5-26-91, Formerly 21-29.001, 61E4-1.001, 59CC-1.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sue Foster

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: April 28, 2006

DEPARTMENT OF HEALTH

Division of Environmental Health

| | |
|------------------|---|
| RULE CHAPTER NO: | RULE CHAPTER TITLE: |
| 64E-2 | Emergency Medical Services |
| RULE NOS.: | RULE TITLES: |
| 64E-2.002 | Basic Life Support Service License – Ground |
| 64E-2.003 | Advanced Life Support Service License - Ground |
| 64E-2.004 | Medical Direction |
| 64E-2.005 | Air Ambulances |
| 64E-2.006 | Neonatal Interfacility Transfers |
| 64E-2.007 | Vehicle Permits |
| 64E-2.012 | Drivers |
| 64E-2.034 | Inspections |
| 64E-2.036 | Training Programs |

PURPOSE AND EFFECT: The goal of the Bureau of Emergency Medical Services (EMS) is to ensure the delivery of a high level of emergency medical care to all citizens and visitors of the State of Florida. The Bureau of EMS requires that the equipment of prehospital providers to be up-to-date, functional, and available. Currently, the Florida Administrative Code (F.A.C.) lists not only the required medications, supplies and equipment to be carried in each vehicle, but also the quantity. To ensure proper equipment status, the Bureau of EMS conducts inspections of EMS service providers in accordance with Chapter 401, F.S. Deficiencies are documented and either corrected during the initial inspection visit or by the follow-up inspection.

The Medical Care Committee of the EMS Advisory Council has recommended that the Bureau of EMS eliminate the detailed and quantitative medication and supplies lists. In place of quantities, the recommendation is to focus on carrying

the items necessary to accomplish the mission of EMS, tailoring the needs of each community, as identified by the Medical Director of each EMS provider; thus, allowing flexibility based on service population, EMS personnel, acute care facility availability, geographical variability, and research and development capabilities.

SUMMARY: The purpose of this rule change is to update forms, renumber the medical equipment and supplies tables, remove outdated equipment, and add equipment that will improve the quality of care and outcomes of adult and pediatric patients. This change will require all permitted ground and air transport vehicles, available for call, to maintain at least one of each item indicated on the equipment lists. This will allow the local service’s medical director to increase the quantity required in order to best serve their community, and shift the inspections process to a Quality Assurance/Quality Improvement process to identify the needs of the community and the patient. Medical Director involvement will also be enhanced, as the process will require periodic review and updating of medical protocols to improve outcomes. To aide with the Medical Director’s increased involvement, he/she will be required to attend additional training sessions to enhance skills that pertain to prehospital care.

EMS transport safety will also be enhanced by requiring all licensed providers, applying for an initial air ambulance aircraft permit, to submit a valid airworthiness certificate issued by the Federal Aviation Administration for each permitted aircraft.

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 381.0011, 383.19, 395.405, 401.121, 401.25, 401.251, 401.265, 401.27, 401.2715 401.272, 401.31, 401.35, 499.05 FS.

LAW IMPLEMENTED: 381.001, 381.0011, 381.0205, 381.025, 383.15, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.2715, 401.281, 401.2915, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421, 499.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lisa Walker, Government Analyst, Division of Emergency Medical Operations, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733, Email Lisa_Walker2@doh.state.fl.us; or FAX (850)488-9408

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.002 Basic Life Support Service License – Ground.

(1) To obtain a license or renewal each applicant shall submit an application to the department on DH Form 631, ~~October 05 May 98~~, Ground Ambulance Service Provider License Application. This form is incorporated by reference and is available from the department.

(2) through (3) No change.

(4) Every provider, except those exempted in paragraph 64E-2.006(1)(a), F.A.C., shall ensure that each EMS vehicle permitted by the department, when available for call, shall be equipped and maintained as approved by the medical director of the service in the vehicle minimum equipment list. The vehicle minimum equipment list shall include, at a minimum, one each of the items listed in Table III and shall be provided to the department upon request.

TABLE III
GROUND VEHICLE ~~AND SERVICE STANDARDS~~
BLS MEDICAL EQUIPMENT AND SUPPLIES

| | |
|--|---|
| 1. Bandaging, dressing, and taping supplies: | |
| a. Adhesive, silk, or plastic tape = <u>assorted sizes</u> . | Six rolls total. |
| b. Sterile 4x4 inch gauze pads. | Six packs of 10 pads each, any size. |
| c. Triangular bandages. | Six total. |
| d. Roller gauze. | Six total. |
| e. ABD (minimum 5x9 inch) pads. | Six total. |
| 2. Bandage shears. | One. |
| 3. Patient restraints, wrist and ankle. | One set each. |
| 4. Blood pressure cuffs: infant, pediatric, and adult. | One each. |
| 5. Stethoscopes: pediatric and adult. | One each. |
| 6. Blankets. | Two. |
| 7. Sheets (not required for non-transport vehicle.) | Two. |
| 8. Pillows with waterproof covers and pillow cases or disposable single use pillows (not required for non-transport vehicle). | Two. |
| 9. Disposable blanket or patient rain cover. | One. |
| 10. Long spine board and three straps or equivalent. | One. |
| 11. Short spine board and two straps or equivalent. | One. |
| 12. Adult and Pediatric cervical immobilization devices (CID), approved by the medical director of the service. This approval must be in writing and made available by the provider for the department to review. | One each. |
| 13. Padding for lateral lower spine immobilization of pediatric patients or equivalent. | Two. |
| 14. Portable oxygen tanks, "D" or "E" cylinders, with one regulator and gauge. Each tank must have a minimum pressure of 1000 psi and liter flow at 15 liters per minute. | Two. |
| 15. Transparent oxygen masks; adult, child and infant sizes, with tubing. | Two each. |
| 16. Sets of pediatric and adult nasal cannulae with tubing. | Two. |
| 17. Hand operated bag-valve mask resuscitators, adult and pediatric accumulator, including adult, child and infant transparent masks capable of use with supplemental oxygen. | One each. |
| 18. Portable suction, electric or gas powered, with wide bore tubing and tips which meet the minimum standards as published by the GSA in KKK-A 1822E specifications. | One. |
| 19. Extremity immobilization devices. <u>Pediatric and Adult.</u> | Six assorted sizes. |
| 20. Lower extremity traction splint. <u>Pediatric and Adult.</u> | One. |
| 21. Sterile obstetrical kit to include, at minimum, bulb syringe, sterile scissors or scalpel, and cord clamps or cord-ties. | One. |
| 22. Burn sheets. | Two. |
| 23. Flashlight with batteries. | One. |
| 24. Occlusive dressings. | Four. |
| 25. Oropharyngeal airways. <u>Pediatric and Adult.</u> | Six assorted sizes. |

- 26. Installed oxygen with regulator gauge and wrench, minimum "M" size cylinder (minimum 500 PSI) with oxygen flowmeter to include a 151 pm setting, (not required for non-transport vehicles.) (Other installed oxygen delivery systems, such as liquid oxygen, as allowed by medical director. ~~This approval must be in writing and available to the department for review.~~)
- 27. Gloves – suitable to provide barrier protection for biohazards.
- 28. Face Masks – both surgical and respiratory protective.
- 29. Rigid cervical collars as approved in writing by the medical director and available for review by the department.
- 30. Nasopharyngeal airways, pediatric and adult French or mm equivalents.
- 31. Approved biohazardous waste plastic bag or impervious container per Chapter 64E-16, F.A.C.
- 32. Safety goggles or equivalent meeting A.N.S.I. Z87.1 standard.
- 33. Bulb syringe separate from obstetrical kit.
- 34. Thermal absorbent reflective blanket.
- 35. Multitrauma dressings.
- 36. Pediatric length based measurement device for equipment selection and drug dosage.

- ~~One.~~
- Sufficient quantity, sizes, and material for all crew members.
- Sufficient quantity, sizes, and material for all crew members.
- ~~Six, assorted pediatric and adult sizes.~~
- ~~One each of each size range: infant (12, 14, 16, 18), pediatric (20, 22, 24) and adult (26, 28, 30).~~
- ~~One each.~~
- One per crew member.
- ~~One.~~
- ~~One.~~
- ~~Two.~~

Specific Authority 381.0011, 395.405, 401.121, 401.25, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 401.23, 401.24, 401.25, 401.252, 401.26, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.49, Amended 4-12-88, 8-3-88, 12-10-92, 10-2-94, 1-26-97. Formerly 10D-66.049, Amended 8-4-98, 1-3-99, 11-19-01,_____.

(2) through (3) No change.

(4) ~~In addition to the equipment and supplies listed in Table III, the medications and I.V. solutions and equipment listed in Table V are required on~~ Each ALS permitted vehicle when available for call, shall be equipped and maintained as approved by the medical director of the service in the vehicle minimum equipment list. The vehicle minimum equipment list shall include, at a minimum, one each of the items listed in Table III and II, and shall be provided to the department upon request, except those exempted in paragraph 64E-2.006(1)(a), F.A.C. Substitutions are allowed with signed approval from the medical director and written notification to the department.

64E-2.003 Advanced Life Support Service License – Ground.

(1) To obtain a license or renewal each applicant for an ALS license shall submit to the department DH Form 631, October 05 May 98, Ground Ambulance Service Provider License Application, which is incorporated by reference and available from the department.

TABLE II ~~V~~
GROUND VEHICLE
ALS EQUIPMENT AND MEDICATIONS

| MEDICATION | WT/VOL | QTY |
|---|---------------------|---|
| 1. Atropine Sulfate. | | 2 mg. Total. |
| 2. Dextrose, 50 percent. | 25 gm. per 50 ml. | Two. |
| 3. Epinephrine HCL. | 1:1,000 1 mg./ml. | Two 1 mg/ml amps or one multi-dose vial. |
| 4. Epinephrine HCL. | 1:10,000 1 mg./10cc | Four. |
| 5. <u>Ventricular dysrhythmic. Bolus maintenance infusion as appropriate.</u> | 100 mg. per 5 ml. | Two. |
| Lidocaine HCL. | | |
| 6. <u>Benzodiazepine sedative/ anticonvulsant</u> Lidocaine HCL. In any of the following combinations: | | |

| | | |
|--|--|-----------------|
| | 2 gm. vials or pre-mixed syringes; or 1 gm. vials or pre-filled syringes; or pre-mixed solutions of 4 mg. per ml. in a 500 ml. bag. | 4 gms. Total. |
| 7. Naloxone (Narcan). | 1 mg./ml. 2 mg. amp. | Two. |
| 8. Nitroglycerin. | 0.4 mg. spray pump. | Four. |
| 9. Diazepam. | | Two. |
| 2.10. Inhalant beta adrenergic agent with nebulizer apparatus, as approved by the medical director. | | 4 mg. |
| | | 1 pump sprayer. |
| | | 20 mg. total. |
| | | 2 doses. |

| I.V. Solutions Amount | Minimum Quantity | Minimum |
|---------------------------------------|------------------|---------------------|
| 1. Lactated Ringers or Normal Saline. | 4,000 ml. | in any combination. |

| EQUIPMENT | QTY. |
|--|--|
| (a) Laryngoscope handle with batteries. | One. |
| (b) Laryngoscope blades; adult, child and infants sizes. | One each. |
| (c) Pediatric I.V. arm board or splint appropriate for I.V. stabilization. | One. |
| (d) Disposable endotracheal tubes; adult, child and infant sizes. 2.5 mm – 5.0 mm uncuffed; 5.5 mm – 7.0 mm; 7.5 mm - 9.0 mm. | Six total. (2 each size range). |
| (e) Endotracheal tube stylets pediatric and adult. | One each. |
| (f) Magill forceps, pediatric and adult sizes. | One each. |
| (g) Device for intratracheal meconium suctioning in newborns. | One. |
| (h) Tourniquets. | Three. |
| (i) I.V. cannulae 14 thru 24 gauge. | Ten total. |
| (j) Micro drip sets. | Three. |
| (k) Macro drip sets. | Three. |
| (l) I.V. pressure infuser. | One. |
| (m) Needles 18 thru 25 gauge. | Six total. |
| (n) Intraosseous needles 15 or 16 gauge and three way stop cocks for use with intraosseous needles. As allowed by medical director. | Two each. |
| (o) Syringes, from 1 ml. to 20 ml. | Eight total, assorted sizes. |
| (p) D.C. battery powered portable monitor defibrillator with defibrillation and pacing capabilities, adult paddles (or hands-free pads) and pediatric paddles (or pediatric paddle adapter) ECG printout and spare battery. The unit shall be capable of delivering pediatric defibrillation (energy below 25 watts/sec and appropriate equipment). | One. |
| (q) Monitoring electrodes for adults and pediatrics. | Two sets each. |
| (r) Pacing electrodes. <u>Pediatric and Adult, if monitor or defibrillator requires.</u> | Two sets. |
| (s) Oro/Nasogastric tubes. | One each of each size range, infant (8), and pediatric (12, 14, or 16). |
| (t) Syringe appropriate for checking placement of oro/nasogastric tube. | One. |

~~(s)(u) Glucometer. A method for rapidly determining blood glucose as approved by the medical director.~~

~~(v) Pediatric length based measurement device for equipment selection and drug dosage.~~ One.

~~(t)(w) Approved sharps container per Chapter 64E-16, F.A.C.~~ One.

~~(v)(x) Flexible suction catheters.~~ Assorted sizes, 1 each of each size range: infant (6-8 French), pediatric (10-12 French), and adult (14 French).

(w) Electronic waveform capnography capable of real-time monitoring and printing record of the intubated patient (effective 01/01/2007).

Specific Authority 381.0011, 395.405, 401.121, 401.265, 401.35 FS. Law Implemented 381.0011, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.50, Amended 4-12-88, 8-3-88, 8-7-89, 12-10-92, 11-30-93, 1-26-97, Formerly 10D-66.050, Amended 8-4-98, 1-3-99, 7-14-99, 2-20-00, 9-3-00, 4-15-01, 11-19-01, 6-3-02, _____.

64E-2.004 Medical Direction.

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

~~(c) A medical director shall be board certified and active in ~~be from~~ a broad-based clinical medical specialty ~~such as emergency medicine, internal medicine, anesthesiology, or other surgical specialty~~ with demonstrated experience in prehospital care and hold an ACLS certificate or equivalent as determined in Rule 64E-2.032, F.A.C. of successful course completion ~~or be board certified in emergency medicine~~. Prehospital care experience shall be documented by the provider.~~

(d) through (4)(f) No change.

(g) Assume direct responsibility for: the use by an EMT of an automatic or semi-automatic defibrillator; the performance of airway patency techniques including airway adjuncts, not to include endotracheal esophageal intubation, by an EMT; and on routine interfacility transports, the monitoring and maintenance of non-medicated I.V.s by an EMT. The medical director shall ensure that the EMT is trained to perform these procedures; shall establish written protocols for the performance of these procedures; and shall provide written evidence to the department documenting compliance with provisions of this paragraph.

(h) through (i) No change.

(j) Participate in direct contact time with EMS field level providers for a minimum of 10 hours per year. Notwithstanding the number of EMS providers served by the medical director, direct contact time shall be a minimum of 10 hours per year per medical director, not per provider. Further, (s)he shall complete a minimum of 10 hours per year of

~~continuing medical education related to prehospital care or teaching or a combination of both. Participate as a crew member on an EMS vehicle for a minimum of 10 hours per year and complete a minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both.~~

(k) If he is a medical director of a training program:

1. Be responsible for the instruction of the Department of Transportation (DOT) approved training program for EMTs and paramedics.

2. Have substantial knowledge of the qualifications, training, protocols, and quality assurance programs for the training facility.

3. Maintain current instructor level training in Advanced Ceardiac Llife Ssupport (ACLS), or equivalent, or Advanced Trauma Llife Ssupport (ATLS), maintain provider level training in International basic Trauma Llife Ssupport (IBTLS) or Prehospital Trauma Llife Ssupport (PHTLS); and or Advanced Ppediatric Llife Ssupport (APLS), Pediatric Advanced Life Support (PALS) or Pediatric Education for Prehospital Professionals (PEPP).

4. Act as a liaison between training centers, local EMS providers and hospitals.

5. Participate in state and local quality assurance and data collections programs.

6. The EMS training center shall by contract, require such medical director to be available 4 hours per month for classroom teaching or review of student performance, and participate in direct contact time with EMS field level providers for a minimum of 10 hours per year. Notwithstanding the number of training centers or EMS providers served by the medical director, direct contact time shall be a minimum of 10 hours per year per medical director, not per training center. Further, (s)he shall complete a minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both. for a minimum of 10 hours per year, and complete a

~~minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both.~~

7. through (5) No change.

Specific Authority 381.0011, 395.405, 401.265, 401.272, 401.35, 499.05 FS. Law Implemented 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.2915, 401.30, 401.34, 401.35, 401.41, 401.411, 499.005 FS. History—New 8-7-89, Amended 6-6-90, 12-10-92, 3-19-95, 1-26-97, Formerly 10D-66.0505, Amended 8-4-98, 1-3-99, 2-20-00, 4-15-01, 11-19-01, 6-9-05,_____.

64E-2.005 Air Ambulances.

(1) Each applicant for an air ambulance license shall pay the required fee as specified in Section 401.34(1)(j), F.S., and submit an application to the department on DH Form 1575, October 05 ~~May 98~~, Air Ambulance Service License Application which is incorporated by reference and available from the department. The air ambulance license shall automatically expire 2 years from the date of issuance.

(2) through (3) No change.

(4) Each provider shall maintain in each paramedic's employment file documentation of successful completion of an initial air crew member (ACM) education program that was

conducted in accordance with the 1988 United States (U.S.) Department of Transportation (DOT) Air Medical Crew-Advanced National Standard Curriculum (NSC), which is incorporated by reference and is available for purchase from AAMS; 526 King Street ~~110 North Royal Street~~, Suite 415 ~~307~~, Alexandria, VA 22314; (703)836-8732.

Each provider shall ensure and shall document in its employee records that each EMT and paramedic which it employs holds a current certification from the department.

(5) through (6) No change.

(7) Every air ambulance maintained by an air ambulance provider shall meet the structural, equipment and supply requirements listed in Table III.

(8) Each prehospital rotary wing air ambulance when available for call shall meet the structural requirements listed in Table III, and shall be equipped as approved by the medical director of the service in the aircraft minimum equipment list. The aircraft minimum equipment list shall include, at a minimum, one each of the items listed in Table III and shall be provided to the department upon request.

TABLE III
AIR AMBULANCE
Structural, Equipment and Supply Requirements

| ITEM | QTY. |
|--|-----------|
| Aircraft Requirements | |
| 1. Entrance large enough to allow loading of a patient. | |
| 2. Interior large enough for two medical crew members. | |
| 3. Cabin illumination of 40 foot-candles at patient level. | |
| 4. FAA approved stretcher system with 2 straps. | |
| 5. Isolated aircraft cockpit to protect pilot from in-flight interference. | |
| 6. Each aircraft shall be equipped with FAA approved communication equipment that operates on frequencies <u>which allow licensed by the FCC. This equipment shall function so that the flight and medical crew to can communicate with ground and landing zone medical support exclusive of the air traffic control system.</u> | |
| 7. No smoking sign. | |
| 8. <u>External search light with a minimum of 400,000 candle power illumination at 200 feet separate from the aircraft landing lights, movable 90 degrees longitudinally, 180 degrees laterally and capable of being controlled from inside the aircraft (Helicopter only).</u> | |
| Medical Equipment Requirements | |
| 1. Oxygen sufficient for duration of flight. | |
| 2. Oxygen administration equipment. | |
| 3. Oropharyngeal airways, sizes 0, 1, 2, 3, 4, 5, and 6. <u>Pediatric and adult.</u> | One each. |
| 4. Hand operated bag-valve mask resuscitators, adult and pediatric accumulator, including adult, child and infant transparent masks capable of use with supplemental oxygen. | One each. |
| 5. Equipment suitable to determine blood pressure of the adult and pediatric patient during flight. | |
| 6. Approved sharps container per Chapter 64E-16, F.A.C. | One. |
| 7. Approved biohazardous waste plastic bag or impervious container per Chapter 64E-16, F.A.C. | |

- 8. Portable suction unit with wide bore tubing and tips, electric or gas powered, which meets the minimum standards as published by the General Services Administration (GSA) in KKK-A-1822C specifications.
- 9. Equipment suitable to determine blood pressure of the adult and pediatric patient during the flight.

