

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Specialization Requirements for Certification in Foreign Language (Grades K-12) – Academic Class  
 RULE NO.: 6A-4.0243

PURPOSE AND EFFECT: The purpose of this rule development is to implement the requirements of Section 1007.2615, Florida Statutes, for the certification of teachers of American Sign Language in K-12 Public Schools. The effect is a rule which is consistent with law.

SUBJECT AREA TO BE ADDRESSED: Certification requirements.

SPECIFIC AUTHORITY: 1001.02, 1007.2615, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1007.2615, 1012.54, 1012.55, 1012.56 FS.

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

TIME AND DATE: 8:30 a.m. – 4:00 p.m., Friday, October 22, 2004

PLACE: Sheraton Suites, Tampa Airport, Manatee Room, 4400 West Cyprus Street, Tampa, Florida 33607, (813)873-8675

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Lisa C. Saavedra, Chief, Bureau of Student Assistance, 325 West Gaines Street, Suite 314, Tallahassee, Florida 32399-0400, (850)245-0692, Fax (850)926-0697

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Specialization Requirements for the American Sign Language Endorsement – Academic Class  
 RULE NO.: 6A-4.02431

PURPOSE AND EFFECT: The purpose of this rule development is to implement the requirements of Section 1007.2615, Florida Statutes, which requires certification of teachers of American Sign Language in K-12 Public Schools. The effect is to have a rule consistent with law.

SUBJECT AREA TO BE ADDRESSED: Certification requirements.

SPECIFIC AUTHORITY: 1001.02, 1007.2615, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1007.2615, 1012.54, 1012.55, 1012.56 FS.

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

TIME AND DATE: 8:30 a.m. – 4:00 p.m., Friday, October 22, 2004

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Notice Requirements  
 RULE NO.: 6A-22.004

PURPOSE AND EFFECT: The purpose of this rule development is to propose changes as a result of changes in implementing legislation. The effect is a rule which is consistent with law.

SUBJECT AREA TO BE ADDRESSED: Carriers' requirement to notify injured employees of the availability of training and education benefits as prescribed in Section 440.491(6), Florida Statutes.

SPECIFIC AUTHORITY: 440.491(6)(b) FS.

LAW IMPLEMENTED: 440.491(6) FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Reginald L. Watkins, Chief, Bureau of Rehabilitation and Reemployment Services, 2728 Centerview Drive, Suite 101A, Tallahassee, FL 32399-0400, (850)245-3470

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Reemployment Services and Programs RULE NO.: 6A-22.008

PURPOSE AND EFFECT: The purpose of this rule development is to propose changes as a result of changes in implementing legislation. The effect is a rule which is consistent with law.

SUBJECT AREA TO BE ADDRESSED: The allowable training and education programs available under Section 440.491(6), Florida Statutes.

SPECIFIC AUTHORITY: 440.491(6) FS.

LAW IMPLEMENTED: 440.491(6) FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Reginald L. Watkins, Chief, Bureau of Rehabilitation and Reemployment Services, 2728 Centerview Drive, Suite 101A, Tallahassee, FL 32399-0400, (850)245-3470

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Employee Responsibilities RULE NO.: 6A-22.009

PURPOSE AND EFFECT: The purpose of this rule development is to propose changes as a result of changes in implementing legislation. The effect is a rule which is consistent with law.

SUBJECT AREA TO BE ADDRESSED: An injured employee's forfeiture of additional training and education benefits and any additional payment for lost wages for refusal of training and education that is recommended by a vocational evaluator and approved by the Department under Section 440.491(6), Florida Statutes.

SPECIFIC AUTHORITY: 440.491(6)(b) FS.

LAW IMPLEMENTED: 440.491(6) FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Reginald L. Watkins, Chief, Bureau of Rehabilitation and Reemployment Services, 2728 Centerview Drive, Suite 101A, Tallahassee, FL 32399-0400, (850)245-3470

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

**DEPARTMENT OF EDUCATION**

**Education Practices Commission**

RULE TITLE: Florida Principal Leadership Standards RULE NO.: 6B-5.0012

PURPOSE AND EFFECT: The State Board of Education is authorized to prescribe competencies, standards, and requirements for educator certification. The purpose of the proposed rule development is for approval of updated and revised standards for school leaders and administrators. The updated standards will be the basis of future rule revision of the certification requirements and the educational leadership subject area examination. The effect will be certification standards and requirements that reflect the competencies and skills needed by today's school leaders to improve student achievement.

