

63HER06-43 Law Enforcement Operations and Partnerships.

(1) All Law Enforcement/Correction/Detention employees must complete, at a minimum, the following training requirements within 90 calendar days of either the employee's hire date or the effective date of this rule, whichever is later:

(a) Direct care employees who are certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to successfully complete PAR crossover training for law enforcement personnel. Successful completion requires:

1. Attendance and participation in a minimum of twenty (20) hours of PAR Training.

2. A minimum score of seventy-five percent (75%) on the written examination.

3. One-hundred percent (100%) satisfactory performance on the techniques specified on the applicable PAR Performance Evaluation form.

(b) Direct care employees who are not certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to be certified in PAR.

(2) CJSTC certified employees and non-CJSTC certified employees shall adhere to the annual training requirements set forth in Rule 63H-1.012, F.A.C., for facility employees.

(3) All Law Enforcement operated facilities or programs shall submit a PAR Training Plan in accordance with Rule 63H-1.004, F.A.C.

(4) Facilities or programs that are required to have PAR certified employees must certify employees within the timeframes set forth herein.

EFFECTIVE DATE: September 29, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(d) FS. History—New 9-29-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 29, 2006

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on August 15, 2006, from the City of Starke. The petitioner seeks a waiver of paragraph 9B-43.0041(1)(b), Fla. Admin. Code, so that the Petitioner will be permitted to submit corrected survey

data on the "very low income" households in its proposed service area. The petition for waiver is being applied for under Section 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA06-WAI-235, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on September 25, 2006, from the Town of Jennings. The petitioner seeks a waiver of paragraph 9B-43.0041(1)(b), Fla. Admin. Code, so that the Petitioner will be permitted to submit corrected survey data on the "very low income" households in its proposed service area. The petition for waiver is being applied for under Chapter 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA06-WAI-236, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Central Sumter Utility Company, L.L.C.'s petition for a temporary waiver of Rules 25-30.033(1)(k), (r), (t), (w), (v), and (w), Florida Administrative Code, in Docket No. 050192-WS, In re: Application for certificates to provide water and wastewater service in Sumter County by Central Sumter Utility Company, L.L.C., filed April 19, 2005, was approved by the Commission by Order No. PSC-05-0844-PAA-WS, issued August 18, 2005, and consummated by Order No. PSC-05-0899-CO-WS, issued September 12, 2005. The rule addresses information required for setting initial rates in original water and wastewater certificate proceedings. The petitioner requested that the rule be waived temporarily to permit bifurcation of the certification proceeding. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the F.A.W. on May 13, 2005. A copy of the Order can be obtained from the

Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

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NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Fontainebleau Florida Tower 3, LLC's petition for variance or waiver of paragraph 25-6.049(5)(a), Florida Administrative Code, filed September 12, 2005, in Docket No. 050601-EU, was approved by the Commission by Order No. PSC-05-1261-PAA-EU, issued December 27, 2005, consummated by Order No. PSC-06-0062-CO-EU, issued January 24, 2006. The rule establishes requirements for individual electric metering of the separate occupancy units of specified types of establishments, including but not limited to condominiums. The petitioner requested a variance or waiver of the rule so that it could install a single master meter to measure usage for all of the residential units in Ocean Club Condominium, its planned condominium development in Miami Beach. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship and would violate principles of fairness. Notice of the petition was published in the F.A.W. on September 30, 2005. A copy of the Order can be obtained from the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

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NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s petition for waiver exemption from subsection 25-4.118(12), Florida Administrative Code, filed November 16, 2005, in Docket No. 050879-TL was approved by the Commission by Order No. PSC-06-0087-PAA-TL, issued February 8, 2006, consummated by Order No. PSC-06-0181-CO-TL, issued March 7, 2006. The rule requires that each company maintain a toll-free number for accepting slamming complaints that must be answered 24 hours a day, seven days a week by a live operator or the complainant's call can be recorded. If a recorder is used, the company must attempt to contact each complainant no later than the next business day following the date of recording and for three subsequent days unless the customer is reached. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the F.A.W. on December 16, 2005. A copy of the Order can be obtained from the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

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NOTICE OF AMENDMENT – NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from The Grove Utilities, Inc., in Docket No. 060601-WS, seeking a temporary waiver of Rules 25-30.033(1)(h), (j), (k), (m), (r), (t), (u), (v), and (w), Florida Administrative Code, filed September 11, 2006. The petition requests that these portions of the rule, which address information required for setting initial rates in original water and wastewater certificate proceedings, be waived temporarily to permit bifurcation of the certification proceeding into an initial certification portion, followed at a later date by the rate setting portion of the proceeding. Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice. A copy of the petition may be obtained at (<http://www.psc.state.fl.us>) or by writing to the above address. For additional information, please contact Ralph Jaeger, Office of the General Counsel, at the above address or telephone (850)413-6234.