TABLE IV
Prehospital Rotary Wing Air Ambulances

| ITEM | QTY. |
|--|---------------------------------|
| Aircraft Structural Requirements | |
| 1. External search light with a minimum of 400,000 candle power illumination at 200 feet separate from the aircraft landing lights, movable 90 degrees longitudinally, 180 degrees laterally and capable of being controlled from inside the aircraft. | |
| Equipment | |
| 1. Laryngoscope handle with batteries. | One. |
| 2. Laryngoscope blades; adult, child and infant size. | One each. |
| 3. Pediatric I.V. arm board or splint appropriate for I.V. stabilization. | One. |
| 4. Disposable endotracheal tubes; adult, child and infant sizes. Those below 5.5 mm shall be uncuffed. 2.5 mm-5.0 mm uncuffed; 5.5 mm-7.0 mm; 7.5 mm- 9.0 11-0 mm. | Six total. (2 each size range). |
| 5. Endotracheal tube stylets pediatric and adult. | One each. |
| 6. Magill forceps, pediatric and adult sizes. | One. |
| 7. Device for intratracheal meconium suctioning in newborns. | One. |
| 8. Tourniquets. | Three. |
| 9. I.V. cannulae between 14 and 24 gauge. | Ten. |
| 10. Macro drip sets. | Three. |
| 11. Micro drip sets. | Three. |
| 12. I.V. pressure infuser. | One. |
| 13. Needles between 18 and 25 gauge. | Six. |
| 14. Intraosseous needles 15 or 16 gauge and three way stop cocks for use with intraosseous needles. As allowed by medical director. | Two each. |
| 15. 1 ml. syringes. | Two. |
| 16. 2 1/2 ml. to 6 ml. syringes. | Six. |
| 15, 17. Assorted 10 ml. to 20 ml. syringes. | Four. |
| 18. Suitable equipment and supplies to allow for collection and temporary storage of two blood samples. | |
| 16, 19. D.C. battery powered portable monitor defibrillator with defibrillation and pacing capabilities, adult paddles (or hands free pads) and pediatric paddles (or pediatric paddle adapter) ECG printout and spare battery. The unit shall be capable of delivering pediatric defibrillation (energy below 25 watts/sec and appropriate equipment). | One. |
| 17, 20. Monitoring electrodes for adults and pediatrics. | Two sets each. |
| 21. Oro/nasogastric tubes. 8 French feeding tube, and sizes 12, 14, and 16 French nasogastric tubes. | One each. |

| | |
|--|---|
| 22. Syringe appropriate for checking placement of oro/nasogastric tube. | One. |
| 18,23. Glucometer A method for rapidly determining blood glucose as approved by the medical director. | |
| 19,24. Pediatric length based measurement device for equipment selection and drug dosage. | One. |
| 20,25. Flexible suction catheters assorted sizes 6, 8, 10, 12, and 14 French. | One each. |
| 21,26. Multitrauma dressings. | Two. |
| 22,27. ABD pads. | Six. |
| 23,28. Sterile gauze pads. | Twenty five. |
| 24,29. Adhesive tape assorted sizes. | Assorted sizes. |
| 30. Bite sticks or blocks. | Two. |
| 31. Triangular bandages. | Eight. |
| 25,32. Patient restraints, wrist and ankle. | One set each. |
| 26,33. Soft roller bandages. | Ten. |
| 27,34. Bandage shears. | One. |
| 35. Disposable blanket or patient rain cover. | One. |
| 36. Long spine board and three straps or equivalent. | One. |
| 37. Short spine board and two straps or equivalent. | One. |
| 38. Extremity immobilization, any device that immobilizes the joint above and below the fracture, must include splints to immobilize all long bone fractures. | Two each of arm, leg, hand and wrist, foot and ankle. |
| 28,39. Sterile obstetrical kit to include, at minimum, bulb syringe, sterile scissors or scalpel, and cord clamps or cord ties. | One. |
| 29,40. Burn sheets. | Two. |
| 30,41. Flashlight with batteries, minimum two "D" cells. | One. |
| 31,42. Vaseline gauze. | Four. |
| 32,43. Gloves – latex or other suitable material. For all crew members. | Sufficient quantity for all crew members. |
| 33,44. Face masks for all crew members. | Sufficient quantity for all crew members. |
| 34,45. Naso and oropharyngeal airways assorted sizes 12, 14, 16, 18, 20, 22, 24, 26, 28 and 30 French or mm equivalents. | One each. |
| 35,46. Safety goggles or equivalent meeting A.N.S.I. Z87.1 standard. | One per crew member. |
| 36,47. Bulb syringe separate from obstetrical kit. | One. |
| 37,48. Thermal, absorbent, reflective blanket. | One. |
| 38,49. Standing orders. | |
| 39. Electronic waveform capnography capable of real-time monitoring and printing record of the intubated patient (effective 01/01/2007). | |

| MEDICATION | WT./VOL. | QTY. |
|---|-----------------------|-------------------------------------|
| 1. Atropine sulfate. | | 2 mg. Total. |
| 2. Dextrose 50 percent. | 25 gm. per 50 ml. | 2 |
| 3. Epinephrine HCL. | 1:1,000 1 mg./ml. | 2. 1mg./ml. amps or one multi dose. |
| 4. Epinephrine HCL. | 1:10,000 1 mg./10 ml. | 4 |
| 5. Ventricular dysrhythmic Bolus and maintenance infusion, as appropriate. Lidocaine HCL. | 100 mg. per 5 ml. | 2 |

| | | |
|--|--|-----------------------------|
| 6. Lidocaine HCL. In any of the following combinations: | 2 gm. vials or pre-filled syringes; or 1 gm. vials or pre-filled syringes; or pre-mixed solutions of 4 mg. per ml. in a 500 ml. bag. | 4 gms. Total. |
| 6.7. Sodium Bicarbonate. | 50 mEq. or 44.6. mEq. | 2 amps. |
| 7.8. Naloxone (Narcan). | 1 mg./ml. 2 mg. amp. | 2 amps. |
| 8.9. Nitroglycerin tabs. | 0.4 mg. Tablet or 0.4 mg. spray pump. | 1 bottle or 1 pump sprayer. |
| 9.10. Benzodiazepine sedative/anticonvulsant. Diazepam or Lorazepam. | 5 mg./ml. 2 mg./ml. | |
| 10.11. Inhalant beta adrenergic agent of choice with nebulizer apparatus, as approved by the medical director. | | One. |

| I.V. Solutions | Minimum Amount | Minimum Quantity |
|--|----------------|---------------------|
| a. Dextrose 5 percent in Water (D5W). | 2,000 ml. | In any combination. |
| 1. b. Lactated Ringers or Normal Saline. | 4,000 ml. | In any combination. |

Specific Authority 381.0011, 401.25, 401.251, 401.265, 401.35 FS. Law Implemented 381.0011, 395.405, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.27, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411 401.414, 401.421 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.51, Amended 4-12-88, 8-3-88, 8-7-89, 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.051, Amended 1-3-99, 9-3-00, 4-15-01,_____.

64E-2.006 Neonatal Interfacility Transfers.

(1) Neonates requiring critical care interfacility transport to a Level II or Level III Neonatal Intensive Care Unit shall be transported in either a neonatal ambulance or a permitted ALS or BLS transport ambulance or aircraft.

(a) A neonatal ambulance shall meet the requirements listed in Table VI, paragraphs 64E-2.006(1)(c) and (d) and subsections 64E-2.006(2) and (3), F.A.C., and shall be exempt from meeting the equipment and medical supplies listed in Rule 64E-2.002, Table III, F.A.C., and in Rule 64E-2.003, Table II, F.A.C.

TABLE VI
(Reference Section 64E-2.006)
Neonatal Interfacility Transfers

| ITEM | | QTY. |
|---------------------------|--------|------|
| 1. through 45. No change. | | |
| MEDICATION | WI/VOL | QTY. |
| 1. through 23. No change. | | |

Specific Authority 381.0011, 383.19, 395.405, 401.251(6), 401.35 FS. Law Implemented 381.001, 383.15, 395.405, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.30, 401.31, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History–New 11-30-93, Amended 1-26-97, Formerly 10D-66.0525, Amended 8-4-98, 9-3-00,_____.

Specific Authority 381.0011, 401.35 FS. Law Implemented 381.001, 381.0205, 401.23, 401.24, 401.25, 401.251, 401.26, 401.27, 401.30, 401.31, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.53, Amended 4-12-88, 12-10-92, 11-30-93, 1-26-97, Formerly 10D-66.053, Amended 1-3-99,_____.

64E-2.007 Vehicle Permits.

(1) through (3) No change.

(4) All licensed providers applying for an initial air ambulance aircraft permit after January 1, 2005, shall submit to the department a valid airworthiness certificate (unrestricted), issued by the Federal Aviation Administration, for each permitted aircraft, prior to issuance of the initial permit. Aircraft replacements are subject to the initial application process.

64E-2.012 Drivers.

(1) Each ALS and BLS provider shall ensure that each driver who operates a permitted vehicle meets the qualifications as listed in Section 401.281, F.S.

(a) An ALS or BLS provider may consider current Florida EMT or Paramedic certification as the driver having met the oath requirement listed in Sections 401.281(b) and (c), F.S.

Specific Authority 401.35 FS. Law Implemented 401.27, 401.281, 401.35, 401.411 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.59, Amended 4-12-88, 12-10-92, Formerly 10D-66.059, Amended_____.

64E-2.034 Inspections.

(1) Inspections of Emergency Services Providers shall be documented ~~by the department, on DH Form 1579, June 99, Service Records and Facilities Inspection Form; DH Form 627, June 99, Basic Life Support Vehicle Inspection Form; DH Form 1039, June 99, Advanced Life Support Vehicle Inspection Form; DH Form 629, June 99, Air Ambulance Inspection Form; DH Form 1267, March 2000, Neonatal vehicle inspections shall be documented on Neonatal Interfacility Vehicle Inspection Form; DH Form 1831, June 99; Inspection Corrective Action Statement; DH Form 1264, September 99, Personnel Records Inspection Form; DH Form 1265, June 99, Supplemental Inspection Form and DH Form 1266, June 99, Equipment Test Results Inspection Form. This form is~~ These forms are incorporated by reference and available from the department.

(2) Completion of Inspection Forms:

~~(a) Inspection Codes—Inspection Forms DH Form 1579, June 99; DH Form 627, June 99; DH Form 1039, June 99; and DH Form 629, June 99, DH Form 1267, March 2000, shall be completed by the department with the following codes:~~

~~1—Item meets inspection criteria.~~

~~1A—Item corrected during inspection to meet inspection criteria. This indicates that equipment or supplies were not present or not working properly or proper documentation of records or procedures were not available when initially inspected but prior to the completion of the inspection, the item out of compliance was corrected.~~

~~2—Item not in compliance with inspection criteria. A code “2” represents a deficiency that is not in compliance with statute or rule and was not corrected during the inspection.~~

~~(2)(b) Violation categories – All equipment, medical supplies, records and procedures required by Florida Statutes and rules are placed in one of three violation categories:~~

~~Category 1 – life-saving equipment, medical supplies, drugs, records, or procedures;~~

~~Category 2 – intermediate support equipment, medical supplies, drugs, records or procedures;~~

~~Category 3 – minimal support equipment, medical supplies, records or procedures.~~

~~These categories shall be used to determine corrective action time frames for deficiencies noted during inspections. The violation categories for each required item are noted on the inspection documentation forms.~~

~~(3) Corrective Action:~~

~~(a) Corrective Action Time Frames – Based on the violation category definitions listed above, the following corrective action time frames and administrative action guidelines shall apply:~~

~~Category 1 – any item in this category found deficient shall require action by the service provider within 24 hours of the inspection to replace or correct the deficiency noted to avoid administrative action by the department;~~

Category 2 – any item in this category found deficient shall require action by the service provider within 5 working days (Monday – Friday) of the inspection to replace or correct the deficiency noted to avoid administrative action by the department;

Category 3 – any item in this category found deficient shall require action by the service provider within 10 working days (Monday – Friday) of the inspection to avoid administrative action by the department.

(b) Inspection Corrective Action statement – Upon completion of an inspection in which deficiencies were noted, the EMS provider shall be given DH Form 1831, October 05 ~~June 99~~ Inspection Corrective Action Statement, which is incorporated by reference and available from the department. This form documents the corrective action that must be taken by the EMS provider to correct the inspection deficiencies and the time frames within which the corrective action must be taken. The completed DH form 1831, October 05 ~~June 99~~, and documentation of the corrective action taken, must be received by the department within 14 working days (~~Monday – Friday~~) of the inspection. Failure of the EMS provider to submit the corrective action statement or correct identified deficiencies within the required time frames is grounds for disciplinary action under Chapter 401, F.S.

(4) A copy of the ~~inspection forms and~~ Inspection Corrective Action Statement shall be maintained by the provider for a period of 3 years.

Specific Authority 401.31, 401.35 FS. Law Implemented 401.31 FS. History–New 2-20-00, Amended 9-3-00, _____.

64E-2.036 Training Programs.

(1) No change.

(2) To be approved as an EMT Training Program, an entity shall submit a completed DH Form 1698E, October 05 ~~April 02~~, Application for Approval of an Emergency Medical Technician – Basic (EMT-B) Training Program, which is incorporated by reference and available from the department.

(3) To be approved as a Paramedic Training Program, an entity shall submit a completed DH Form 1698P, October 05 ~~April 02~~, Application for Approval of an Emergency Medical Technician-Paramedic (EMT-P) Training Program, which is incorporated by reference and available from the department.

~~(4) If a~~ Any changes ~~to~~ of the training program ~~are made to the application on file~~ as approved by the department, ~~then these changes~~ shall be submitted to the department for review of compliance within 30 days of the change.

Specific Authority 401.27, 401.2715 FS. Law Implemented 401.27, 401.2715 FS. History–New 9-3-00, Amended 4-15-01, 4-21-02, 11-3-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Lisa Walker, Government Analyst
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Jennifer Bencie Fairburn, M.D.,
 M.S.A., Division Director
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: May 9, 2006
 NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 28, 2005 and February 24,
 2006
 DO131564

DEPARTMENT OF CHILDREN AND FAMILIES

Economic Self-Sufficiency Services

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 65A-1.701 | Definitions |
| 65A-1.702 | Special Provisions |
| 65A-1.710 | SSI-Related Medicaid Coverage Groups |
| 65A-1.711 | SSI-Related Medicaid Non-Financial Eligibility Criteria |
| 65A-1.712 | SSI-Related Medicaid Resource Eligibility Criteria |
| 65A-1.713 | SSI-Related Medicaid Income Eligibility Criteria |

PURPOSE AND EFFECT: The proposed rule amendments reflect changes in legislation for the elimination of the MEDS-AD program effective January 1, 2006. Medicaid coverage may be continued to some elderly or disabled individuals under a federal waiver.

SUMMARY: The rule amendments remove the MEDS-AD program language from the mandatory and optional Medicaid coverage groups and eligibility criteria.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: June 19, 2006, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nathan Lewis, Acting Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 448, Tallahassee, Florida 32399-0700, telephone (850)414-5927

THE FULL TEXT OF THE PROPOSED RULES IS:

- 65A-1.701 Definitions.
 - (1) through (9) No change.
 - (10) Developmental Services Waiver: A Medicaid HCBS waiver program for developmentally disabled individuals who:
 - (a) through (b) No change.
 - (c) Have income and resources within the Institutional Care or MEDS-AD Demonstration Waiver program limits.
 - (11) through (19) No change.
 - (20) MEDS-AD Demonstration Waiver: ~~An optional categorical~~ Medicaid coverage group for aged or disabled individuals who meet all SSI-related Medicaid non-financial eligibility criteria, whose resources do not exceed the limit in the Medically Needy Program, ~~and~~ whose income is at or below 88 percent of the federal poverty level and are not receiving Medicare or if receiving Medicare are also eligible for Medicaid covered institutional care services, hospice services or home and community based services.
 - (21) through (31) No change.
 - (32) Spouse:
 - (a) For SSI-related programs MEDS-AD Demonstration Waiver, Medically Needy, Emergency Medicaid for Aliens, Qualified Medicare Beneficiary, Special Low-Income Medicare Beneficiary, Working Disabled (WD), and Protected Medicaid Coverage purposes: A person's husband or wife as defined at 20 C.F.R. § 416.1806 or § 416.1811.
 - (b) No change.
 - (33) through (36) No change.
 - (37) Home and Community Based Services: An individual is considered to be receiving home and community based services when they are:
 - (a) Enrolled in a Home and Community Based Services (HCBS) Medicaid waiver; or
 - (b) Enrolled in the Program of All-Inclusive Care for the Elderly (PACE); or
 - (c) Residing in a licensed assisted living facility, adult family care home or mental health residential treatment facility that is enrolled as a Medicaid and Assistive Care Services provider; or
 - (d) A current participant in the Frail Elder Program who was enrolled in the program as of December 31, 2005.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 2-15-01, 4-1-03, 6-13-04, _____.

65A-1.702 Special Provisions.

- (1) through (4) No change.
- (5) Requirement to File for Other Benefits.

(a) Documentation that the individual has applied for any annuity, pension, retirement, ~~or~~ disability or Medicare benefits to which they may be entitled must be received by the department prior to approval for Medicaid benefits.

- (b) No change.
- (6) through (16) No change.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History--New 10-8-97, Amended 4-22-98, 2-15-01, 9-24-01, 11-23-04,_____.

65A-1.710 SSI-Related Medicaid Coverage Groups.

(1) MEDS-AD Demonstration Waiver Medicaid for the Aged and Disabled (MEDS AD). A coverage group for aged and disabled individuals (or couples), as provided in 42 U.S.C. § 1396a(m).

- (2) through (3) No change.

(4) HCBS. A coverage group for aged, blind or disabled individuals (or couples) who would be eligible for Medicaid if institutionalized and who would require institutionalization if they did not receive HCBS in accordance with approved waivers as permitted by 42 U.S.C. § 1396n and 42 C.F.R. § 435.217. These programs are intended to prevent institutionalizing individuals who:

- (a) No change.
- (b) Have resources and income within Institutional Care or MEDS-AD Demonstration Waiver program limits; and
- (c) No change.
- (5) No change.

(6) Traumatic Brain Injury and Spinal Cord Injury Waiver Program. Individuals must be: eligible for SSI, MEDS-AD Demonstration Waiver or Home and Community Based Services; must be age 18 through 64; must not be enrolled in or eligible for the Medically Needy Program; and, must have a traumatic brain or spinal cord injury.

- (7) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, ~~409.9065~~, 409.919 FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, 6-13-04,_____.

65A-1.711 SSI-Related Medicaid Non-Financial Eligibility Criteria.

To qualify for Medicaid an individual must meet the general categorical requirements in 42 C.F.R. Part 435, subparts E and F, with the exception that individuals who are neither aged nor disabled may qualify for breast and cervical cancer treatment, and the following program specific requirements as appropriate:

(1) For MEDS-AD Demonstration Waiver, the individual must be age 65 or older, or disabled as defined in 20 C.F.R. § 416.905.

- (2) through (8) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, ~~409.9065~~, 409.919 FS. History--New 10-8-97, Amended 4-1-03,_____.

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(1) Resource Limits. If an individual's total resources are equal to or below the prescribed resource limits at any time during the month the individual is eligible on the factor of resources for that month. The resource limit is the SSI limit specified in Rule 65A-1.716, F.A.C., with the following exceptions:

(a) For MEDS-AD Demonstration Waiver an individual whose income is equal to or below ~~88~~ 90 percent of the federal poverty level must not have resources exceeding the current Medically Needy resource limit specified in Rule 65A-1.716, F.A.C.

- (b) through (e) No change.

(f) For the Traumatic Brain Injury and Spinal Cord Injury Waiver Program an individual cannot have countable resources that exceed \$2,000. If the individual's income falls within the MEDS-AD Demonstration Waiver limit, the individual can have resources up to \$5,000. No penalties apply to transfers of assets or resources made to spouses. But penalties may apply to transfers to others. Spousal impoverishment policies do not apply.

- (2) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, ~~409.9065~~, 409.919 FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04,_____.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria.

(1) Income limits. An individual's income must be within limits established by federal or state law and the Medicaid State Plan. The income limits are as follows:

(a) For MEDS-AD Demonstration Waiver, income cannot exceed 88 percent of the federal poverty level after application of exclusions specified in subsection 65A-1.713(2), F.A.C.