SUBJECT AREA TO BE ADDRESSED: New standards for school principals and administrators.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1012.55 FS.

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

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ava Byrne, Bureau of Educator Recruitment, Development and Retention, Department of Education, 325 West Gaines Street, Room 124, Tallahassee, Florida 32399-0400

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

**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 TITLE: Canteen Operations  
 RULE NO.: 33-203.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to increase the limit on inmate canteen purchases.

SUBJECT AREA TO BE ADDRESSED: Canteen Operations.  
 SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.101 Canteen Operations.

(1) No change.

(2) Each inmate shall be allowed to purchase ~~\$100~~ ~~\$65.00~~ of canteen merchandise on a weekly basis, ~~exclusive of any items obtained through special mail order procedures, unless an increase up to \$100.00 is approved by the Secretary for special occasions.~~

(3) through (8) No change.

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History–New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-3-03, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Consumptive Use of Water  
 RULE CHAPTER NO.: 40D-2

PURPOSE AND EFFECT: To adopt rules to implement the regulatory portion of the Southern Water Use Caution Area minimum flows and levels which are being developed simultaneously with these rules.

SUBJECT AREA TO BE ADDRESSED: Implementation of the regulatory rules portion of the Southern Water Use Caution Area’s minimum flows and levels which are being developed simultaneously with these rules.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

TIME AND DATES: 2:00 p.m., Monday, October 18, 2004; Monday, November 8, 2004; Monday, December 6, 2004

PLACE: Southwest Florida Water Management District’s Bartow Service Office, 170 Century Blvd., Bartow, Florida

WHAT: Staff will present the current rule concept, and rule draft if available, to the SWUCA Work Group followed by opportunity for public input.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Water Levels and Rates of Flow  
 RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To establish minimum flows and levels for the Southern Water Use Caution Area for the Most Impacted Area, the upper Peace River and Lakes Jackson,

Letta, Lotela and Little Lake Jackson on the Highlands County Ridge and Lakes Clinch, Eagle, McLeod and Wales in Polk County.

**SUBJECT AREA TO BE ADDRESSED:** Rules to implement minimum flows and levels within the Southern Water Use Caution Area for the Most Impacted Area, the upper Peace River and Lakes Jackson, Letta, Lotela and Little Lake Jackson on the Highlands County Ridge and Lakes Clinch, Eagle, McLeod and Wales in Polk County.

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

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

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

**TIME AND DATES:** 2:00 p.m., Monday, October 18, 2004; Monday, November 8, 2004; Monday, December 6, 2004

**PLACE:** Southwest Florida Water Management District's Bartow Service Office, 170 Century Blvd., Bartow, Florida

**WHAT:** Staff will present the current rule concept, and rule draft if available, to the SWUCA Work Group followed by opportunity for public input.

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

**RULE CHAPTER TITLE:** Recovery and Prevention Strategies **RULE CHAPTER NO.:**

for Minimum Flows and Levels 40D-80

**PURPOSE AND EFFECT:** To adopt rules describing the recovery strategy for minimum flows and levels within the Southern Water Use Caution Area which minimum flows and levels are being developed simultaneously with these rules.

**SUBJECT AREA TO BE ADDRESSED:** The recovery strategy for minimum flows and levels for the Southern Water Use Caution Area.

**SPECIFIC AUTHORITY:** 373.044, 373.0361, 373.113, 373.171 FS.

**LAW IMPLEMENTED:** 373.0395, 373.042, 373.0421, 373.171 FS.

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

**TIME AND DATES:** 2:00 p.m., Monday, October 18, 2004; Monday, November 8, 2004; Monday, December 6, 2004

**PLACE:** Southwest Florida Water Management District's Bartow Service Office, 170 Century Blvd., Bartow, Florida

**WHAT:** Staff will present the current rule concept, and rule draft if available, to the SWUCA Work Group followed by opportunity for public input.