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Bureau of Elevator Safety hereby gives notice that on September 21, 2006, it Issued an Order Granting Variance Request in response to a petition filed June 30, 2006 and advertised in the F.A.W. Vol. 32, No. 35, by Steve Powell of KONE, Inc. regarding Flagler College- College of Arts in St. Augustine, FL (VW 2006-177). 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.

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The Bureau of Elevator Safety hereby gives notice that on September 21, 2006, it Issued an Order Granting Variance Request in response to a petition filed June 30, 2006 and advertised in the F.A.W. Vol. 32, No. 35, by Steve Powell of KONE, Inc. regarding FCCJ Deerwood Parking Garage in Jacksonville, FL (VW 2006-180). 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.

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A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on September 21, 2006, it Issued an Order Granting Variance Request in response to a petition filed July 10, 2006 and advertised in the F.A.W. Vol. 32, No. 35, by Steve Powell of KONE, Inc. regarding Le Soleil in Indian Shores, FL (VW 2006-189). 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.

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The Bureau of Elevator Safety hereby gives notice that on September 21, 2006, it Issued an Order Granting Variance Request in response to a petition filed July 21, 2006 and advertised in the F.A.W. Vol. 32, No. 35, by Steve Powell of KONE, Inc. regarding Gasparilla Marina in Placida, FL (VW 2006-191). 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.

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The Bureau of Elevator Safety hereby gives notice that on September 21, 2006, it Issued an Order Granting Variance Request in response to a petition filed July 21, 2006 and advertised in the F.A.W. Vol. 32, No. 35, by Steve Powell of KONE, Inc. regarding Parrish Port St. Johns in Port St. John, FL (VW 2006-192). 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.

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A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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The Bureau of Elevator Safety hereby gives notice that on September 7, 2006, it Issued an Order Granting Emergency Variance Request in response to a petition filed on August 8, 2006, (as advertised in the F.A.W. Vol. 32, No. 35) by Jeanne Martin of Accessibility Lifts, Inc. regarding Flagler County Courthouse (VW 2006-201), seeking a waiver from Rule 2.1.1 of ASME A18.1a, 2001Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner requested to have a vertical wheelchair lift with gates only 24 inches above the height of the lift and an upper gate only 30 inches above the height of the lift. The variance was granted as the petitioner demonstrated that the unit will be used under the supervision of trained courtroom personnel in a strictly controlled environment.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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NOTICE IS HEREBY GIVEN that on September 14, 2006, Bureau of Elevator Safety received a Petition for Variance from Rule 2000.7a, ASME A18.1, 1999 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, limiting travel to 12 feet. The petition was received from Tripp H. Hill of Hill Enterprises, Inc. on behalf of Thompson Tractor Company in Pensacola, Florida (Petition VW 2006-237).

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.

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NOTICE IS HEREBY GIVEN that on September 19, 2006, Bureau of Elevator Safety received a Petition for Variance from Rule 2.7.2.1, ASME A17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, prohibiting foreign wiring in machinery rooms. The petition was received from Dean P. Fogo of Verizon on behalf of Verizon Florida (Clearwater Main, License No. 8030) in Clearwater, Florida (Petition VW 2006-239).

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.

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NOTICE IS HEREBY GIVEN that on September 20, 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 Chew Chew Express Sandwich Depot located in Mount Dora. 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 have ten (10) seats with no public bathrooms in the facility. They are requesting to use centrally located bathroom facilities.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on September 11, 2006, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), Florida Administrative Code from Dippin Dots Ice Cream in Brandon Town Center (Rio Concession, Inc.) located in Tampa. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received a Petition for a Variance and/or Waiver from Diebold, Inc., Petitioner, in DBPR Case No. VW 2006-233. The Petition lists Rule 61D-14.006, Florida Administrative Code (F.A.C.), from which it seeks a variance and waiver. The Petition requests the Division of Pari-Mutuel Wagering to permit the installation manager for the Petitioner to register in place of the Petitioner's entire corporate structure and granting a waiver and variance that permits the Petitioner to comply with the intent of Rule 61D-14.006, F.A.C. Any person whose substantial interests may be affected by a variance and waiver 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 Variance and/or Waiver may be obtained by writing to: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