- (b) through (k) No change.

- (2) through (3) No change.

(4) Income Budgeting Methodologies. To determine eligibility SSI budgeting methodologies are applied except where expressly prohibited by 42 U.S.C. § 1396, or another less restrictive option is elected by the state under 42 U.S.C. § 1396a(r)(2).

(a) For MEDS-AD Demonstration Waiver, Protected Medicaid, Medically Needy, Qualified Working Disabled Individual, QMB, SLMB, and to compute the community spouse income allocation for spouses of ICP individuals, the following less restrictive methodology for determining gross monthly income is followed:

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

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, ~~409.905~~, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 6-13-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis, Acting Chief, Policy
NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Jennifer Lange, Acting Director, Economic Self-Sufficiency
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.: RULE CHAPTER TITLE:
69A-64 Firefighter Death Benefits
RULE NO.: RULE TITLE:
69A-64.005 Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2006-2007.

SUMMARY: This rule adopts new benefits for the one year period from July 1, 2006, through June 30, 2007, based on the Consumer Price Index, as required by Section 112.191, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

Any person who wishes to provide information regarding the statement of 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: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

IF REQUESTED A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW. (IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.)

DATE AND TIME: June 19, 2006, 9:00 a.m.

PLACE: Conference Room, Third Floor, The Atrium, 325 John Knox Road, Tallahassee, Florida 32308

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

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Georgia Dowell, (850)413-3607 no later than 48 hours prior to the meeting or workshop.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

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

(2) The amounts payable for the period from July 1, ~~2006~~ ~~2005~~ through June 30, ~~2007~~ ~~2006~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, ~~2006~~ ~~2005~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$55,835.12~~ ~~\$53,999.14~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$55,835.12~~ ~~\$53,999.14~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$167,505.33~~ ~~\$161,997.42~~.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2006

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

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.”

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

| | |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 40B-21 | Water Shortage Plan |
| RULE NOS.: | RULE TITLES: |
| 40B-21.001 | Purpose and Policy |
| 40B-21.031 | Elements of the Plan |
| 40B-21.051 | Definitions |
| 40B-21.211 | Monitoring Conditions |
| 40B-21.231 | Declaring a Water Shortage |
| 40B-21.251 | Water Shortage Response |
| 40B-21.275 | Implementing a Water Shortage Declaration |
| 40B-21.421 | Compliance |
| 40B-21.511 | General |
| 40B-21.531 | Source Classifications |
| 40B-21.541 | Use Classifications |
| 40B-21.571 | Method of Withdrawal Classifications |
| 40B-21.601 | General |
| 40B-21.621 | Water Shortage Advisory, Phase I |
| 40B-21.631 | Water Shortage, Phase II |
| 40B-21.641 | Water Shortage, Phase III |
| 40B-21.651 | Water Shortage Emergency |

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 40B-21, F.A.C., published in the Florida Administrative Weekly, Volume 31, Number 25, on June 24, 2005, has been changed to reflect comments received from the Joint Administrative Procedures Committee and the Department of Environmental Protection. When changed, Chapter 40B-21, F.A.C., shall read as follows:

40B-21.001 Purpose and Policy.

(1) Chapter 373, Florida Statutes (F.S.), provides for the conservation, protection, management, and control of the waters of the state by the water management districts. Section 373.246, F.S., specifies that each water management district shall formulate a plan for implementation during periods of water shortage. ~~As a part of this plan, the Governing Board shall adopt a system of classification according to the source of water supply, method of extraction, withdrawal, or diversion,~~

~~and use of water. A governing board of a water management district, by order, may declare that a water shortage exists within all or part of the District when insufficient water is available to meet the requirements of the users, or when conditions are such as to require a temporary reduction in total use within the area to protect the water resources from serious harm. Upon such declaration, temporary reductions in total use and restrictions on one or more classes of permits issued pursuant to Chapter 40B-2, Florida Administrative Code (F.A.C.), may be required in order to protect the water resources from serious harm and to restore them to their previous condition.~~

(4) These procedures apply to all water consumptive users, including those exempted from Chapter 40B-2, F.A.C., permitting requirements.

(5)(a) Water consumptive users and the general public will be supplied frequent and accurate information regarding the status of water resources, methods of water conservation, and means for efficient water consumptive use.

(c) Artificial water shortages will not be created by the over-allocation of available supplies in the administration and implementation of Chapter 40B-2, F.A.C., Permitting of Water Consumptive Uses of Water.

(d) The specific means and methods for water consumptive use reduction that are found in Part V of this chapter will recognize the relative efficiency of similarly classified users.

(e) The specific means and methods for water consumptive use reduction that are found in Part V of this chapter will represent a guideline for specific restrictions to be imposed on users who transfer water across basin boundaries – interbasin transfers. ~~However, additional or more stringent restrictions may shall be applied at the discretion of the Governing Board to users who make interbasin transfers during times of declared water shortage.~~

(h) Use of reclaimed water (wastewater or stormwater) will not be restricted in this chapter in order to promote the use of reclaimed water as an alternative source. The District shall evaluate this policy no later than five years following the effective date of this chapter and make appropriate modifications as necessary.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246, 373.603 FS. History--New _____.

40B-21.031 Elements of the Plan.

(5) Part V. Specific Means and Methods for Water Use Reduction. Part V presents water consumptive use reduction methods and means for a water shortage by water use class. Various combinations of these reduction methods and means will be employed by the District to achieve the target reduction in user demands during a water shortage. The ultimate

combination of reduction methods and means chosen will be described within the water shortage order(s) published by the District as described in Part II.D.

40B-21.051 Definitions.

When used in this Chapter:

(1) “Even numbered address” means the house address or rural route ending in the numbers 0, 2, 4, 6, 8, or the letters A-M. Post office box numbers are not included. “Water shortage” means that situation within all or part of the District when insufficient water is available to meet the existing reasonable-beneficial needs of water users and to protect water resources from serious harm. A water shortage may be the result of a drought or the result of human influences on water resources.

(2) “Even numbered days” means the days whose dates end in the numbers 0, 2, 4, 6, or 8. For purposes of this chapter, the date shall be determined by the day during which irrigation begins. “Water shortage emergency” means a situation when the powers which can be exercised under a water shortage declaration are not sufficient to adequately protect the public health, safety, or welfare, the health of animals, fish, or aquatic life.

(3) “Hand watering” means the low volume irrigation of plants or crops with one hose, fitted with a self-canceling or automatic shutoff nozzle, attended by one person. “User” means any person or entity which directly or indirectly takes water from the water resource, including but not limited to uses from private or public utility systems, uses under consumptive use permits issued pursuant to Chapter 40B-2, F.A.C., or uses from individual wells or pumps for domestic or individual home use.

(4) “High Pressure/High Volume Irrigation System” shall mean any sprinkler-type irrigation system with an SER greater than 1.2 and will typically include higher pressure (greater than 30 psi) pivots, traveling or walking systems, or in-ground, overhead sprinkler systems. “Water resource” means any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, and any related natural systems. However, it does not refer to treated wastewater effluent or seawater.

(5) “Irrigation System Efficiency Ratio (SER)” shall mean the ratio of the water withdrawn to the water requirement of the plant(s) irrigated and shall be determined by comparing volume of water which needs to be pumped for delivery by a particular irrigation system to the net irrigation requirement of a crop. For example, if a particular irrigation system requires 1.2 inches of water in order to apply 1 inch to a crop, the SER is 1.2:1 or simply 1.2. Generally, the excess water is lost to system leakage, evaporation, and wind drift. “Source class”

~~means the specified water resource from which a user is obtaining water either directly or indirectly. Source classes within the District are identified in Rule 40B-21.531, F.A.C.~~

(6) “Low Pressure/Low Volume Irrigation System” shall mean any irrigation system with a SER of 1.2 or less and will typically include trickle, drip, micro jet, and low pressure (less than 30 pounds per square inch [psi]) overhead irrigation systems. “Use class” means the category describing the purpose for which the user is using water. Use classes within the District are specified in Rule 40B-21.541, F.A.C.

(7) “Low-volume mobile equipment washing” means the washing of mobile equipment with a bucket and sponge or a hose with a self-canceling or automatic shutoff nozzle or both. “Method of withdrawal class” means the type of facility or means of extraction or diversion of water employed by the user. Method of withdrawal classes within the District are specified in Rule 40B-21.571, F.A.C.

(8) “Low-volume pressure cleaning” means pressure cleaning by means of equipment which is specifically designed to reduce the inflow volume as accepted by industry standards. “Plan” means the water shortage plan authorized in Section 373.246, F.S., and contained in this chapter.

(9) “Method of withdrawal class” means the type of facility or means of extraction or diversion of water employed by the user. Method of withdrawal classes within the District are specified in Rule 40B-21.571, F.A.C. “Overhead irrigation” means the use of equipment and devices which deliver water under pressure, through the air, above the level of the plant being irrigated.

(10) “Mobile equipment” means any public, private, or commercial automobile, truck, trailer, railroad car, camper, boat, or any other type of similar equipment. The term shall not include sanitation and sludge vehicles or food vending and transporting vehicles. “Low volume hand watering” means the low volume irrigation of plants or crops with one hose, fitted with a self-canceling or automatic shutoff nozzle, attended by one person.

(11) “Odd numbered address” means the house address or rural route ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z. Post office box numbers are not included. “Low volume mobile equipment washing” means the washing of mobile equipment with a bucket and sponge or a hose with a self-canceling or automatic shutoff nozzle or both.

(12) “Odd numbered days” means the days whose dates end in the numbers 1, 3, 5, 7, or 9. For purposes of this chapter, the date shall be determined by the day during which irrigation begins. “Low volume pressure cleaning” means pressure cleaning by means of equipment which is specifically designed to reduce the inflow volume as accepted by industry standards.

(13) “Overhead irrigation” means the use of equipment and devices which deliver water under pressure, through the air, above the level of the plant being irrigated. “Mobile equipment” means any public, private, or commercial

automobile, truck, trailer, railroad car, camper, boat, or any other type of similar equipment. The term shall not include sanitation and sludge vehicles or food vending and transporting vehicles.

(14) "Plan" means the water shortage plan authorized in Section 373.246, F.S., and contained in this chapter. "Even numbered address" means the house address or rural route ending in the numbers 0, 2, 4, 6, 8, or the letters A-M. Post office box numbers are not included.

(15) "Seawater" shall mean any ground or surface water with an average total chloride concentration equal to or greater than 15,000 milligrams per liter. "Odd numbered address" means the house address or rural route ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z. Post office box numbers are not included.

(16) "Source class" means the specified water resource from which a user is obtaining water either directly or indirectly. Source classes within the District are identified in Rule 40B-21.531, F.A.C. "Even numbered days" means the days whose dates end in the numbers 0, 2, 4, 6, or 8. For purposes of this chapter, the date shall be determined by the day during which irrigation begins.

(17) "Use class" means the category describing the purpose for which the user is using water. Use classes within the District are specified in Rule 40B-21.541, F.A.C. "Odd numbered days" means the days whose dates end in the numbers 1, 3, 5, 7, or 9. For purposes of this chapter, the date shall be determined by the day during which irrigation begins.

(18) "User" means any person or entity which directly or indirectly takes water from the water resource, including but not limited to uses from private or public utility systems, uses under water use permits issued pursuant to Chapter 40B-2, F.A.C., or uses from individual wells or pumps for domestic or individual home use. "Consumptive Use Permit" means a permit issued pursuant to Chapter 40B-2, F.A.C., authorizing the withdrawal and use of water.

(19) "Water resource" means any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, and any related natural systems. However, it does not refer to treated wastewater effluent or seawater. "Irrigation System Efficiency Ratio (SER)" shall mean the ratio of the water withdrawn to the water requirement of the plant(s) irrigated and shall be determined by comparing volume of water which needs to be pumped for delivery by a particular irrigation system to the net irrigation requirement of a crop. For example, if a particular irrigation system requires 1.2 inches of water in order to apply 1 inch to a crop, the SER is 1.2:1 or simply 1.2. Generally, the excess water is lost to system leakage, evaporation, and wind drift.

(20) "Water shortage" means that situation within all or part of the District when insufficient water is available to meet the existing reasonable-beneficial needs of water users and to protect water resources from serious harm. A water shortage may be the result of a drought or the result of human influences on water resources. "Low Pressure/Low Volume Irrigation System" shall mean any irrigation system with a SER of 1.2 or less and will typically include trickle, drip, micro jet, and low pressure (less than 30 pounds per square inch [psi]) overhead irrigation systems.

(21) "Water shortage emergency" means a situation when the powers which can be exercised under a water shortage declaration are not sufficient to adequately protect the public health, safety, or welfare, the health of animals, fish, or aquatic life. "High Pressure/High Volume Irrigation System" shall mean any sprinkler type irrigation system with an SER greater than 1.2 and will typically include higher pressure (greater than 30 psi) pivots, traveling or walking systems, or in ground, overhead sprinkler systems.

(22) "Water Use Permit" means a permit issued pursuant to Chapter 40B-2, F.A.C., authorizing the withdrawal and use of water. "Seawater" shall mean any ground or surface water with an average total chloride concentration equal to or greater than 15,000 milligrams per liter.

PART II, DECLARING AND IMPLEMENTING A WATER SHORTAGE

40B-21.211 Monitoring Conditions.

(1) Purpose – This part of the plan generally describes the data collection and ~~analysis activities of analyses~~ the District ~~may undertake~~ in anticipation of and during a declared water shortage or water shortage emergency. Monitoring data ~~may~~ shall be used to determine:

(c) Whether the restrictions in effect are being adequately complied with by water ~~consumptive~~ users.

(2) Data Sources – Data ~~shall may~~ be obtained from the following any sources available, including, but not limited to:

(3) Resource Monitoring – The District ~~shall may~~ collect and analyze water resource any data concerning any aspect of the water resource. Data which ~~shall may~~ be collected include, ~~but are not limited to:~~

(4) Demand Monitoring – The District ~~may shall~~ collect and analyze data concerning any aspect of user demand upon the water resources. Data which ~~shall may~~ be collected include, ~~but are not limited to:~~

40B-21.231 Declaring a Water Shortage.

(1) In order to protect the water resource from serious harm, the Governing Board shall declare a water shortage for the affected source class, if the District determines there is a possibility that insufficient water will be available within a source class to meet the estimated present user demands from that source ~~and to protect the water resource from serious harm, the Governing Board may declare a water shortage for~~

~~the affected source class. In declaring a water shortage, the~~ The Governing Board shall specify the geographic area or areas of water shortage within ~~may declare that a water shortage exists within all or parts of the District. The restricted area or areas shall may~~ include all or part of a county, municipality, surfacewater basin or utility service area which impacts a source class for which a water shortage is declared. When the affected source extends beyond the District's boundaries, the District shall coordinate water shortage declarations with the appropriate water management district(s).

(2) A water shortage shall ~~may also~~ be declared for those source classes not presently experiencing a water shortage if usage from such sources can be reasonably expected to impact the present and anticipated available water supply in those source classes currently experiencing a shortage.

40B-21.251 Water Shortage Response.

(1) This plan establishes the means and methods to achieve the reduction in overall demand estimated to be necessary to protect water resources from serious harm. The specific reduction means and methods are intended to reduce demand during times of water shortages by increasing reduction methods and means on water consumptive use as a function of the severity of the water shortage. For a water shortage, reduction methods and means are specified which, alone or in combination, are intended to achieve this reduction.

(2) If the District determines that, within any area of the District, the provisions of a water shortage are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, the Executive Director, with the concurrence of the Governing Board, shall ~~may~~ declare a Water Shortage Emergency.

~~(3) In order to prevent serious harm to the water resources, the District shall evaluate water shortage conditions and shall implement the restrictions found in Part V of this Chapter. The District Governing Board may impose water shortage restrictions other than those specified in this plan and may establish demand reduction goals for such restrictions. A combination of the restrictions specified in Part III of this Chapter and any other restrictions deemed appropriate and necessary by the Governing Board may shall be imposed for any water shortage, in order to prevent serious harm to the resource.~~

40B-21.275 Implementing a Water Shortage Declaration.

(1)(b) The relative impact of the various categories of water consumptive users on the water body for which the shortage is declared;

(d) The relative economic impacts that the restrictions are likely to have on each category of user. To the degree practical, the Governing Board shall impose water use restrictions in a manner that distributes the burden of the restrictions equitably among water consumptive users, relative to their impact on the sources experiencing the shortage;

(h) The effectiveness of the restriction imposed in terms of reducing water consumptive use and protecting the relevant water supply source; and

(i) The impact of the water consumptive use reduction methods and means on the public health, safety and welfare.

(4) The District shall notify each affected permittee within the affected source class of any change in permit conditions, any permit suspension or any other restriction on water consumptive use. Notice shall be by regular mail.

(5) At least one public hearing shall be scheduled, which will be noticed according to the provisions in subsection (2). The public and water consumptive use permit holders shall be afforded an opportunity to participate during water shortage public hearing(s) and present testimony on water shortage effects and the impacts of the proposed reduction methods and means. Substantive evidence submitted by the public at or prior to the hearing shall be made a part of the record at the hearing.

PART III, COMPLIANCE

40B-21.421 Compliance.

(5) Compliance action shall ~~may~~ be initiated by the District as provided in Section 373.603, F.S., against violators of a water shortage order issued pursuant to this plan.

(6) The Executive Director shall ~~may~~ assign District personnel for the purpose of initiating compliance action pursuant to Section 373.603, F.S.

(7) The Executive Director shall ~~may~~ take appropriate action pursuant to Sections 373.119, 373.175(4), 373.246(7), and 120.69, F.S., and to seek compliance with the provisions of this Plan or any order issued pursuant thereto, or to alleviate any emergency conditions which might occur.

PART IV, THE CLASSIFICATION SYSTEM

40B-21.511 General.

This part of the Chapter establishes the basis for distinguishing among different users of the water resource according to major classes. Under this system, each water consumptive user may shall be classified according to source, use, and method of withdrawal. Each of these classes is described herein.

40B-21.531 Source Classifications.

~~(1)~~ Each water consumptive user shall ~~may~~ be classified according to one or more of the following sources of water:

- ~~(1)(a)~~ Surfacewater sources:
 - ~~a.1.~~ Name of specific surfacewater source.
 - ~~b.2.~~ Basin.
 - ~~c.3.~~ Sub-basin.
- ~~(2)(b)~~ Groundwater Sources.
 - ~~a.1.~~ Floridan aquifer.
 - ~~b.2.~~ Secondary artesian aquifer.
 - ~~c.3.~~ Water table aquifer.

~~(2) The Governing Board may shall further define source classifications as it deems appropriate and necessary for purposes of clarifying additional sources. This section shall not limit the ability of the Governing Board to further define source classifications not specifically named in this section.~~

(3) Reclaimed Water.

(a) Wastewater.

(b) Stormwater.

40B-21.541 Use Classifications.

(1) Each water consumptive user ~~shall~~ may be classified according to one or more of the following use classes and subclasses of water:

~~(c) 4. Low volume hand watering~~

~~4.5. Soil flooding.~~

~~5.6. Freeze protection.~~

~~6.7. Livestock care.~~

~~7.8. Aquaculture.~~

~~(3) The District may shall expand upon or further subdivide the use classifications in paragraphs (a) through (g) above for purposes of issuing restrictions on specific uses as deemed necessary, for purposes of clarifying additional classifications. This section shall not limit the ability of the Governing Board to issue restrictions on water uses not specifically named in this section.~~

40B-21.571 Method of Withdrawal Classifications.

Each water consumptive user ~~shall~~ may be identified by one or more of the following method of withdrawal classes:

PART V. SPECIFIC MEANS & METHODS FOR WATER USE REDUCTION

40B-21.601 General.

(1) Upon declaration of a water shortage or water shortage emergency, the ~~specific~~ restrictions presented within this part can be implemented to achieve the desired overall reductions in user demand. The target reduction ultimately chosen during a water shortage will be dependent upon the severity of the particular shortage. The District shall evaluate hydrologic conditions and implement the restrictions found in this Part. ~~The restrictions specified within this plan may shall be modified as needed by the Governing Board to achieve the target reduction ultimately determined to be necessary for purposes of clarification. The appropriate combination of restrictions shall be decided by the Governing Board upon recommendation of District staff. The combination of restrictions shall be included in the notice(s) of the shortage, as specified above in Rule 40B-21.275, F.A.C.~~

(2) Restrictions are presented for each use class and various subclasses. It shall be the responsibility of each water consumptive user to keep informed as to the restrictions in effect.

(3) In addition to the restrictions specified in this part, all wasteful and unnecessary water consumptive use is prohibited regardless of the severity of water shortage. This subsection is not intended to prohibit legal uses of water whether permitted or exempted by rule or statute. Such wasteful and unnecessary water consumptive use shall include, but not be limited to:

(a) Allowing water to be dispersed without any practical purpose to the user, regardless of the type of water consumptive use;

(b) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water consumptive use;

(c) Allowing water to be dispersed to accomplish a purpose for which water consumptive use is unnecessary or which can be easily accomplished through alternative methods without water consumptive use; and

(4) Incidental wetting of non-production areas for agricultural water users shall not be considered wasteful and unnecessary water use. Agricultural water users are encouraged to reduce incidental wetting of non-production areas to the maximum extent practicable.

40B-21.621 Water Shortage Advisory, Phase I.

A Water Shortage Advisory refers to a notice from the District that hydrologic conditions are abnormally low, or low for the season, and that further reductions in supply or increased use may result in the declaration of a water shortage and water use restrictions. Although no mandatory restrictions are included in a Water Shortage Advisory, all users are encouraged to initiate conservation and eliminate wasteful or inefficient water consumptive use. Water consumptive users planning to implement long-range conservation measures are encouraged to speed implementation to the greatest extent practical.

40B-21.631 Water Shortage, Phase II.

A Phase II Water Shortage refers to a severe water shortage. The Governing Board ~~shall~~ may, upon recommendation by District staff, choose a combination of these and any other appropriate and necessary restrictions to achieve the required reduction in overall demand.

(3)(c) Overhead irrigation by high pressure/high volume systems shall be prohibited between the hours of 10:00 a.m. ~~and to~~ 4:00 p.m. Systems that have been certified by an independent irrigation laboratory within the past two years prior to the effective date of a water shortage order to be as efficient as practicable shall not be restricted, except in accordance with subsection 40B-21.601(1), F.A.C.

(e) ~~Low volume h~~Hand watering shall not be restricted.

(f) The District shall request that llivestock water consumptive users ~~shall~~ be voluntarily reduced their water usage.

(g) Water consumptive use for freeze protection shall be restricted to situations in which official weather forecasting services predict temperatures likely to cause permanent damage to crops.

~~(i) The District shall request that aquaculture water consumptive users shall be voluntarily reduced their water usage.~~

~~(4)(a)4. Cleaning requiring water consumptive use shall be reduced to the minimum required to protect the efficiency of the operation, prevent damage to equipment, or maintain the health and safety of workers.~~

6. Nonessential uses, plant cleaning, water-cooled air conditioning, and lawn irrigation shall be reduced or eliminated to the greatest extent possible. ~~Restriction of other uses within the mine site may also apply.~~

~~(b)4. Nonessential uses, plant cleaning, water-cooled air conditioning, and lawn irrigation shall be reduced or eliminated to the greatest extent possible. Restriction of other uses may also apply.~~

~~(h)2. Non-essential uses of water, plant cleaning, water-cooled air conditioning, and lawn irrigation shall be reduced or eliminated to the greatest extent possible. Restrictions of other uses may apply.~~

~~(i)2. Replace use of fresh water with reclaimed or recycled water to the maximum extent practicable wherever appropriate and feasible.~~

~~4. Additional restrictions may apply.~~

~~(6)(a)1.d. Low-volume hand watering, as described in Part I, shall not be restricted.~~

~~(b)3. Irrigation of fairways, roughs, and non-play areas on the front nine holes of the course shall be prohibited, except between the hours of 9:00 p.m. and 7:00 a.m. on even numbered days.~~

4. Irrigation of fairways, roughs, and non-play areas on the back nine holes of the course shall be prohibited, except between the hours of 9:00 p.m. and 7:00 a.m. on odd numbered days.

8. Irrigation for purposes of watering-in of insecticides, fungicides, herbicides, and fertilizer where such watering-in is required by the manufacturer or by federal, state or local law, shall not be restricted; such watering-in shall be limited to the minimum necessary and should be accomplished during the hours allowed for normal irrigation.

40B-21.641 Water Shortage, Phase III.

A Phase III Water Shortage refers to an extreme water shortage. The Governing Board shall choose a combination of these and any other appropriate and necessary restrictions to achieve the required reduction in overall demand.

(1) Indoor uses shall reduce use by employing water conservation measures and by installing water conserving devices.

(2) Essential uses may voluntarily reduce water use by limiting flushing and other system cleaning activities to a level required to maintain the health, safety, and welfare of the public.

(3) Agricultural uses shall be restricted as follows:

(a) Treated wastewater irrigation shall not be restricted.

(b) Low pressure/low volume irrigation systems shall not be restricted except in accordance with subsection 40B-21.601(1), F.A.C.

(c) Overhead irrigation by high pressure/high volume systems shall be prohibited between the hours of 9:00 a.m. and 6:00 p.m. Systems that have been certified by an independent irrigation laboratory within the past two years prior to the effective date of a water shortage order to be as efficient as practicable shall not be restricted, except in accordance with subsection 40B-21.601(1), F.A.C.

(d) Flood/seepage irrigation systems shall be operated in a manner that will capture all runoff that is practicable for reuse.

(e) Hand watering shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m.

(f) The District shall request that livestock water users voluntarily reduce their water usage.

(g) Water use for freeze protection shall be restricted to situations in which official weather forecasting services predict temperatures likely to cause permanent damage to crops.

(h) Soil flooding for pest control or soil preservation shall be prohibited. Soil flooding to permit harvesting of sod shall be prohibited.

(i) The District shall request that Aquaculture aquaculture water users shall be voluntarily reduce their water usage.

(j) All irrigation systems shall be operated in a manner that will efficiently use the water withdrawn.

(k) All agricultural enterprises should suspend those activities which stimulate the need for increased irrigation, as feasible and appropriate.

(l) No unnecessary off-site discharge from irrigation shall be allowed.

(m) Users having access to more than one source class shall maximize the use of the lesser or least restricted source class.

(n) For those agricultural enterprises that have best management practices approved by the Department of Agriculture and Consumer Services, irrigation for purposes of watering-in of insecticides, fungicides, herbicides, and fertilizers shall not be restricted. Such watering-in shall be limited to the minimum necessary and shall be accomplished during the hours allowed for normal irrigation.

(4) Commercial and industrial uses.

(a) Phosphate mining and beneficiation operations:

1. Recycled water within the mine site shall be used as much as possible to reduce freshwater withdrawals.

2. Water within noncontiguous mine cuts and other impoundments shall be used to the greatest extent practicable to augment the mine's circulation system.

3. Off-site discharges of water shall be reduced or eliminated to the greatest extent possible.

4. Cleaning requiring water use shall be reduced to the minimum required to protect the efficiency of the operation, prevent damage to equipment, or maintain the health and safety of workers.

5. Suspend the washing of vehicles except for health and safety needs.

6. Nonessential uses, plant cleaning, water-cooled air conditioning, and lawn irrigation shall be reduced or eliminated to the greatest extent possible. Restriction of other uses within the mine site may also apply.

(b) Chemical products processing or manufacturing facilities:

1. The use of fresh water shall be reduced to the greatest extent possible.

2. Off-site discharge shall be reduced or eliminated to the greatest extent possible.

3. Recycled water shall be used to replace fresh water to the greatest extent possible.

4. Nonessential uses, plant cleaning, water-cooled air conditioning, and lawn irrigation shall be reduced or eliminated to the greatest extent possible. Restriction of other uses may also apply.

(c) Limestone, sand, gravel, or other minerals mining operations:

1. On-site impounded surface waters shall be used to replace fresh water withdrawals to the greatest extent possible.

2. Reduce spraying for dust control in quarry area except for health and safety standards.

3. Reduce general housekeeping that requires the use of water to the greatest extent possible.

4. Off-site discharge shall be reduced or eliminated wherever possible.

(d) Cement, concrete, and concrete products manufacturing facilities:

1. Reuse runoff to the greatest extent possible.

2. Reduce spray drift to the greatest extent possible and increase the efficiency of spray application to the greatest extent possible.

3. Reduce the unnecessary water content of products shipped to the greatest extent possible.

(e) Perishable foods processing operations:

1. Off-site discharge shall be reduced or eliminated wherever feasible.

2. Water losses from released steam shall be minimized to the greatest extent possible.

3. Effluent shall be recycled to the greatest extent possible.

(f) Perishable foods packing operations:

1. Restrict washing of fruit and plant area to minimum level necessary for health and safety standards.

2. Equipment washing apparatus with automatic shut-off devices should be used to the greatest extent possible.

(g) Bottled water and other beverage products operations:

1. Restrict equipment washing operations to the minimum level necessary for health and safety standards.

2. Implement routine process inspections to find and reduce water waste to the greatest extent possible.

(h) Power generation:

1. Maximize production from generating facilities which are least dependent upon withdrawals from the source experiencing the shortage, and minimize production from generating facilities which are most dependent upon withdrawals from the source experiencing the shortage, to the greatest extent practicable.

2. Non-essential uses of water, plant cleaning, water-cooled air conditioning, and lawn irrigation shall be reduced or eliminated to the greatest extent possible. Restrictions of other uses may apply.

3. Power companies should encourage customers to reduce power consumption to the greatest extent possible, so that they may reduce power generation and in turn, reduce water consumption.

(i) Other industrial and commercial uses:

1. Reduce use by employing water conserving measures and by installing water conserving devices.

2. Replace use of fresh water with reclaimed or recycled water wherever appropriate and feasible to the maximum extent practicable.

3. Users having access to more than one source class shall maximize the use of the lesser or least restricted source class.

4. Additional restrictions may apply.

(5) Water utility uses.

(a) To the greatest extent possible, utilities shall institute conservation measures such as improving and accelerating leak detection surveys and repair programs, installing and calibrating meters, and stabilizing and equalizing system pressures.

(b) New water line flushing and disinfection shall be limited to minimum requirements.

(6) Landscape irrigation uses.

(a) Lawns and landscaping.

1. Established lawns and landscaping.

a. Treated wastewater irrigation shall not be restricted.

b. The irrigation of established lawns and landscaping is prohibited, except between the hours of 10:00 p.m. and 6:00 a.m.

c. The use of water as described in b. above shall be further restricted as follows:

i. Established lawns and landscaping at locations with street addresses ending in an even number, or in the letters A-M, may water only on even numbered days.

ii. Established lawns and landscaping at locations with street addresses ending in an odd number, or in the letters N-Z, or with no addresses, may water only on odd numbered days.

d. Hand watering, as described in Part I, shall be prohibited between the hours of 10:00 a.m. and 4:00 p.m.

e. Irrigation for purposes of watering-in of insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall not be restricted; such watering-in shall be limited to the minimum necessary and should be accomplished during the hours allowed for normal irrigation.

f. The operation of irrigation systems for cleaning and maintenance purposes shall not be restricted, except to be limited to the minimum necessary to maintain efficient operation of the system. Each irrigation zone may be tested a maximum of once per week.

2. New lawns and landscaping.

a. Treated wastewater irrigation shall not be restricted.

b. Irrigation of new lawns and landscaping shall occur between the hours of 4:00 p.m. and 10:00 a.m. and limited to the minimum amount required for the establishment of the lawn.

c. Irrigation for purposes of watering-in of insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall not be restricted; such watering-in shall be limited to the minimum necessary and should be accomplished during the hours allowed for normal irrigation.

d. The operation of irrigation systems for cleaning and maintenance purposes shall not be restricted, except to be limited to the minimum necessary to maintain efficient operation of the system. Each irrigation zone may be tested a maximum of once per week.

(b) Golf courses.

1. Treated wastewater irrigation shall not be restricted.

2. Irrigation of greens and tees shall occur between the hours of 10:00 p.m. and 6:00 a.m.

3. Irrigation of fairways, roughs, and non-play areas on the front nine holes of the course shall be prohibited, except between the hours of 10:00 p.m. and 6:00 a.m. on odd numbered days.

4. Irrigation of fairways, roughs, and non-play areas on the back nine holes of the course shall be prohibited, except between the hours of 10:00 p.m. and 6:00 a.m. on even numbered days.

5. Reduce or suspend to the greatest extent possible those horticultural practices which stimulate the need for increased irrigation.

6. Users having access to more than one source class shall maximize the use of the lesser or least restricted source class.

7. The operation of irrigation systems for cleaning and maintenance purposes shall be restricted to the minimum necessary to maintain efficient operation of the system. Each irrigation zone may be tested a maximum of once per week.

8. Irrigation for purposes of watering-in of insecticides, fungicides, herbicides, and fertilizer where such watering-in is required by the manufacturer or by federal, state or local law, shall not be restricted; such watering-in shall be limited to the minimum necessary and should be accomplished during the hours allowed for normal irrigation.

(c) Cemeteries.

1. Irrigation of cemeteries shall be prohibited, except between the hours of 10:00 p.m. and 6:00 a.m.

2. Irrigation of cemeteries shall be further restricted as follows:

a. One half of the cemetery property may be irrigated on Monday and Wednesday.

b. The remaining one half of the cemetery property may be irrigated on Tuesday and Thursday.

(7) Miscellaneous uses.

(a) Recreation area use of water shall be reduced to the greatest extent possible.

(b) Washing or cleaning streets, driveways, sidewalks, or other impervious areas with water shall be prohibited except to meet federal, state, or local health or safety standards.

(c) Mobile equipment washing shall be accomplished using only low-volume methods (excluding commercial car washes).

(d) Outside pressure cleaning shall be restricted to only low-volume methods.

(e) Augmentation shall be limited to the minimum necessary to maintain and preserve the long-term integrity of the surfacewater body and associated habitat for fish and wildlife. Where minimum levels have been established by the District, no augmentation shall occur when water levels are above the applicable minimum water level.

(f) The use of water for cooling and air conditioning shall be restricted to that amount of water necessary to maintain a minimum temperature of 78 degrees Fahrenheit. Discharge of water from cooling and air conditioning systems shall be to pervious surfaces and shall not be accomplished through irrigation systems, where feasible and appropriate.

(g) Aesthetic uses.

1. Outside aesthetic uses of water shall be prohibited.

2. Inside aesthetic uses of water shall be prohibited.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New _____.

40B-21.6541 Water Shortage Emergency.

(1)(a) Such orders shall identify all methods and means for water ~~consumptive~~ use reduction deemed necessary by the Executive Director, with the concurrence of the Governing Board at the next regularly-scheduled meeting, to meet the emergency.

(2) The District shall inform all users to whom an emergency order is directed of the existence of such order and all associated methods and means for water consumptive use reduction by the best practicable means available under the circumstance. Particular attention shall be given to presenting this information in a form which is easily understood and applied by the citizens of the affected areas.

(3) The District shall notify local elected officials of any water shortage emergency declaration and remedial action required. Notice shall be by the best practicable means under the circumstances. In addition, local law enforcement officials shall be notified as soon as possible of any water shortage emergency declaration or change of water consumptive use reduction methods and means affecting their areas of responsibility.

(4) A combination of water consumptive use reduction means and methods, both voluntary and mandatory, may be implemented by the District. Other means and methods that are deemed necessary to successfully accomplish the necessary water consumptive use reductions may also be required. These means and methods will be targeted at those uses in which demand reduction is essential and where the probability of further water savings is high.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001.

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

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

DATE NOTICE OF PROPOSED RULE PUBLISHED IN FAW: June 24, 2005

DATE PROPOSED CHANGES APPROVED: May 11, 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 |

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN that the correct location of the hearing on the adoption of the above rule amendments to allow for noticing, delivery and receipt of documents through electronic media is: BROWARD COUNTY CONVENTION CENTER, 1950 Eisenhower Blvd., Fort Lauderdale, Florida 33316. The time and date of the hearing, June 14, 2006 beginning at 9:00 a.m., remains the same.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

| RULE NOS.: | RULE TITLE: |
|------------|--|
| 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 |

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WATER MANAGEMENT DISTRICTS

South Florida Water Management District

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 40E-7.520 | Scope and Applicability |
| 40E-7.527 | Hunting; Possession and Use of Firearms or Hunting Devices |
| 40E-7.538 | Special Provisions for Management Areas of the District Open to the Public |
| 40E-7.5381 | Special Provisions for Right of Way of the District |

- 40E-7.5382 Special Provisions for Vacant Undesignated District Lands
- 40E-7.5383 Special Provisions for Stormwater Treatment Areas (STA'S)
- 40E-7.5384 Special Provisions for Impoundment Areas of the District

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 32, No. 8, February 24, 2006, issue of the Florida Administrative Weekly. Changes are made on the basis of comments and recommendations received from the Joint Administrative Procedures Committee:

40E-7.520 Scope and Applicability.

(7) The following District lands are exempt from the provisions of Chapter 40E-7, Part V, F.A.C. Exemptions-

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

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

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

(d) District lands on Tribal Reservations.

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

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

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

(1) Consistent with applicable provisions of local, state and federal law, concerning hunting or the possession and use of firearms or other types of hunting devices, such as the rules of the Florida Fish and Wildlife Conservation Commission and the United States Department of Interior, Fish and Wildlife Service, hunting, unlawful possession, discharge, and use of firearms; or other types of hunting devices or trapping devices and the releasing of free-running hunting dogs are prohibited on District lands unless the land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations. Nothing contained in Chapter 40E-7, Part V, F.A.C., shall be construed to prohibit the lawful possession of concealed weapons by persons properly licensed by the State of Florida to carry concealed weapons. The prohibition on the possession and discharge of firearms or other types of hunting devices shall not apply on land approved by the District for use as a small arms shooting range.

(2) through (3) No change.

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

(5) through (9) No change.

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

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

(1) through (2) No change.

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

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

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

(c) Hunting in Ike Hammock is prohibited.

(d) Possession of a firearm or other types of hunting devices in Ike Hammock is prohibited.

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

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

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

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

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

1. All firearms and other types of hunting devices shall be unloaded.

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

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

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

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

- (1) No change.
- (2) Discharge of firearms or other types of hunting devices.
- (3) through (4) No change.
- (5) Operating any all terrain vehicles or off highway vehicles, or amphibious vehicles ~~on roads, levees, maintenance berms, or other District land unless authorized by the District. When authorized the District may specify the roads, trails, times of use and other restrictions.~~
- (6) through (12) No change.
- ~~(13) The removal of any spoil, rock or mineral formations by any person or entity without written authorization from the District.~~

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

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

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

- (1) Possession of a firearm or other types of hunting devices.
- (2) Hunting is only authorized in those vacant undesignated lands which have been opened for public hunting as provided in Rule 40E-7.525, F.A.C., if any. Hunting, unless otherwise authorized by the Governing Board and administered by the Florida Fish and Wildlife Conservation Commission.
- (3) through (6) No change.

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

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

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

- (1) The following are prohibited in all Stormwater Treatment Areas ~~unless otherwise authorized:~~
 - (a) Pets, with the exception of service animals.
 - ~~(b) Hunting, unless otherwise authorized by the Governing Board and administered by the Florida Fish and Wildlife Conservation Commission.~~
 - ~~(b)(e) Frogging.~~
 - ~~(c)(d) Fishing in areas closed to fishing within the STA's as posted by sign.~~
 - ~~(d)(e) Motorized and non-motorized vessels and boat trailers in interior waters.~~
 - ~~(e)(f) Entering interior waters.~~

(2) Hunting is only authorized in those STA's which have been opened for public hunting in accordance with Rule 40E-7.525, F.A.C.

~~(3)(2)~~ Vessels and vessel operation is permitted only on STA exterior canals under the following limitations:

- (a) Vessel and vessel operation limitations shall be posted by sign.
- (b) Vessel and vessel operation limitations ~~shall~~ may be made specific to each Stormwater Treatment Area exterior canal for: resource protection; protection of District structures, equipment, and levees; and operations; and maintenance of the STA; or as necessary to accomplish the District missions.
- (c) Vessels shall be limited as motorized or non-motorized, and by engine horsepower, engine type, and vessel type.
- (d) Vessel operation shall be limited by area, water depth, by distance from District structures, equipment, or levees, and by speed.