NOTICE IS HEREBY GIVEN that on September 11, 2006, the Board of Accountancy, received a petition for Joseph Moore, seeking a variance or waiver of subsection 61H1-33.003(7), Florida Administrative Code, to allow courses taken using a non-approved sponsor to be counted as continuing education hours in accounting and auditing. Petitioner is also 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.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Voloria Kelly, Acting Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE IS HEREBY GIVEN that on September 1, 2006, the the Department of Environmental Protection, received a petition for a variance from the Taylor Coastal Water and Sewer District to allow its Class D water treatment plant operator to continue to be the lead operator of the District's Class C Water Treatment Plant until he retires, which is expected to be in about 3 years.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Heather Webber, Northeast District, DEP, 7825 Baymeadows Way, Suite B200, Jacksonville, FL 32256, (904)807-3300. Also, written public comments must be received by her no later than 14 days after the date of this publication.

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that the Department of Health received Petitions for Waiver of subsection 64E-3.004(2), F.A.C., from the following persons on the below dates who desire to obtain a temporary certificate to practice as a Basic X-Ray Machine Operator:

September 19, 2006:

Marie Jose Gratia

Michelle L. Rodriguez

Petitioners request a waiver because the rule indicates that an applicant who has failed the radiologic technology certification examination for a Basic X-Ray Machine Operator may not qualify for a temporary certification to practice under the direct supervision of a licensed practitioner.

Comments on these Petitions should be filed with: Elizabeth B. Hines, Executive Director, Certification Unit of EMT/Paramedic & Radiologic Technology, 4052 Bald Cypress Way, Bin C-85, Tallahassee, Florida 32399-3285.

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#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has received a Petition for Waiver of subsection 65C-15.017(3), F.A.C. The Petition was received by the Agency Clerk on September 6, 2006, by Meridian Behavioral Healthcare, Inc., assigned Case Nos. 06-004W. Subsection 65C-15.017(3), F.A.C. requires that staff performing casework services shall have a bachelor's degree in social work or related area of study from an accredited college or university.

A copy of the Petition may be obtained by writing: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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### Section VI

#### Notices of Meetings, Workshops and Public Hearings

##### DEPARTMENT OF STATE

The **Southeast Florida Preservation Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 19, 2006, 11:00 a.m.

PLACE: Okeechobee Historical Society, 1850 Highway 98, Okeechobee, Florida 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing to: Southeast Florida Regional Preservation Office, Florida Division of Historical Resources, FDOS, 71 N.W. Federal Hwy. Boca Raton, Florida 33432. Should any person wish to appeal any decision made with respect to the above referenced meeting, s/he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance at (954)467-4990.

The **Florida Folklife Apprenticeship Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 1, 2006, 11:00 a.m. – 4:00 p.m.

PLACE: R. A. Gray Building, Conference Room 307, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting and to vote on nominations for the 2007 Florida Folk Heritage Awards.

A copy of the agenda may be obtained by writing to: Division of Historical Resources, Bureau of Historic Preservation, Attn: Florida Folklife Program, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by calling 1(800)847-7278. Some Panelists may participate by telephone conference call.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to obtain a verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities who wish to arrange special accommodations should contact Jennifer Blake Patnode at 1(800)847-7278 or by fax (850)245-6437.

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The **Department of State, Division of Elections** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: Marriott, Miami Biscayne Bay, 1633 North Bayshore Drive, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Help America Vote Act State Planning Committee created pursuant to federal Help America Vote Act of 2002. The objective of the meeting is to help the committee members review the requirements of the federal legislation, and review and revise the state plan previously created. This is the second of two meetings for 2006.

Copies of the draft State Planning Committee Meeting agenda may be obtained by visiting [www.collinscenter.org](http://www.collinscenter.org) or contacting: Tracey Lowe, Collins Center for Public Policy, 1415 E. Piedmont Drive, Suite One, Tallahassee, FL 32308, (850)219-0082, ext. 103.

Pursuant to the Americans with Disabilities act, persons needing special accommodations to participate in this meeting should contact Tracey Lowe, (850)219-0082, ext. 103 at least three days in advance of each meeting.

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The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIMES: Tuesday, November 14, 2006, 9:00 a.m. – until the Commission adjourns; Wednesday, November 15, 2006, 8:30 a.m. – until the Commission adjourns