~~(4)(3)~~ The following vessel and vessel operations are prohibited in Stormwater Treatment Area exterior canals:

- (a) Personal watercraft.
- (b) Airboats.
- (c) Vessel operation greater than Idle Speed within 300 feet of any District, structure or equipment.
- (d) Vessel operation which causes damage to plants, injures animals or fish, or other environmental resources.
- (e) Vessel operation within an area delineated by vessel barriers.
- (f) Anchoring or tying a vessel or watercraft to a road, levee, maintenance- berm, structure, fence, tree, post, sign, gauge, data recorder, weed barrier, or vessel barrier.

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

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

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

- (1) The following are prohibited in all Impoundment Areas; ~~unless otherwise authorized:~~
 - (a) Pets with the exception of service animals, leashed animals, and animals otherwise under the effective control of the owner.
 - ~~(b) Hunting, unless otherwise authorized by the Governing Board and administered by the Florida Fish and Wildlife Conservation Commission.~~
 - ~~(b)(e) Frogging.~~
 - ~~(c)(d) Fishing in areas closed to fishing within the Impoundment Areas as posted by sign.~~
 - ~~(d)(e) Swimming, surfing, snorkeling, scuba diving or use of other underwater breathing apparatus.~~

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

(2) Hunting is only authorized in those Impoundment Areas which have been opened for public hunting in accordance with Rule 40E-7.525, F.A.C., if any.

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

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

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

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

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

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

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

(a) Personal watercraft.

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

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

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

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

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

| | |
|------------|---|
| RULE NOS.: | RULE TITLES: |
| 40E-61.020 | Scope of Part I Lake Okeechobee Drainage Basin |
| 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 |

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN that the correct location of the hearing on the adoption of the above rule amendments to allow for noticing, delivery and receipt of documents through electronic media is: BROWARD COUNTY CONVENTION

CENTER, 1950 Eisenhower Blvd., Fort Lauderdale, Florida 33316. The time and date of the hearing, June 14, 2006 beginning at 9:00 a.m., remains the same.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

| | |
|-------------|---|
| RULE NOS.: | RULE TITLES: |
| 40E-400.211 | Processing Procedures for Noticed General Permits |
| 40E-400.475 | General Permit for Minor Activities |

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN that the correct location of the hearing on the adoption of the above rule amendments to allow for noticing, delivery and receipt of documents through electronic media is: BROWARD COUNTY CONVENTION CENTER, 1950 Eisenhower Blvd., Fort Lauderdale, Florida 33316. The time and date of the hearing, June 14, 2006 beginning at 9:00 a.m., remains the same.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

| | |
|-----------|--|
| RULE NO.: | RULE TITLE: |
| 64B-5.003 | Electronic Forms to be Used to Submit Data to the Continuing Education Tracking System |

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 21, of the May 27, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments and a meeting with staff of the Joint Administrative Procedures Committee with regard to how to incorporate electronic forms by reference in the rule. The rule as amended to address JAPC concerns shall read as follows:

Approved providers submitting required continuing education information and licensees who go on line to self submit continuing education information pursuant to Rule 64B-5.002, F.A.C., shall use the following forms effective May 2006, which are adopted and incorporated herein by reference, found at www.cebroke.com or may be obtained from the Division of Medical Quality Assurance at 4052 Bald Cypress Way, Bin C01, Tallahassee, Florida 32399:

- (1) Apply to be CE Provider – form DH-MQA-CEB-1, May 2006
- (2) Add Course – form DH-MQA-CEB-2, May 2006

- (3) Publish Course – form DH-MQA-CEB-3, May 2006
- (4) Add Location – form DH-MQA-CEB-4, May 2006
- (5) Submit Course Completion Outline – form DH-MQA-CEB-5, May 2006
- (6) Upload Course Completion – form DH-MQA-CEB-6, May 2006
- (7) Generate Scan Cards – form DH-MQA-CEB-7, May 2006
- (8) Renew CE Providership – form DH-MQA-CEB-8, May 2006
- (9) Licensee Self-Submit – form DH-MQA-CEB-9, May 2006
- (10) Add Instructor – form DH-MQA-CEB-10, May 2006.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Knepton, Program Operations Administrator, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, Bin C-01, Tallahassee, Florida 32399-3251.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-14.001 RULE TITLE: Request for Retired Status

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, of the March 10, 2006, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows: The rule shall now read:

A licensee with an active or inactive license may choose retired status by submitting a written request to the Board and remitting the retired status fee set out in Rule 64B19-12.013, F.A.C. and, if applicable, the change of status fee set out in Rule 64B19-12.006, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-14.003 RULE TITLE: Reactivation of Retired Status Licenses

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, of the March 10, 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. The changes are as follows:

- 1. Subsection (1)(b) shall now read: “Paying the reactivation fee set out in Rule 64B19-12.006, F.A.C.;
- 2. Subsection (1)(d) shall now read: “Paying any owed delinquency fee set out in Rule 64B19-12.0085, F.A.C.; and”
- 3. Subsection (1)(e) shall now read: “Paying any owed change of status fee set out in Rule 64B19-12.006, F.A.C.”
- 4. Subsection (2)(d) shall now read: “Paying any owed delinquency fee set out in Rule 64B19-12.0085, F.A.C.;
- 5. Subsection (2)(e) shall now read: “Paying any owed change of status fee set out in Rule 64B19-12.006, F.A.C.; and”

6. In addition the following citations shall be added to the Specific Authority 490.004(4), 490.007(2) FS.

7. In addition the following citation shall be added to the Law Implemented 490.007(2) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255.

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.”

STATE BOARD OF ADMINISTRATION

RULE NO.: 19ER06-1 (19-8.010) RULE TITLE: Reimbursement Contract

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The 2006 Legislature passed CS/CS for SB 1980 on Friday, May 5, 2006. This legislation affects the Reimbursement Contract as a whole and specifically impacts options available in the Contract. The Contract (and selected options) must be signed and returned to the Florida Hurricane Catastrophe Fund (FHCF) prior to the June 1, 2006, commencement of the hurricane season. Given the short time frame in which these documents must be reviewed, options chosen and returned to the FHCF and the imminent onset of the 2006 hurricane season, emergency rulemaking is necessary.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Prior to the passage of the law, the FHCF brought the proposed

emergency rules before the Advisory Council on May 11, 2006, during a regularly scheduled meeting. The meeting, which was open to the public, was noticed on the FHCF website, and a notice was mailed to every person or entity on the FHCF's mailing list. In addition, the proposed emergency rules and the incorporated forms have been placed on the website.

SUMMARY: Rule 19ER06-1, is titled "Reimbursement Contract". Subsection (12) of this rule incorporates the reimbursement contract for the 2006-2007 contract year that participating insurers must sign and return to the FHCF by June 1, 2006. Since the reimbursement contract must be amended to reflect those legislative changes, subsection (12) of this rule has been amended to reflect that the reimbursement contract now includes three addenda. The changes made to the contract are summarized as follows:

Addendum No. 1: The definition of "losses" in Article VI(4) is amended to clarify that losses covered by the FHCF do not include "rent or rental income." The language in Article X, which quoted language in Section 215.555(4)(d)2., F.S., which was stricken in CS/CS SB 1980 was removed and the references to the rapid cash build-up in Articles V(16) and Article X were amended to reflect the amendments to Section 215.555(5)(b), F.S. which requires the inclusion of a 25% rapid cash build-up factor in the reimbursement premium formula.

Addendum No. 2: This Addendum, which addresses a new option created in CS/CS for SB 1980 which allows limited apportionment companies to obtain up to \$10 million dollars in additional FHCF coverage, must be completed by all limited apportionment companies and allows them to select from \$0 up to \$10 million in additional coverage. The Addendum also provides information on the cost and payment timeline for such additional coverage and clarifies that other provisions of the Reimbursement Contract, to which the Addendum is attached are applicable to the Addendum.

Addendum No. 3.: This Addendum addresses the changes to Section 215.555(5), F.S. which created a procedure by which Citizens Property Insurance Corporation ("Citizens") could obtain FHCF coverage for policies when Citizen's takes over policies from a liquidated insurer. The law allows Citizens to choose whether to include such policies under its Reimbursement Contract with the FHCF or to accept an assignment of the liquidated insurer's Reimbursement Contract with the FHCF. Addendum No. 3. provides the information on these new options, provides the form on which to make the option and provides the requirements, procedures and timeframes for selecting the option with respect to each transfer of policies from a liquidated insurer to Citizens.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER06-1 Reimbursement Contract.

(1) through (11) No change.

(12) The reimbursement contract for the 2006-2007 contract year, as amended by Addendums 1., 2., and 3., required by Section 215.555(4), F.S., which is called Form FHCF-2006K – "Reimbursement Contract" or "Contract" between (name of insurer) (the "Company")/NAIC #() and The State Board of Administration of the State of Florida ("SBA") which Administers the Florida Hurricane Catastrophe Fund ("FHCF"), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2006 through May 31, 2007.

(13) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History–New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06._____.

THIS EMERGENCY RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE: May 17, 2006

DEPARTMENT OF THE LOTTERY

RULE NO.:
53ER06-27

RULE TITLE:
Instant Game Number 648,
DOUBLE DOUGH

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 648, "DOUBLE DOUGH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-27 Instant Game Number 648, DOUBLE DOUGH.

(1) Name of Game. Instant Game Number 648, "DOUBLE DOUGH."

(2) Price. DOUBLE DOUGH lottery tickets sell for \$1.00 per ticket.

(3) DOUBLE DOUGH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning DOUBLE DOUGH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The play symbols and play symbol captions are as follows:




(5) The "PRIZE" symbols and prize symbol captions are as follows:




(6) The legend is as follows:

PRIZE

(7) Determination of Prizewinners. A ticket having three

 "DBILL" symbols in the same row, column or diagonal, shall entitle the claimant to the corresponding prize shown in the

"PRIZE" box. A ticket having three  "DUBL" symbols in the same row, column or diagonal, shall entitle the claimant to double the corresponding prize shown in the "PRIZE" box. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$250 and \$500. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a \$1.00 instant ticket, except as follows. A person who submits by mail a DOUBLE DOUGH lottery ticket that entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 648 are as follows: .

| GAME PLAY | WIN | ODDS OF | NUMBER OF |
|----------------|------------|---------|-----------------|
| | | 1 IN | WINNERS IN |
| | | | 56 POOLS OF |
| | | | 180,000 TICKETS |
| | | | PER POOL |
| TICKET | \$1 TICKET | 10.00 | 1,008,000 |
| \$1 | \$1 | 15.00 | 672,000 |
| \$1 (MONEYBAG) | \$2 | 25.00 | 403,200 |
| \$2 | \$2 | 50.00 | 201,600 |
| \$2 (MONEYBAG) | \$4 | 150.00 | 67,200 |
| \$4 | \$4 | 150.00 | 67,200 |
| \$5 | \$5 | 75.00 | 134,400 |
| \$5 (MONEYBAG) | \$10 | 300.00 | 33,600 |
| \$10 | \$10 | 300.00 | 33,600 |
| \$25 | \$25 | 300.00 | 33,600 |

| | | | |
|-----------------|-------|--------------|-------|
| \$25 (MONEYBAG) | \$50 | 1,285.71 | 7,840 |
| \$50 | \$50 | 4,500.00 | 2,240 |
| \$50 (MONEYBAG) | \$100 | 15,000.00 | 672 |
| \$100 | \$100 | 15,000.00 | 672 |
| \$250 | \$500 | 296,470.59 | 34 |
| (MONEYBAG) | \$500 | 1,008,000.00 | 10 |

(9) The estimated overall odds of winning some prize in Instant Game Number 648 are 1 in 3.78. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 648, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a DOUBLE DOUGH lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for DOUBLE DOUGH lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-11-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE: May 11, 2006

DEPARTMENT OF THE LOTTERY

RULE NO.:
53ER06-28

RULE TITLE:
Instant Game Number 647, GOLD 7's

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 647, "GOLD 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-28 Instant Game Number 647, GOLD 7's.

(1) Name of Game. Instant Game Number 647, "GOLD 7's."

(2) Price. GOLD 7's lottery tickets sell for \$2.00 per ticket.

(3) GOLD 7's lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning GOLD 7's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, Florida Administrative Code.

(4) The black play symbols and play symbol captions are as follows:

| | | | | | |
|---------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 1 ONE | 2 TWO | 3 THREE | 4 FOUR | 5 FIVE | 6 SIX |
| 7 BKSEV | 8 EIGHT | 9 NINE | 10 TEN | 11 ELEVN | 12 TWELV |
| 13 THR TN | 14 FORTN | 15 FIFTN | 16 SIXTN | 18 EGHTN | 19 NINTN |
| 20 TWENTY | | | | | |

(5) The gold play symbols and play symbol captions are as follows:

| | | | | | |
|---------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| 1 ONE | 2 TWO | 3 THREE | 4 FOUR | 5 FIVE | 6 SIX |
| 7 GOSEV | 8 EIGHT | 9 NINE | 10 TEN | 11 ELEVN | 12 TWELV |
| 13 THR TN | 14 FORTN | 15 FIFTN | 16 SIXTN | 18 EGHTN | 19 NINTN |
| 20 TWENTY | | | | | |

(6) The prize symbols and prize symbol captions are as follows:

| | | | | | |
|----------------|---------------|---------------|----------------|----------------|-----------------|
| TICKET | \$1.00 | \$2.00 | \$5.00 | \$10.00 | \$25.00 |
| TICKET | ONE | TWO | FIVE | TEN | TRY FIVE |
| \$50.00 | \$100 | \$500 | \$1,000 | \$2,000 | \$17,000 |
| FIFTY | ONE HUN | FIVE HUN | ONE THO | TWO THO | SVTN THO |

(7) Determination of Prizewinners. A ticket having a black

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"BKSEV" symbol in the play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket having

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a gold "GOSEV" symbol in the play area shall entitle the claimant to double the corresponding prize shown for that symbol. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, \$1,000, \$2,000 and \$17,000. A claimant who is entitled to a prize of a "TICKET" shall be

entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a GOLD 7's lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 647 are as follows:

| GAME PLAY | WIN | ODDS OF 1 IN | NUMBER OF WINNERS IN 114 POOLS OF 180,000 TICKETS PER POOL |
|-------------------------------|------------|--------------|--|
| TICKET | \$2 TICKET | 10.00 | 2,052,000 |
| \$2 | \$2 | 25.00 | 820,800 |
| \$2 x 2 | \$4 | 37.50 | 547,200 |
| \$1 + (\$2 x 2) | \$5 | 37.50 | 547,200 |
| \$5 | \$5 | 37.50 | 547,200 |
| \$1 + (\$2 x 2) + \$5 | \$10 | 150.00 | 136,800 |
| \$5 (GOLD SEVEN) | \$10 | 50.00 | 410,400 |
| \$10 | \$10 | 150.00 | 136,800 |
| \$5 x 5 | \$25 | 150.00 | 136,800 |
| (\$5 x 2) + (\$10 x 4) | \$50 | 1,200.00 | 17,100 |
| \$25 (GOLD SEVEN) | \$50 | 600.00 | 34,200 |
| \$50 | \$50 | 1,200.00 | 17,100 |
| \$10 x 10 | \$100 | 9,000.00 | 2,280 |
| \$50 (GOLD SEVEN) | \$100 | 3,600.00 | 5,700 |
| \$100 | \$100 | 9,000.00 | 2,280 |
| \$100 (GOLD SEVEN) | \$200 | 22,500.00 | 912 |
| \$500 (GOLD SEVEN) | \$1,000 | 394,615.38 | 52 |
| \$1,000 | \$1,000 | 2,565,000.00 | 8 |
| (\$2,000 x 7) + (\$1,000 x 3) | \$17,000 | 5,130,000.00 | 4 |
| \$17,000 | \$17,000 | 5,130,000.00 | 4 |

(9) The estimated overall odds of winning some prize in Instant Game Number 647 are 1 in 3.79. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 647, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a GOLD 7's lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for GOLD 7's lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 5-11-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE:
EFFECTIVE DATE: May 11, 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.”

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

The Commission for Independent Education hereby gives notice of the issuance of an Order regarding the Petition for Variance for Florida School of Holistic Bodywork, Inc., License #3071. The Notice of Petition for Variance was published in Vol. 32, No. 5, of the February 3, 2006, Florida Administrative Weekly. The Commission considered the instant Petition at a duly-noticed public meeting held on March 22, 2006. The Commission’s Order, filed on April 19, 2006, denies the Petition, finding that Petitioner has not established that the purpose of the underlying statute would be met by granting a variance or waiver from subsection 6E-2.004(6), Florida Administrative Code, which is entitled “Standards and Procedures for Licensure.” The Commission further finds that Petitioner has failed to establish that applying the requirements of the aforementioned Rule to the institution’s circumstances would violate principles of fairness or impose substantial hardship.

A copy of the Commission’s Order may be obtained by contacting: Samuel L. Ferguson, Executive Director, Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 W. Gaines St., Suite 1414, Tallahassee, Florida 32399-2400.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on May 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 The Crepevine located in Tallahassee. The above referenced F.A.C. states, “...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....” They are requesting a variance to add an additional twelve (12) seats for a total of twenty-two (22) seats which exceeds the seating capacity with only one accessible bathroom facility accessible to customers.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed March 15, 2006 and advertised in FAW Vol. 32, No. 15, by Steve Powell of KONE, Inc. regarding Laguna at Riviera Dunes IV in Palmetto, FL (VW 2006-080). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed March 15, 2006 and advertised in FAW Vol. 32, No. 15, by Steve Powell of KONE, Inc.

regarding Laguna at Riviera Dunes III in Palmetto, FL (VW 2006-079). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed March 9, 2006 and advertised in FAW Vol. 32, No. 15, by Steve Powell of KONE, Inc. regarding Parking Structure Phase I: University of South FL in St. Petersburg, FL (VW 2006-077). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed March 10, 2006 and advertised in FAW Vol. 32, No. 12, by Steve Powell of KONE, Inc. regarding Dolecevita at Singer Island in Palm Beach Shores, FL (VW 2006-063). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed March 10, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Steve Powell of KONE, Inc. regarding The Boulevard in Jacksonville Beach, FL (VW 2006-064). The variance granted a waiver from Rules

2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed March 6, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Steve Powell of KONE, Inc. regarding Boca Lago at Vivante in Punta Gorda, FL (VW 2006-061). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed February 17, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Steve Powell of KONE, Inc. regarding Madison Ave Complex in Tampa, FL (VW 2006-051). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed February 17, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Steve Powell of KONE, Inc. regarding City of Deland, 120 S. Florida Ave in Deland, FL (VW 2006-052). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code.

The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed February 17, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Steve Powell of KONE, Inc. regarding Bella Vista in Daytona Beach Shores, FL (VW 2006-053). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed February 17, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Steve Powell of KONE, Inc. regarding Bay Club I in Palmetto, FL (VW 2006-054). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Request in response to a petition filed February 13, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Steve Powell of KONE, Inc. regarding Hampton Inn in Pinellas Park, FL (VW 2006-043). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the

petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 4, 2006, it issued an Order Granting Variance Request in response to a petition filed February 3, 2006 and advertised in the F.A.W. Vol. 32, No. 8, by Steve Powell of KONE, Inc. regarding Advance Medical Imagine in Port St. Lucie, FL (VW 2006-020). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 9, 2006 and advertised in the F.A.W. Vol. 32, No. 8, by Patricia Serley of Otis Elevator regarding Ocean Reef in Panama City Beach (VW2006-026). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 9, 2006 and advertised in the F.A.W. Vol. 32, No. 8, by leLaine Koutebera of Otis Elevator regarding The Residence at Sandpearl in Clearwater Beach (VW2006-027). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 9, 2006 and advertised in the F.A.W. Vol. 32, No. 8, by leLaine Koutebera of Otis Elevator regarding The Sandpearl Resort in Clearwater Beach (VW 2006-028). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 9, 2006 and advertised in the F.A.W. Vol. 32, No. 8, by leLaine Koutebera of Otis Elevator regarding The Water's Edge in Clearwater (VW 2006-029). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 9, 2006 and advertised in the F.A.W. Vol. 32, No. 8, by leLaine Koutebera of Otis Elevator regarding Harbour Watch at Island Estates in Clearwater (VW 2006-030). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 9, 2006 and advertised in the F.A.W. Vol. 32, No. 8, by leLaine Koutebera of Otis Elevator regarding The University of Tampa Residence Hall VI in Tampa (VW 2006-031). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 13, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Jim Childers of Otis Elevator regarding Meridian at One North Ocean Group 1 in Boca Raton (VW 2006-040). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued three Orders Granting Variance Requests in response to a petitions filed on February 13, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Jim Childers of Otis Elevator regarding Meridian at One North Ocean Group 2, Group 3 and Group 4 in Boca Raton (VW 2006-037 through 039). The petitions sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Orders can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 22, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Robert Gerdt of Otis Elevator regarding Palms at Riviera Dunes in Palmetto (VW 2006-056). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on March 7 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Patricia Serley of Otis Elevator regarding Presidio Condominium in Ft. Walton Beach (VW 2006-062). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on March 1, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Patricia Serley of Otis Elevator regarding Sailmaker's Place Condominium in Pensacola (VW 2006-060). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 20, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Patricia Serley of Otis Elevator regarding Lost Key-Galia in Pensacola (VW 2006-055). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 16, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Patricia Serley of Otis Elevator regarding Splash Condominium in Panama City Beach (VW 2006-049). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 16, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Patricia Serley of Otis Elevator regarding Palms Resort and Conference Center in Destin (VW 2006-050). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 14, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Patricia Serley of Otis Elevator regarding Capri Condominium in Perdido Key (VW 2006-045). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 14, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Patricia Serley of Otis Elevator regarding Marina Landing Condominium in Panama City Beach (VW 2006-044). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 10, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Patricia Serley of Otis Elevator regarding Grand Panama Beach Resort in Panama City Beach (VW 2006-035). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on March 27, 2006 and advertised in the F.A.W. Vol. 32, No. 15, by Patricia Serley of Otis Elevator regarding Magnolia Bay Club in Panama City Beach (VW 2006-081). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on February 10, 2006 and advertised in the F.A.W. Vol. 32, No. 12, by Patricia Serley of Otis Elevator regarding Palazzo Condominium Tower in Panama City Beach (VW 2006-036). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on May 5, 2006, it issued an Order Granting Variance Requests in response to a petition filed on March 22, 2006 and advertised in the F.A.W. Vol. 32, No. 15, by leLainya Koutebera of Otis Elevator regarding USF Health-South Pavilion in Tampa (VW 2006-076). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that April 17, 2006, it issued an Order Granting Variance Request in response to a petition filed January 17, 2006 and advertised in the F.A.W. Vol. 32, No. 5, by Steve Powell of KONE, Inc. regarding The Hammocks at Cape Haze in Englewood, FL (VW 2006-007). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that April 12, 2006, it issued an Order Denying Emergency Variance Request in response to a petition filed March 16, 2006 and advertised in the F.A.W. Vol. 32, No. 13, by John X. Michelena of Architectural Resource Group, Inc. regarding Westwood Center, License Number 87138 (VW 2006-073). The order denied the variance request from Chapters 101.3c(4), 101.3c(5) and 101.3b(1), A.S.M.E. 17.1, 1996 Edition with 1999 addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring a permanent, fixed stair/ladder at a maximum 60 degree inclination from horizontal, a platform of fixed size at the top of the access stair/ladder and a vertical door at the top of the access stair/ladder. The petitioner had requested to not have a permanent, fixed stair/ladder at a maximum 60 degree inclination from horizontal, a platform of fixed size at the top of the access stair/ladder and a vertical door at the top of the access stair/ladder. The petition was denied as the petitioner failed to demonstrate how the proposed configuration would achieve the purpose of the underlying rule.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on May 9, 2006, the Bureau of Elevator Safety received a Petition for Emergency Variance from Chapter 300.8g, A.S.M.E. 17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring a 42 inch refuge space at the top of the elevator car enclosure. The petition was received

from Mitchell Cox of Control Dynamics, Inc. on behalf of Greer Live/Work, located in Rosemary Beach, Florida (Petition VW 2006-131).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on May 9, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from the LarryQ BBQ located in Deerfield Beach. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for thirty (30).

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on May 5, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance Request for subsection 61C-4.010(7), Florida Administrative Code from the Pelican Bay Cafe located in Boca Raton. The above referenced Florida Administrative Code, states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for twenty-three (23).

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on May 9, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Juan J.J. located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as

specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

The Board of Accountancy hereby gives notice that it has received a petition, filed on May 9, 2006, by Pamela Childers, 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 at (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 Medicine hereby gives notice that it has received a petition filed on behalf of Daniel Logan, M.D., on April 24, 2006, seeking a waiver or variance from Rule 64B8-4.004, F.A.C., with regard to the requirement that one year of approved residency training be completed in a single program. Comments on this petition should be filed with: The Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Osteopathic Medicine hereby gives notice that it has received a Petition for Variance or Waiver filed on April 17, 2006 on behalf of Virtual Medical Group, Inc., a physician owned California corporation providing medical services to

patients through physicians located in various states. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver of the provisions of Rule 64B15-14.008, F.A.C. ("Standards for Telemedicine Practice"). Specifically, the Petitioner requests a waiver and variance from the portion of Rule 64B15-14.008, F.A.C., that requires a documented physical examination by the prescribing physician which includes a face to face encounter before any prescription or treatment recommendation may be made for minor, non-emergent conditions on the grounds that such a requirement eliminates the ability of Petitioner's physicians to provide necessary medical services to a growing population of patients who prefer the privacy and convenience of their personal computers and telephones to in-person office visits for aforementioned minor, non-emergent conditions.

Copies of the petition may be obtained by writing: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources**, Bureau of Historic Preservation announces a public meeting to which all persons are invited.

FOLKLIFE APPRENTICESHIP ADVISORY COMMITTEE MEETING

DATE AND TIME: Friday, June 9, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Spoonbill Room, Eckerd College, 4200 54th Avenue, South, St. Petersburg, Florida 33711

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for the 2006-2007 Florida Folklife Apprenticeship Program.

A copy of the agenda may be accessed by contacting: Tina Bucuvalas, Florida Folklife Program, Bureau of Historic Preservation, 500 S. Bronough St., Tallahassee, FL 32399-0250, (850)245-6333 or tbucuvalas@dos.state.fl.us

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Historical Resources will not record this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division by the 2nd day of June, 2006, if you need an accommodation. Please contact Tina Bucuvalas at (850)245-6333 or tbucuvalas@dos.state.fl.us

The **Department of State, Division of Cultural Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: June 2, 2006, 10:00 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 305B, 500 S. Bronough St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct an organizational meeting via conference call with incorporators of Citizens for Florida Arts, Inc., a nonprofit citizens support organization in order to adopt bylaws, and act on any other business brought before the meeting.

For more information, contact: Patricia A. Warren, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6467 or pawarren@dos.state.fl.us

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Commission on the Status of Women** will hold a meeting to discuss general issues to which all persons are invited.

DATE AND TIME: Saturday, June 10, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: Hyatt Regency Orlando Airport Hotel, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234, Toll Free 1(800)228-9548, Fax (407)856 1672

Please call (850)414-3300 for instructions on participation. If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council.

DATE AND TIME: Thursday, June 8, 2006, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call Louise King at (305)401-1502.

DEPARTMENT OF EDUCATION

The **Florida Center for Advising & Academic Support (FCAAS)** announces a public meeting to which all persons are invited.

DATE AND TIME: June 2, 2006, 10:30 a.m. – 12:30 p.m.

PLACE: Conference Call (850)414-1707

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the FCAAS Board will be held to discuss ongoing development and administration of the FACTS.org project.

A copy of the agenda may be obtained by writing: FCAAS, 325 West Gaines Street, Suite 1454, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact Patricia Horton, FCAAS, (850)245-0518, at least seven days in advance so their needs can be accommodated.

The Direct Support Organization of the Florida **Division of Blind Services** announces the following Board of Directors Meeting.

DATE AND TIME: June 7, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Florida Diagnostic & Learning Resources System, Manhattan Center, 410 West Bay Villa Avenue, Tampa FL 33611-1206

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Report and Briefing on FDLRS.

A copy of the agenda may be obtained by contacting: Gil Robinson, 4700 Millenia Blvd., Suite 175, Orlando FL 32839, (407)210-6607.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meeting, the person will need a record of the proceedings.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the individual listed above no later than three working days prior to the meeting.

The **Department of Education**, Education Commissioner John L. Winn announces the June training of the State Instructional Materials Committees.

DATES AND TIME: June 14, 2006, 8:30 a.m.; June 15, 2006, adjourn at approximately 2:00 p.m.

PLACE: The Orlando Marriott, Lake Mary, 1501 International Parkway, Lake Mary, FL 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committees will learn how to evaluate instructional materials that were submitted for consideration by publishers in May of 2006.

This meeting is open to the public. Copies of the agenda, committee rosters, and further information about this meeting may be obtained by contacting the Department of Education, Instructional Materials Office at (850)245-0425.

The Florida **Department of Education**, State Advisory Committee for the Education of Exceptional Students, announces the following public meeting to which all interested persons are invited.

DATES AND TIMES: Monday, June 26, 2006, 8:30 a.m. – 5:00 p.m.; Tuesday, June 27, 2006, 8:30 a.m. – 12:00 Noon. Meeting times may be adjusted at the discretion of the Committee.

PLACE: Renaissance Vinoy Resort and Golf Club, 501 Fifth Avenue, Northeast, St. Petersburg, Florida, (727)894-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative update, Exceptional Student Education (ESE) update, and a work session on proposed revisions to ESE program rules.

A copy of the agenda may be obtained by writing: State Advisory Committee, Bureau of Exceptional Education and Student Services, Florida Department of Education, 614 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, or by calling the Bureau, (850)245-0475 or Suncom 205-0475.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau in advance by calling the number indicated above.

DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, June 15, 2006, 1:00 p.m. – 5:00 p.m.; Friday, June 16, 2006, 8:30 a.m. – 12:00 Noon

PLACE: The Wyndham Miami Beach Resort (also known as “Miami Beach Resorts & Spa”), 4833 Collins Avenue, Miami Beach, Florida 33140, (305)532-3600

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Violent Crime and Drug Control Council and any other interested individuals will meet to hear presentations and discuss issues relating to violent crime and multi-agency or statewide drug control or illicit money laundering investigative or task force efforts.

A copy of the agenda may be obtained by writing: Government Analyst Joyce Gainous-Harris, Florida Department of Law Enforcement, Division of Criminal Investigations & Forensic Science Services, Office of Statewide Intelligence, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-7096.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850) 410-7900, (Voice) or (850)656-9597, (TDD), at least five working days before such proceeding.

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: June 13, 2006, 1:00 p.m. – Open

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case Agenda can be obtained by calling: Brenda Presnell, (850)410-8648, at the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, P. O. Box 1489, Tallahassee, Florida 32302.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt at (850)410-8615, at least 2 weeks prior to the meeting.

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: June 13, 2006, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule Chapter 12A-16, F.A.C. (Rental Car Surcharge). A Notice of Proposed Rulemaking for the proposed rule changes was published in the Florida Administrative Weekly on January 13, 2006 (Vol. 32, No. 2, pp. 84-85). A Notice of Change was published in the Florida Administrative Weekly on April 14, 2006 (Vol. 32, No. 15, p. 1665).

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: June 20, 2006, 6:30 p.m.

PLACE: The Price Martin Community Center, 220 N. 11th Street, Palatka, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project ID: 210028-1; otherwise known as SR-15/US-17 from CR-309 in Satsuma to SR-20/SR-100 in San Mateo, Putnam County, Florida. The Florida Department of Transportation will present the findings of the Project Development and Environmental Study. The proposed project is recommending two additional lanes of roadway be constructed to provide capacity. Additional right of way will be required.

Anyone needing project or public hearing information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call telephone number (386)758-3700 or (800)749-2967. Special accommodations requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the Public Hearing.

A copy of the agenda may be obtained by writing to: Mr. Charles Baldwin, District Secretary, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, Lake City, Florida 32025-5874.

NOTICE OF CORRECTION – The Florida **Department of Transportation**, District 7 invites you to attend and participate in Public Hearing proceedings for the State Road 52 (SR 52) Project Development and Environment (PD&E) Study Reevaluation. The proposed project involves improving SR 52 from east of the Suncoast Parkway to west of I-75 in Pasco County, FPN: 256243-1, FAP No.: 1851-108. The Public Hearing record for this project was opened on Thursday, May 25, 2006, at Bethel Baptist Church, 18935 Michigan Lane, Spring Hill (Land O'Lakes) and will conclude at the following location:

DATE AND TIME: Thursday, June 8, 2006, 11:00 a.m. – 12:00 Noon

PLACE: It should be noted that this announcement has been submitted to correct the location advertised on May 19, 2006. The hearing will conclude at: Historic Pasco County Courthouse, 37918 Meridian Avenue, Dade City, Florida 33525.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing proceedings are being held to allow interested persons the opportunity to provide comments concerning the

recommended "Build" Alternative for the project. The project proposes improving SR 52 from two to six lanes between the Suncoast Parkway and I-75.

The Public Hearing 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 considerations under the Americans with Disabilities Act of 1990 should contact Gabor Farkasfalvy, Project Manager, (813)975-6455 or (800)226-7220.

Written comments not received at the hearing conclusion may be submitted to the Department via mail but must be postmarked by Monday, June 19, 2006 to become part of the official Public Hearing record. Written comments should be addressed to: Robert M. Clifford, AICP, Modal Planning and Development Manager, Florida Department of Transportation, District Seven; 11201 N. McKinley Drive, MS 7-500, Tampa, Florida 33612.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

The **Florida Prepaid College Program Board** announces a public workshop to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, June 7, 2006, 1:00 p.m. or soon thereafter

PLACE: Valencia Community College, East Campus, Building 5, Room Number 112, 701 N. Econlockhatchee Trail, Orlando, Florida 32825

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a workshop with the Board's Investment Consultant concerning the Board's investment policies.

A copy of the agenda may be obtained by writing to: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, June 8, 2006, 9:00 a.m. or soon thereafter

PLACE: Valencia Community College, East Campus, Building 5, Room Number 112, 701 N. Econlockhatchee Trail, Orlando, Florida 32825

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Thursday, June 8, 2006, 10:30 a.m. or soon thereafter

PLACE: Valencia Community College, East Campus, Building 5, Room Number 112, 701 N. Econlockhatchee Trail, Orlando, Florida 32825

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by writing to: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces an emergency public meeting of the Executive Director Search Committee to which all persons are invited.

DATE AND TIME: Wednesday, May 17, 2006, 8:00 a.m.

PLACE: Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss results of the executive director candidate interviews and to consider a recommendation for presentation to the Florida Citrus Commission 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 (863)499-2499.

FLORIDA PAROLE COMMISSION

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

DATE AND TIME: Wednesday, June 14, 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.

A copy of the Agenda may be obtained by writing to the: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450 or may be viewed at <http://www.fpc.state.fl.us>

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). 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 that pursuant to Order No. PSC-06-0404-PCO-EI, issued May 12, 2006, the Prehearing Conference and service hearings previously scheduled in the following docket have been CANCELLED.

Docket No.: 060154-EI – In re: Petition for issuance of storm recovery financing order pursuant to Section 366.8260, F.S. (2005), by Gulf Power Company.

CANCELLED: Prehearing Conference, May 26, 2006, 9:30 a.m.

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

The service hearings previously for the following times and places have also been CANCELLED:

DATE AND TIME: Wednesday, May 17, 2006, 6:00 p.m. – 9:00 p.m. (central time)

PLACE: University of West Florida, University Commons Auditorium (Building 22), 11000 University Parkway, Pensacola, Florida 32514

DATE AND TIME: Thursday, May 18, 2006, 10:00 a.m. – 1:00 p.m. (central time)

PLACE: University of West Florida, University Commons Auditorium (Building 22), 11000 University Parkway, Pensacola, Florida 32514

DATE AND TIME: Tuesday, May 23, 2006, 10:00 a.m. – 1:00 p.m. (central time)

PLACE: Panama City Commission Meeting Room, 9 Harrison Avenue, Panama City, FL 32402

In the event that the Prehearing Conference or Service Hearings are rescheduled, a separate notice will be issued providing the new dates and times for those events.

NOTICE OF CANCELLATION – The Florida **Public Service Commission** announces that pursuant to Order No. PSC-06-0404-PCO-EI, issued May 12, 2006, the Hearing previously scheduled in the following docket has been CANCELLED.

Docket No.: 060154-EI – In re: Petition for issuance of storm recovery financing order pursuant to Section 366.8260, F.S. (2005), by Gulf Power Company.

CANCELLED: Hearing

DATES AND TIME: May 31, 2006; June 1-2, 2006, 9:30 a.m.

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

In the event that the Hearing is rescheduled, a separate notice will issue providing the new date and time for that event.

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

Docket No.: 050587-WS – Application for Staff-Assisted Rate Case in Charlotte County by MSM Utilities, LLC.

DATE AND TIME: Thursday, June 8, 2006, 6:00 p.m.

PLACE: The Oaks at Rivers Edge Community Clubhouse, 1601 Hunter Creek Drive, Punta Gorda, Florida 33982

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed water and wastewater rate increase, and to ask questions and comment on other issues.

Any person requiring some accommodation at the customer meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting.

Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 040384-WS – Application for amendment to Certificates 247-W and 189-S in Seminole County by Sanlando Utilities Corporation.

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

PLACE: Longwood Comfort Inn & Conference Center, 2025 West SR 434, Longwood, Florida

Customer testimony will be taken on June 13, 2006, 10:00 a.m. and 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the application for amendment to Certificates 247-W and 189-S in Seminole County by Sanlando Utilities Corporation, 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 June 5, 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).

REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited.

DATE AND TIME: Wednesday, June 14, 2006, 9:30 a.m.

PLACE: DeSoto County Courthouse, 201 East Oak Street, Arcadia, Florida 34266

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing to: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

COMMISSION ON ETHICS

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

DATE AND TIME: Friday, June 9, 2006, 8:30 a.m.

PLACE: The Knott Building, 111 W. St. Augustine Street, Room 212, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting the Commission on Ethics at (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFWMD) announces the following meetings that some Governing and Basin Board Members may attend and to which the public is invited.

MANATEE CHAMBER WATER ALTERNATIVES COMMITTEE

DATE AND TIME: Friday, June 2, 2006, 8:00 a.m.

PLACE: Manatee Chamber Building, 222 10th Street, West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Committee business.

COASTAL RIVERS BASIN BOARD MEETING

DATE AND TIME: Tuesday, June 6, 2006, 1:00 p.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business including discussion of the Fiscal Year 2007 budget and adoption of proposed millage.

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING

DATE AND TIME: Wednesday, June 7, 2006, 9:00 a.m.

PLACE: Clearwater City Hall, 112 South Osceola Avenue, Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business including discussion of the Fiscal Year 2007 budget and adoption of proposed millage.

ALAFIA RIVER BASIN BOARD MEETING

DATE AND TIME: Thursday, June 8, 2006, 9:30 a.m.

PLACE: Tampa Service Office, 7601 U.S. 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business including discussion of the Fiscal Year 2007 budget and adoption of proposed millage.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING

DATE AND TIME: Thursday, June 8, 2006, 1:30 p.m.

PLACE: Tampa Service Office, 7601 U.S. 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business including discussion of the Fiscal Year 2007 budget and adoption of proposed millage.

PEACE RIVER BASIN BOARD MEETING

DATE AND TIME: Friday, June 9, 2006, 9:30 a.m.

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business including discussion of the Fiscal Year 2007 budget and adoption of proposed millage.

These are public meetings/agendas are available by contacting: The Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4615, TDD only, 1(800)231-6103 (Florida only), Fax (352)754-6874.

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

Water Resources Advisory Commission (WRAC) Issue Workshop on Kissimmee Basin Water Supply Plan Update
 DATE AND TIME: June 2, 2006, 9:30 a.m.

PLACE: Osceola county agricultural Extension Office, 1901 East Irlo Bronson Memorial Highway, Kissimmee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the draft of the Kissimmee Basin Water Supply Plan Update.

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

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

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

Those who want more information, please contact: Chris Sweazy, Kissimmee Basin Water Supply Plan Manager, Water Supply Department, Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809, (407)858-6100, ext. 3822.

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

Water Resources Advisory Commission (WRAC) Issue Workshop on Lower West Coast Water Supply Plan Update
 DATE AND TIME: June 5, 2006, 9:30 a.m.

PLACE: Bonita Springs City Hall, Council Chambers, 9101 Bonita Beach Road, Bonita Springs, FL 34135, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the draft of the Lower West Coast Water Supply Plan Update.

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

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally

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

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

Those who want more information, please contact: Mike Coates, Lower West Coast Water Supply Plan Manager, Lower West Coast Regional Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901, (239)338-2929, ext. 7755.

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

DATES AND TIMES: Wednesday, June 7, 2006, 10:00 a.m. – until complete. Future meetings will be on July 5, 2006; August 2, 2006; September 6, 2006; October 4, 2006; November 1, 2006; and December 6, 2006, times to be determined.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Finance Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: (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 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 District Clerk, at (561)682-2087. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130 West Palm Beach, FL 33406.

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

DATES AND TIMES: Wednesday, June 7, 2006, 2:00 p.m. – until complete. Future meetings will be on July 5, 2006; August 2, 2006; September 6, 2006; October 4, 2006; November 1, 2006; and December 6, 2006, times to be determined.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Land Resources and Construction Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: (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 District Clerk, at (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact District Clerk, at (561)682-2087. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130 West Palm Beach, FL 33406.

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

DATE AND TIME: Friday, June 16, 2006, 10:00 a.m.

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

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

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

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

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

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

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces an Emergency Medicaid Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, May 26, 2006, 10:00 a.m. – until completion

PLACE: Commission Business Office, 2740 Centerview Drive, Rhyne Building, Suite 1A, Tallahassee, Florida 32301, (850)410-5700. Conference Call Number: (850)410-0967, Suncom 210-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Medicaid allocations and other Medicaid-related 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, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Medicaid Committee Meeting to which all persons are invited.

DATE AND TIME: Monday, June 5, 2006, 8:30 a.m. – until completion

PLACE: Gaylord Palms Resort and Convention Center, 6000 West Osceola Parkway, Kissimmee, Florida 34746, (407)586-0000. Conference Call Number: (850)922-2903, Suncom 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Medicaid allocations and other Medicaid-related 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, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Meeting to which all persons are invited.

DATE AND TIME: Monday, June 5, 2006, 10:00 a.m. – until completion

PLACE: Gaylord Palms Resort and Convention Center, 6000 West Osceola Parkway, Kissimmee, Florida 34746, (407)586-0000. 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, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

The **Florida Land and Water Adjudicatory Commission** announces a meeting to which all persons are invited.

DATE AND TIME: June 13, 2006, 9:00 a.m.

PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider amendment of Rule 42YY-1.002, Boundary. Proposed rule amendment of 42YY-1.002, which addresses the amendment of the boundary of the River Hall Community Development District, was published in the Florida Administrative Weekly on April 14, 2006 (Vol. 32, No. 15).

For more information about the Cabinet meeting agenda, copies of the proposed rule, or for information concerning special accommodations because of a disability or physical impairment, please contact: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following Board of Directors meeting to which the public is invited.

DATE AND TIME: Wednesday, June 7, 2006, 10:00 a.m.

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by writing to: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Advisory Council announces a meeting to which all persons are invited to join.

Interested individuals may join by notifying Darrick McGhee, by phone (850)414-2085, by email: McgheeD@elderaffairs.org or by mail: Department of Elder Affairs, 4040 Esplanade Way, Suite 315 K, Tallahassee, FL 32399-7000

DATE AND TIME: Wednesday, June 14, 2006, 9:00 a.m. – 10:30 a.m.

PLACE: Tele-Conference Call Meeting: Toll-Free: 1(800)416-7892, Local (850)922-7892, Suncom 292-7892

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Department of Elder Affairs Advisory Council to discuss the department and initiatives the council wants to undertake.

To obtain a copy of the agenda, please contact: Darrick McGhee by phone (850)414-2085, Suncom 994-2085, by email McgheeD@elderaffairs.org or by mail: Department of Elder Affairs, 4040 Esplanade Way, Suite 315 K, Tallahassee, FL 32399-7000.

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 department at least 48 hours before the meeting by contacting Darrick McGhee by phone at (850)414-2085. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, June 16, 2006, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301. (850)488-7082, ext. 1032. The meet-me telephone number is (850)414-1711.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA Notice: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, ext. 1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: June 5, 2006, 2:00 p.m. (Eastern Time)

PLACE: ACCESS PHONE: Direct (850)414-5775; Suncom 994-5775; Toll Free (888)461-8118 (outside of Tallahassee, FL)

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Architecture and Interior Design, 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 **Board of Professional Surveyors and Mappers** announces a General Business Meeting during which the following Board Committees will meet: Probation Review Committee, Continuing Education Committee, Application Review Committee, Privatization Committee, and a Rules Workshop. After the Board's Committees conclude their

business, the Board will continue with its General Business Meeting. All interested parties are invited to attend at the address listed below.

DATES AND TIMES: July 12, 2006, 8:30 a.m.; General Business meeting will commence and the following committees will meet: Continuing Education Committee meeting followed by a Application Review Committee meeting, followed by a Privatization Committee meeting, followed by a Rules Workshop, which will be followed by a General Business Meeting, if time allows. July 13, 2006, 8:00 a.m., Probation Review Committee meeting followed by the General Business meeting

PLACE: TradeWinds Sandpiper Hotel and Suites, 600 Gulf Blvd., St. Petersburg Beach, Florida 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing to: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756 or by calling (850)487-1395.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Richard Morrison by Monday, July 10, 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

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

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

PLACE: Hyatt Regency Jacksonville, 225 East Coast Line Drive, Jacksonville 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the

meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/ClinLab/index.html

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: June 8, 2006, 5:30 p.m.

PLACE: (850)487-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Dental Assisting issues.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

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

DATE AND TIME: Friday, June 16, 2006, 9:00 a.m.

PLACE: Hyatt Regency Jacksonville, 225 East Coast Line Drive, Jacksonville, FL 32202, (904)588-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). If any

person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/nurshome.html

The **Department of Health, Board of Pharmacy**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 6, 2006, 2:00 p.m.

PLACE: Embassy Suites, 1100 S. W. 17 Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss pending pharmacy related rules in Chapter 64B16, F.A.C.

A copy of the board agenda materials, which are open to the public, may be obtained by writing to: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN C04, Tallahassee, Florida 32399-3254.

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

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Pharmacy**, Rules Committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 6, 2006, 2:00 p.m.

PLACE: Embassy Suites, 1100 S. W. 17 Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing to: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: June 7-8, 2006, 8:00 a.m.

PLACE: Embassy Suites, 1100 S. W. 17 Street, Ft. Lauderdale, FL 33316, (954)527-2700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing to: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4292, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

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

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

PLACE: Marriott Tampa Hotel, Tampa International Airport, Tampa, Florida 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/podiatry/index.html

The **Department of Health** announces a public meeting of the Technical Review and Advisory Panel to which all persons are invited.

DATE AND TIME: July 20, 2006, 9:00 a.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, FL 32822, Local (407)859-0552

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems and the Wekiva Study Area which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

FLORIDA HOUSING FINANCE CORPORATION

Notice is hereby given that the **Florida Housing Finance Corporation** (the "Issuer") will conduct a public hearing pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), to which all interested persons are invited.

DATE AND TIME: June 5, 2006, 9:00 a.m.

PLACE: City Centre Building, Fifth Floor, Formal Conference Room, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public hearing concerning a plan of financing (within the meaning of Section 147 (f)(2)(C) of the Code) pursuant to which the Issuer will issue its single family mortgage revenue bonds (the "Bonds") in an amount not to exceed \$750,000,000 in one or more series to finance owner-occupied residences within the State of Florida (the "State"). Proceeds of the Bonds are expected to be available to finance owner-occupied residences for persons or families of low or moderate income within any county of the State, subject to the participation of lending institutions in the counties they

elect to serve. If the Bonds are issued in more than one series, each issue subsequent to the initial series will be issued within three years of the date of issuance of the initial series pursuant to a common plan of finance.

All interested parties are invited to submit written comments and/or present oral comments at the public hearing regarding the issuance of the Bonds or the purpose of the financing. Written comments should be received by the Issuer on or before June 1, 2006.

Any persons desiring to present oral comments should appear at the hearing.

Any person who decides to appeal any decision made by the Issuer 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 record includes the testimony and evidence upon which the appeal is to be based. Any questions or comments regarding the proposed issuance of Bonds should be directed to Mr. Steven P. Auger, Executive Director of the Issuer.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Donna Light, Florida Housing Finance Corporation, by June 1, 2006 at (850)488-4197. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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: June 6, 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:

Brook Haven, a 160-unit multifamily residential rental development located on the North side of Cortez Blvd., 1800 feet West of Candlelight Blvd., Brooksville, Hernando County, Florida 34601. The prospective owner and operator of the proposed development is Brook Haven, Ltd., c/o The Richman Group 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 \$9,200,000.

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), June 5, 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: June 6, 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:

Spring Haven II, a 88-unit multifamily residential rental development located on the west side of Mariner Blvd., 400 feet south of the Palmgren Lane and Mariner Blvd. intersection, Spring Hill, Hernando County, Florida 34609. The prospective owner and operator of the proposed development is SHA Associates II, Ltd., c/o The Richman Group 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 \$5,850,000.

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), June 5, 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.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces the final public hearing regarding proposed amendments to the manatee protection rule for Charlotte County.

DATES AND TIME: Wednesday and Thursday, June 7-8, 2006, 8:30 a.m.

PLACE: West Palm Beach Marriott, 1001 Okeechobee Boulevard, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final public hearing on proposed amendments to the manatee protection rule for Charlotte County (Placida Harbor area). This hearing will be a part of the regular 2-day meeting held by the Commission. The Commission is expected to make a final decision on the rule at the meeting. The agenda for the full 2-day meeting can be viewed on-line at: <http://myfwc.com/commission/2006/June/index.html>

For further information, contact: Scott Calleson, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least five calendar days before the meeting by contacting Cindy Hoffman, the Commission's ADA Coordinator, (850)488-6411. Hearing- or speech-impaired persons can arrange assistance by calling (850)488-9542.

DEPARTMENT OF FINANCIAL SERVICES

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIMES: June 5, 2006. First Hearing Session, 12:00 p.m. (Noon); Second Hearing Session, 6:00 p.m.

PLACE: Hilton Walt Disney World Resort, 1751 Hotel Plaza Boulevard, Lake Buena Vista, FL 32830. Contact name and number: Kristopher Duer, Esquire, (850)413-4276 or Sam Coskey (850)413-2616

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Farm Florida has requested a 61.5% average statewide rate increase and a 11.9% average statewide rate increase for homeowners and a 95.3% average statewide rate increase for mobile home. The requested rate increases were 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: Kristopher Duer, kristopher.duer@fldfs.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email Sam Coskey, (850)413-2616 or email sam.coskey@fldfs.com at least 48 hours before the hearing.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces it's quarterly GRANT COMMITTEE meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 31, 2006, 2:30 p.m. – 4:30 p.m.

PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309. Call In Numbers: 1(800)416-4254 (Toll Free), (850)922-2903 (Tallahassee)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Grant Committee Meeting.

Please make note that if a person decides to appeal any decision made by the Grant Committee with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA HEALTHY KIDS CORPORATION

The **Florida Healthy Kids Corporation** announces its Board of Directors Meeting to which all persons are invited to attend.

DATE AND TIME: June 1, 2006, 10:00 a.m.

PLACE: Tradition Field, Gate #2, Conference Room, 525 N.W. Peacock Blvd. in Port St. Lucie, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Please contact Amber Floyd, foyda@healthykids.org or (850)224-5437, to confirm your attendance and for additional meeting information.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association, Inc. (FWCJUA)** announces an Audit Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: June 6, 2006, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathleen Coyne, (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FWCJUA Audit Committee agenda topics will include but not limited to approval of the minutes; quarterly audit charter duties; and the Single Audit Act GAAP financial statements.

A copy of the agenda may be obtained from the FWCJUA's website, www.fwcjua.com or by contacting Kathleen Coyne, (941)378-7408.

SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited.

DATE AND TIME: Monday, June 12, 2006, 12:15 p.m.

PLACE: Sentry North Room, Marco Island Marriott Resort, 400 South Collier Blvd., Marco Island, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Membership Meeting and Board of Directors Business Meeting.

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

The **Florida Developmental Disabilities Council, Inc.** announces its regularly scheduled business meeting.

DATES AND TIMES: June 15, 2006, 8:30 a.m. – 5:30 p.m., Committee Meetings; June 16, 2006, 8:30 a.m. – 2:30 p.m., Full Council Meeting. Meeting times are subject to change.

PLACE: Embassy Suites Miami International Airport, 3974 N.W. South River Drive, Miami, Florida 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings and Full Council meeting.

To receive a copy of the agenda, or request special accommodations for participation in the meeting, please contact Debra Dowds, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981, or call toll free (800)580-7801, local (850)488-4180, or TDD toll free (888)488-8633.

CLERKS OF COURT OPERATIONS CORPORATION

The **Clerks of Court Operations Corporation** announces the Corporation's Annual Meeting as required by the Corporation Plan of Operations. All persons are invited to attend.

DATE AND TIME: June 18, 2006, 2:00 p.m.

PLACE: Monterey Rooms 2 & 3, Disney's Coronado Springs Resort, Orlando, Florida

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC, (850)386-2223 or by visiting the CCOC website at www.flccoc.org

The **Clerks of Court Operations Corporation** announces a business meeting to which all persons are invited to attend.

DATE AND TIME: June 18, 2006, immediately following the Corporation Annual Meeting

PLACE: Monterey Rooms 2 & 3, Disney's Coronado Springs Resort, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget forms, instructions, training and other issues.

Information regarding the meeting may be obtained by contacting John Dew, Florida CCOC, (850)386-2223 or by visiting the CCOC website at www.flccoc.org

FLORIDA WORKERS' COMPENSATION INSURANCE GUARANTY ASSOCIATION

The **Florida Workers' Compensation Insurance Guaranty Association** announces an Audit Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: June 26, 2006, 3:00 p.m. (Eastern Time) – recessing at 4:00 p.m. or as soon as business has been concluded

PLACE: Biltmore Hotel, Coral Gables, Florida 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Audit Committee of the Florida Workers' Compensation Insurance Guaranty Association will meet regarding the regular business of the Committee.

A copy of the agenda may be obtained by contacting Cathy Irvin, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Association by contacting Cathy Irvin, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD at (800)955-1339.

The **Florida Workers' Compensation Insurance Guaranty Association** announces an Investment Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: June 26, 2006, 2:00 a.m. (Eastern Time), recessing at 3:00 p.m. or as soon as business has been concluded.

PLACE: Biltmore Hotel, Coral Gables, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Investment Committee of the Florida Workers' Compensation Insurance Guaranty Association will meet regarding the regular business of the Committee.

A copy of the agenda may be obtained by contacting Cathy Irvin, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Association by contacting Cathy Irvin, (850)386-9200, at least 48 hours before the session. A person who is hearing or speech impaired may also contact the TDD at (800)955-1339.

The **Florida Workers' Compensation Insurance Guaranty Association** announces a Board of Directors' Meeting to which all interested parties are invited to attend.

DATE AND TIME: June 27, 2006, 8:30 a.m. (Eastern Time), recessing at 12:00 p.m. Noon or as soon as business has been concluded

PLACE: Biltmore Hotel, Coral Gables, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Workers' Compensation Insurance Guaranty Association will meet regarding the regular business of the Association.

A copy of the agenda may be obtained by contacting: Cathy Irvin, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Association by contacting Cathy Irvin, (850)386-9200, at least 48 hours before the session. A person who is hearing or speech impaired may also contact the TDD at (800)955-1339.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 29, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: Nova Southeastern University, College of Osteopathic Medicine, Executive Board Room, 5th Floor, HPD/Terry Bldg., 3200 S. University Dr., Ft. Lauderdale, FL 33328

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation Board of Directors Meeting. Effective Friday, June 2, 2006, a copy of the agenda and board materials will be available for downloading from the Florida Patient Safety Corporation website at www.floridapatientssafetycorp.com. Agendas can also be requested via e-mail at susan.a.moore@comcast.net or by writing to the Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312. To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail your address to the address above or fax your e-mail address to (850)893-4259.

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)893-8936.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Cynthia L. Gleason, Unit Owner, Gulf Island Beach & Tennis Club Condominium Association I, Inc.; Docket Number 2006025677.

Whether under Section 718.112(1), Florida Statutes, the 1984 and/or 1994 Articles of Incorporation and Bylaws govern the operation of Gulf Island Beach & Tennis Club Condominium Association I, Inc. where the 1994 articles and bylaws are unsigned and not recorded in the public records.

A copy of the Petition for Declaratory Statement, Docket Number 2006025677 may be obtained by writing to the: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received a petition for a declaratory statement from Pari-mutual Live Racing Games, Inc., Petitioner, in DBPR Case No. DS 2006-020. The Petition lists Sections 550.155(1), and 550.3551(3), Florida Statutes, as the statutory provision(s) upon which a declaratory statement is being sought. The Petition requests the Division of Pari-Mutuel Wagering to state whether the "Intellipick Wagering Terminal" complies with the Florida Statutes mentioned above as well as subsection 61D-7.001(9), and Rule 61D-7.020, Florida Administrative Code. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by writing to: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

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

NOTICE TO CONSTRUCTION MANAGERS

The University of Florida Board of Trustees, announces that construction management services will be required for the project listed below:

Project No.: UAA-19

Project Name and Location: Golf Course Club House Renovation and Expansion, Gainesville, Florida

The project consists of renovating about 2400 square foot of the existing Club House, upper and lower floors including expansion of the entrance and utilizing the available open patio space for offices and creating lounge for male and female teams. Also, add about 7200 new square foot where the lower level will be used for golf cart storage, cleaning and repair. The upper level will be used as a terrace for gathering and holding events before and after the games. The terrace will include restrooms and concessions. The need for the project is to utilize the space, create individual offices for male and female assistant coaches, and create a lounge area for the players to gather.

Estimated construction budget is about \$1.8M.

The contract for construction management services will consist of two phases. Phase I is pre-construction services, for which the construction manager will be paid a fixed fee. Phase I 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 II, the construction phase, will be implemented. In phase II 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 I of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard University of Florida construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed project specific "Construction Manager Qualifications Supplement" available from the website: www.facilities.ufl.edu. Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be

considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The Construction Manager Qualifications Supplement forms, the Construction Manager Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning & Construction website.

Eight (8) bound copies of the required proposal must be received in the Facilities Planning & Construction Division office by 3:00 p.m., local time, on Friday, June 23, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning & Construction
232 Stadium / P.O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)392-1256
FAX: (352)392-6378
Internet: www.facilities.ufl.edu

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that continuing professional services are required for the following discipline: Mechanical, Electrical and Plumbing Engineer (1) (Tampa Campus with ability to include other campuses as required). Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for an initial period of one (1) year with an Owner's option to renew for one (1) additional year at a time up to a total of two (2) additional years. This selection is based upon Mechanical, Electrical and Plumbing Engineering services only. Other services (including architectural, structural, etc.) required for specific projects shall be provided as part of basic services through the selected MEP engineer(s) based upon project need. Use of USF continuing service consultants by the selected MEP engineer(s) shall be encouraged. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional continuing

service professionals under contract during the same time period. Blanket professional liability insurance shall be required for the contract. Services required to be provided under the Continuing Service Contracts include the development of record drawings by the Continuing Service Consultant for projects designed by that consultant to reflect as-built conditions to facilitate the University's space management program. The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

INSTRUCTIONS:

Firms desiring to provide professional services shall submit one original submittal and six (6) copies consisting of a letter of interest and a completed "USF Professional Qualifications Supplement for Mechanical, Electrical and Plumbing Engineer" form dated May 2006 and any required or additional information within the proposal limits as described in the PQS General Instructions. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida. Submittals must not exceed 40 pages, including the "USF Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data may not be considered. No submittal material will be returned. Submittals become part of the public record.

Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability, design ability, past performance, workload, volume of USF work (including USF Foundation), and location. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The "USF Professional Qualification Supplement for Mechanical, Electrical and Plumbing Engineer" form dated

May 2006 and "Project Fact Sheet", which includes project information, may be obtained by contacting: Kathy Bennett, Contracts Administrator, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, e-mail kbennett@admin.usf.edu, (813)974-3098, (813)974-2625, Fax (813)974-3542. All Interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 2:00 p.m., Eastern Time, on Friday, June 16, 2006, at the University of South Florida, Tampa Campus, Facilities Planning and Construction, Conference Room FPC109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted. It shall be noted that no communication shall take place between the applicants and the employees of the University of South Florida, except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for information, the PQS and Fact Sheet. Requests for any project information must be in writing to the above address. One (1) original and six (6) bound copies of the above required proposal data shall be submitted to: Joseph P. D'Azzo, Assistant Director and Division Head, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application material will not be returned. Submittals must be received at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550), to the attention of Joseph P. D'Azzo, Assistant Director and Division Head, by 2:00 p.m. Eastern Time, on Tuesday, June 27, 2006. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE TO PROFESSIONAL CONSULTANTS
 PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
 SERVICES FOR ARCHITECTURE – ENGINEERING
 CONTINUING CONTRACT

NOTICE OF CORRECTION: Correction to advertisement published in the May 12, 2006, Vol. 32, No. 19 issue of the F.A.W.

PROJECT NO: 20060002

PROJECT NAME: Architectural/Engineering Continuing Contract, West Florida Catchment Area

Response date should read June 8, 2006, 4:00 p.m.

FLORIDA COALITION FOR CHILDREN

Request for Information

UPDATE: The Florida Coalition for Children has extended their decision making process on the previously advertised RFI due to anticipated agency feedback. Interested parties are encouraged to submit a proposal until June 9, 2006. The purpose of this request for information is to determine what options are available to the Florida Coalition for Children to develop a comprehensive risk management program for its members. Our membership includes Community Based Care Lead Agencies and Service Providers in Florida’s child welfare system. The Coalition is seeking a working partnership with an insurance entity to help the Coalition manage the risk issues and establish a viable self-insurance program. The Coalition is willing to entertain many different approaches to the development of the risk management program.

NEW EXTENDED DEADLINE: Friday, June 9, 2006.

For a copy of the RFI please visit our website at www.FloridaCoalitionforChildren.com, write us at 864 E. Park Avenue, Tallahassee, Florida 32301, email mike@floridacoalitionforchildren.com or call (850)561-1102.

**Section XII
 Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF PUBLIC HEARING
 COMMUNITY DEVELOPMENT BLOCK GRANT
 DISASTER RELIEF FUNDING

The Department of Community Affairs (DCA) announces the opening of a public comment period and the publication of the proposed 2005 Disaster Recovery Initiative Action Plan related to funds provided by the US Department of Housing and Urban Development through Docket No. FR-5051-N-0, Federal Register / Vol. 71, No. 29; Department of Defense Appropriations Act, 2006.

PURPOSE: To receive comments on the Action Plan for supplemental Community Development Block Grant disaster relief funding made available to the State of Florida by the US Department of Housing and Urban Development (HUD), Docket No. FR-5051-N-0, Federal Register / Vol. 71, No. 29; Department of Defense Appropriations Act, 2006.

PLAN SUMMARY: Congress allocated the funding for the purpose of assisting in the recovery from the federally declared disasters related to Hurricanes Katrina, Wilma and Rita as described in the disaster declarations mentioned in the Federal Register. Funds are for “disaster relief, long-term recovery and restoration of infrastructure in the most impacted and distressed areas related to the consequences of the hurricanes in the Gulf of Mexico in 2005” as stated in the federal notice. Cities and counties, entitlement and non-entitlement, as well as federally recognized Indian Tribes, are eligible to apply for assistance. Applicants must document and certify that there is no other funding available to address the need. The State of Florida is required to submit an Action Plan to the U.S. Department of Housing and Urban Development (HUD) in order to receive this supplemental funding. The Action Plan must contain specific elements outlined in federal regulations, including the method by which the funding will be allocated. The purpose of this notice is to receive comments on the proposed plan. Comments will be accepted from the date that the Action Plan is posted to the website until June 12, 2006.

ACTION TO BE TAKEN: A copy of the draft Action Plan will be posted to the following website: <http://www.florida.communitydevelopment.org/disasterrecovery.cfm>

Written comments are encouraged. They may be mailed to the address listed below, and must be received no later than 5:00 p.m. on June 12, 2006.

Florida Small Cities CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100
 DCA staff is available via phone or email.
 Telephone: (850)487-3644
 Email: Monya.Newmyer@dca.state.fl.us or
Ted.Court@dca.state.fl.us

DCA Order No. DCA06-OR-121

STATE OF FLORIDA
 DEPARTMENT OF COMMUNITY AFFAIRS
 In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY ISLAMORADA, VILLAGE OF
 ISLANDS
 ORDINANCE NO. 06-04

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 Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On March 20, 2006, the Department received for review Islamorada, Village of Islands Ordinance No. 06-04 ("Ord. No. 06-04"). The Ordinance amends Ordinance numbers 04-10 and 05-19. The purpose of the Ordinance is to extend the moratorium on the acceptance of development applications for the redevelopment of mobile home parks within the Village of Islamorada from June 14, 2006 to December 13, 2006.

3. The final date for approval for this Ordinance is May 18, 2006.

4. The Ordinance will temporarily prevent the redevelopment of mobile home parks, except for redevelopment of parcels of land for which an agreement has been executed between the Department, the Village of Islamorada, and any property owner, pursuant to Section 380.032, F.S., which includes a material component for the preservation and/or expansion of affordable/workforce housing in the Village. The moratorium is designed to regulate mobile home park redevelopment until the Village of Islamorada adopts new regulations to address the redevelopment of mobile home parks.

5. Ord. 06-04 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations or portions thereof 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. Islamorada, Village of Islands 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. 06-04 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. (2005). 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. 06-04 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.

(j) To make available affordable housing to all sectors of the population of the Florida Keys.

11. Ord. 06-04 is not inconsistent with the remaining Principles. Ord. 06-04 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 06-04 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.

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.

TRACY D. SUBER
STATE PLANNING ADMINISTRATOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 17th day of May, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Robert Johnson, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
Nancy Stroud, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, FL 33312-8500

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-06-2006-006
 DATE RECEIVED: May 16, 2006
 DEVELOPMENT NAME: POINCIANA
 DEVELOPER/AGENT: Avatar Properties, Inc.
 John F. Adams
 DEVELOPMENT TYPE: 28-24.023, 28-24.031, F.A.C.
 LOCAL GOVERNMENT: Osceola/Polk Counties

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-01-2006-009
 DATE RECEIVED: May 12, 2006
 DEVELOPMENT NAME: SKYWATCH
 DEVELOPER/AGENT: Jonathon Flaig, et.al.
 David Theriaque
 DEVELOPMENT TYPE: 28-24.023, 28-24.031, F.A.C.
 LOCAL GOVERNMENT: Washington County
 FILE NO.: BLIM-06-2006-005
 DATE RECEIVED: May 12, 2006
 DEVELOPMENT NAME: POINCIANA
 DEVELOPER/AGENT: Avatar Properties, Inc.
 R. J. Whidden & Assoc.
 DEVELOPMENT TYPE: 28-24.023, 28-24.031,
 28-24.020, F.A.C.
 LOCAL GOVERNMENT: Osceola/Polk Counties

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for an Establishment of a Franchised Motor Vehicle Dealer in a County of More than 300,000 Population Pursuant to Section 320.642, Florida Statutes, Subaru of America, Inc., gives notice of its intent to establish an additional dealership for the sale and service of Subaru

automobiles and light trucks. The proposed dealership is to be owned by Dick DeVoe Buick-Cadillac, Inc. d/b/a Subaru of Naples, and is to be located at 1411 Solana Road, Naples, Collier County, Florida, 34103.

The dealer operator of the proposed dealership will be Mark A. DeVoe, 1411 Solana Road, Naples, Florida 34103; and the principal investors of the proposed dealership will be Mark A. DeVoe, Donald P. DeVoe, and Richard H. DeVoe, 1411 Solana Road, Naples, Florida 34103. Subaru of America, Inc. intends to permit the establishment of the dealership on or after July 1, 2006.

The notice indicates intent to permit the addition of a dealership to a location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application. Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635. A copy of such petition or complaint must also be sent by U.S. Mail to: John Thamert, Regional Business Management Manager, Subaru of America, Inc., 220 The Bluffs, Austell, GA 30168.

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 proposed dealership, subject to the proposed dealer'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, Dealer's Distributing, Inc., intends to allow the establishment of Pasco Cycle as a dealership for the sale of Xtreme motorcycles at 10312 State Road 52, Hudson (Pasco County), Florida 34669, on or after May 10, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Pasco Cycle are dealer operator(s): Andrew Hennosy, 10312 State Road 52, Hudson, Florida 34669, and Connie Hennosy, 10312 State Road 52, Hudson, Florida 34669; principal investor(s): Andrew Hennosy, 10312 State Road 52, Hudson, Florida 34669, and Connie Hennosy, 10312 State Road 52, Hudson, Florida 34669.

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: Andrea Faught, Florida Account Manager, Dealer's Distributing, Inc., Post Office Box 1779, Russellville, Arizona 72811.

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, KTM North America, Inc., intends to allow the establishment of Spaceport Suzuki, Inc., d/b/a Spaceport Cycles, as a dealership for the sale of KTM motorcycles at 480 North Washington Avenue, Titusville (Brevard County), Florida 32796, on or after May 4, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Spaceport Suzuki, Inc., d/b/a Spaceport Cycles, are dealer operator(s): Conrad Eigenmann, 480 North Washington Avenue, Titusville, Florida 32796; principal investor(s): Conrad Eigenmann, 480 North Washington Avenue, Titusville, Florida 32796.

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: Jon-Erik Burluson, President, KTM North America, Inc., 1119 Milan Avenue, Amherst, Ohio 44001.

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, JMSTAR Powersports, Inc., intends to allow the establishment of R.M. Scooters, Inc., as a dealership for the sale of JMSTAR motorcycles at 510 North Dixie Highway, Hollywood (Broward County), Florida 33020, on or after May 9, 2006.

The name and address of the dealer operator(s) and principal investor(s) of R.M. Scooters, Inc. are dealer operator(s): Reynaldo Muniz, 510 North Dixie Highway, Hollywood, Florida 33020; principal investor(s): Reynaldo Muniz, 510 North Dixie Highway, Hollywood, Florida 33020.

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: Yenong Xie, President, JMSTAR Powersports, Inc., 400 Northwest 141st Avenue, #207, Pembroke Pines, Florida 33028.

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: Broward
Date Filed: 5/2/2006
Facility/Project: Douglas Gardens Hospice, Inc.
Applicant: Douglas Gardens Hospice, Inc.
Project Description: Establish a hospice program

District: 10
LOI #: N0604014

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 JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted the revised draft of the Mental Health & Substance Abuse Services Manual for a third review and comment on MyFlorida.com at: http://www.djj.state.fl.us/DJJServices/Administration/policies_procedures/manualreview.html (note this is a new Web page). This third draft of the Mental Health and Substance Abuse Services Manual, developed by the Medical Director's Office, is being posted for a 20 calendar day review and comment period from the date of publication of this notice in the Florida Administrative Weekly. The closure date for submission of comments on this manual is June 14, 2006. PLEASE NOTE: Comments should be directed only to the underline and strike-through portions of the manual as these changes were made after the two prior comment periods. Comments should be sent to the person identified on the above Website.

DEPARTMENT OF HEALTH

On May 9, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Sandra F. Lane, R.N. license number RN 9223800. 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 May 9, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Charles Neal, R.N. license number RN 9236991. 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 May 9, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Roberta Vallish, A.R.N.P. license number RN 3190292. 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 May 9, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jack K. Blackwell, R. Ph. License number PS 17777. 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 May 15, 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 Donna Ann Rudd, C.R.T., license number CRT 4277. 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 Section 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2006-CA-0422

In Re: The Receivership of THE EXOTIC WARRANTY COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH THE EXOTIC WARRANTY COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 12th day of April, 2006, the Department of Financial Services of the State of Florida was appointed as Receiver of THE EXOTIC WARRANTY COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of THE EXOTIC WARRANTY COMPANY, shall present such claims to the Receiver on or before 11:59 p.m., April 12, 2007, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for THE EXOTIC WARRANTY COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

NOTICE OF ORDER

NOTICE IS HEREBY GIVEN that the Office of Insurance Regulation has issued the following:

IN THE MATTER OF:

CITIZENS PROPERTY INSURANCE CORPORATION

CASE NO: 85730-06

/

ORDER APPROVING CITIZENS' HIGH-RISK ACCOUNT BOND ISSUANCE AND RELATED DOCUMENTS

THIS MATTER came before the Office of Insurance Regulation for consideration and final agency action upon the request of Citizens Property Insurance Corporation ("Citizens"), pursuant to Section 627.351(6), Florida Statutes, as amended (the "Citizens Act"), and Sections 19(B) and 20 of Citizens' Plan of Operation (the "Plan of Operation"), for approval of the issuance by Citizens of its High-Risk Account Senior Secured Bonds, Series 2006A, in the aggregate principal amount of not exceeding \$3,100,000,000 (the "Series 2006A Bonds") and related documentation. The Series 2006A Bonds are to be issued pursuant to that certain Trust Indenture dated as of August 6, 1997 (the "1997 Indenture"), as amended as described below, and as further amended by that certain Fourth Supplemental Indenture (the "Fourth Supplemental Indenture" and, together with the 1997 Indenture as amended as described below, the "Indenture"), by and between Citizens and Wachovia Bank, National Association, as successor Indenture Trustee. The Fourth Supplemental Indenture is to be in substantially the same form as the copy attached to this Order as Exhibit "A". Citizens is also entering into or will utilize, as applicable, other related documents and agreements in connection with the issuance of the Series 2006A Bonds.

On June 25, 1997, in Case No. 19495-96-CO, the Treasurer and Insurance Commissioner entered an order approving the 1997 Indenture and the issuance thereunder by Florida Windstorm Underwriting Association ("FWUA"), as predecessor to "Citizens" High-Risk Account, of \$750,000,000 aggregate principal amount of Series 1997A Senior Secured Notes, and further approving that certain Pledge, Security and Trust Agreement dated as of August 6, 1997 (the "1997 Pledge and Security Agreement").

On November 18, 1998, in Case No. 25858-98-CO, the Treasurer and Insurance Commissioner entered an order approving the issuance by FWUA under the 1997 Indenture, as amended by that certain Series 1999A Supplemental Trust Indenture dated as of March 31, 1999 (the "First Supplemental Indenture"), of \$1,000,000,000 aggregate principal amount of Series 1999A Senior Secured Insured Notes, and further approving the First Supplemental Indenture and a First Amendment, dated as of March 31, 1999, to the 1997 Pledge and Security Agreement.

On August 1, 2002, in Case No. 61930-02-CO, the Treasurer and Insurance Commissioner entered an order approving, among other things, the transfer of all policies, obligations, rights, assets and liabilities of FWUA, including bonds, notes and other debt obligations thereof, and the financing documents pertaining to them, to Citizens' High-Risk Account and, in connection with such transfer, also approving a Second Supplemental Indenture dated as of August 1, 2002 and a Second Amendment to Pledge, Security and Trust Agreement dated as of August 1, 2002.

On April 20, 2004, in Case No. 75881-04-CO, the Chief Financial Officer of the State of Florida (the "Chief Financial Officer") entered an order approving the issuance by Citizens under the 1997 Indenture, as amended by that certain Third Supplemental Indenture dated as of May 1, 2004 (the "Third Supplemental Indenture"), of \$750,000,000 aggregate principal amount of its High-Risk Account Senior Secured Bonds, Series 2004, and further approving the Third Supplemental Indenture and a Third Amendment to Pledge, Security and Trust Agreement dated as of May 1, 2004.

On July 8, 2005, in Case No. 79863-05-CO, the Chief Financial Officer entered an order approving a Standby Purchase Contract between Citizens and the State of Florida Department of Financial Services (the "Department") pursuant to which Citizens may issue to the Department, and the Department may purchase from Citizens, up to \$750,000,000 aggregate principal amount of Citizens' High-Risk Account Senior Secured Short Term Notes, to be issued under the 1997 Indenture and an indenture supplemental thereto.

Citizens is a statutorily-created corporation, established pursuant to the Citizens Act. Citizens, through its High-Risk Account, has become a significant provider of residential and commercial windstorm insurance in the State of Florida, thereby creating the imminent potential of a substantial shortage of funds to meet its policyholder claims and other obligations in the event of a catastrophic hurricane or other weather-related event. The Citizens Act authorizes Citizens to borrow funds for the High-Risk Account by issuing bonds or by incurring other indebtedness and to pledge assessments under the Act and other funds available to Citizens' High-Risk Account as the source of security and repayment for such borrowings. In order to provide funds to, among other things, meet policyholder claims and other obligations of the

High-Risk Account, it is in the best interest of Citizens for it to issue the Series 2006A Bonds. The Citizens Act and the Plan of Operation authorize Citizens to issue bonds in the absence of a hurricane or other weather-related event and the Plan of Operation contains a determination by the Board that such advance financings constitute financing mechanisms under the Act that will allow Citizens to efficiently meet the financial obligations of the High-Risk Account and that such financings are reasonably necessary to effectuate the requirements of the Act.

Prior to issuance of the Series 2006A Bonds and the execution and delivery of the Fourth Supplemental Indenture and the related documentation, Citizens' Board of Governors (the "Board") will adopt a resolution (the "Authorizing Resolution") authorizing and approving the issuance of the Series 2006A Bonds, the Fourth Supplemental Indenture and such related documentation. The approvals granted in this Order are subject to the Board's adoption of the Authorizing Resolution.

As required by Section 19(B) of the Plan of Operation, Citizens has filed with the Office of Insurance Regulation a statement of the purpose of the Series 2006A Bonds and an estimate of the costs to be incurred by Citizens in connection with the issuance of the Series 2006A Bonds.

The Office of Insurance Regulation, having considered this submission, and being otherwise advised in the premises, hereby finds that:

1. The Office of Insurance Regulation, by and through the Insurance Commissioner, has jurisdiction over the subject matter of, and the parties to, this proceeding pursuant to the Citizens Act.

2. The Series 2006A Bonds are being issued for the purpose of providing additional resources to assist Citizens in covering policyholders' claims and expenses attributable to a deficit in the High-Risk Account and are hereby determined to be for a valid purpose under the Citizens Act. The Indenture is hereby deemed to be a "trust indenture" within the meaning of, and is approved for purposes of, Section 19(B) of the Plan of Operation.

3. Pursuant to the Citizens Act, and Sections 19(B) and 20 of the Plan of Operation, Citizens has authority to enter into the Fourth Supplemental Indenture, to issue the Series 2006A Bonds under the Indenture and to make the same payable and secured as provided in the Indenture.

IT IS THEREFORE ORDERED:

That, subject to the Board's adoption of the Authorizing Resolution, the Office of Insurance Regulation hereby APPROVES, the Fourth Supplemental Indenture, the issuance of the Series 2006A Bonds under the Indenture and the pledge by Citizens of the Regular Assessments, the Emergency Assessments and the other Pledged Revenues (as such terms are defined in the Indenture) to secure the Series 2006A Bonds.

Each prior order described hereinabove entered by the Treasurer and Insurance Commissioner or the Chief Financial Officer, that is, those orders entered in Case Nos. 75881-04-CO and 79863-05-CO, are hereby approved, ratified and confirmed by the Office and adopted by the Office as if originally entered by the Office.

DONE and ORDERED this 16th day of May, 2006.

KEVIN M. MCCARTY
COMMISSIONER

NOTICE OF RIGHTS

Any party to these proceedings adversely affected by this Order is entitled to seek review of this Order pursuant to Section 120.68, Florida Statutes, and Rule 9.110, Fla.R.App.P. Review proceedings must be instituted by filing a petition or notice of appeal with the General Counsel of the Office of Insurance Regulation, acting as the Agency Clerk, at 612 Larson Building, Tallahassee, Florida 32399-4206, and a copy of the same with the appropriate district court of appeal, within thirty (30) days of rendition of this Order.

NOTICE OF FILINGS

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., June 16, 2006):

Name and Address of Applicant: Calhoun-Liberty Employees Credit Union, 17394 N.W. Charlie Johns Street, Blountstown, Florida 32424

Expansion Includes: Geographic area

Received: May 10, 2006

Name and Address of Applicant: Jax Metro Credit Union, 30 East 27th Street, Jacksonville, Florida 32206

Expansion Includes: Employee Group

Received: May 10, 2006

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN May 8, 2006
 and May 12, 2006

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DEPARTMENT OF STATE
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

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| 5M-7.003 | 5/11/06 | 5/31/06 | 32/13 | |
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DEPARTMENT OF REVENUE

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AGENCY FOR HEALTH CARE ADMINISTRATION
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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DEPARTMENT OF FINANCIAL SERVICES

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