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

**RULE TITLE:** Publications Incorporated by Reference **RULE NO.:** 40E-2.091

**PURPOSE AND EFFECT:** Current consumptive use permitting criteria prevent allocation of additional surface water from District controlled surface water bodies in the Indian Prairie Basin, located northwest of Lake Okeechobee and extending to Lake Istokpoga. This rule development will address revision of the criteria based upon water resource related developments within the Indian Prairie Basin.

**SUBJECT AREA TO BE ADDRESSED:** To amend Section 3.2.1 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – August 31, 2003" to revise the rules based upon water resource related developments within the Indian Prairie Basin.

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

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS.

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

**TIME AND DATE:** 10:00 a.m. – 2:00 p.m., Friday, October 22, 2004

**PLACE:** South Florida Water Management District, Okeechobee Service Center, Fisheating Bay Conference Room, 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34972, (561)686-8800 or 1(800)432-2045

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

upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: For technical issues: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6817 or (561)682-6817, e-mail: sburns@sfwmd.gov; For procedural issues: Joyce Rader, Paralegal Specialist, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6259 or (561)682-6259, e-mail: jrader@sfwmd.gov THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Regional Water Shortage Plans  
 RULE CHAPTER NO.: 40E-22

PURPOSE AND EFFECT: The current regional water shortage plan in Part I, Chapter 40E-22, F.A.C., sets minimum water levels and flows for canals and other water bodies within the Indian Prairie Basin and states a water shortage plan specific to this region. Operation of the Central & Southern Florida Flood Control Project in the Indian Prairie region during the 2000-2001 drought indicated revisions to this Plan are necessary to reflect updated system operations. This rule development will address revision of the rules based upon water resource related developments within the Indian Prairie Basin.

SUBJECT AREA TO BE ADDRESSED: To amend Part I, Chapter 40E-22, F.A.C., to revise the rules based upon water resource related developments within the Indian Prairie Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.086, 373.103, 373.175, 373.246 FS.

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

TIME AND DATE: 10:00 a.m. – 2:00 p.m., Friday, October 22, 2004

PLACE: South Florida Water Management District, Okeechobee Service Center, Fisheating Bay Conference Room, 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34972, (561)686-8800 or 1(800)432-2045

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: For technical issues: Scott Burns, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6817 or (561)682-6817, e-mail: sburns@sfwmd.gov; For procedural issues: Joyce Rader, Paralegal Specialist, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6259 or (561)682-6259, e-mail: jrader@sfwmd.gov THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**LAND AND WATER ADJUDICATORY COMMISSION**

**Tesoro Community Development District**

RULE CHAPTER TITLE: Tesoro Community Development District  
 RULE CHAPTER NO.: 42XX-1

RULE TITLES: Establishment  
 Boundary  
 Supervisors  
 RULE NOS.: 42XX-1.001  
 42XX-1.002  
 42XX-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Tesoro Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by Ginn-LA St. Lucie Ltd., LLLP, requests the Commission establish a community development district located within the municipal limits of the City of Port St. Lucie in St. Lucie County, Florida. The land area proposed to be served by the District comprises approximately 1,419 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. The only parcels within the exterior boundaries of the proposed District which are excluded from the District are the waters of Blakeslee Creek and Winters Creek and the right-of-way of Southbend Boulevard. All developable lands within the exterior boundaries of the District are included within the District. All lands proposed to be included in the District are subject to the approved Tesoro Development of Regional Impact. The development planned for the proposed District consists of approximately 1,000 residential units, comprising 986 single family units and 14 multi-family units and 160,000 square feet of commercial. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements limited primarily to stormwater management and wetlands mitigation.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Tesoro Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Monday, October 18, 2004

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

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William G. Capko, Lewis, Longman & Walker, P.A., 1700 Palm Beach Lakes Boulevard, Suite 1000, West Palm Beach, Florida 33401, (561)640-0820; Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Statewide Law Enforcement	
Radio System	60DD-8
RULE TITLES:	RULE NOS.:
Purpose; Definitions	60DD-8.001
Eligible User Classifications	60DD-8.002
Frequencies; Licenses	60DD-8.003
Talk Group Limits	60DD-8.004
Security; Encryption Requirements; Radio	
Programming; System Key Management	60DD-8.005
Service and Maintenance Priorities	60DD-8.006
Application Process	60DD-8.007

PURPOSE AND EFFECT: To consider development of a rule chapter setting out procedures to allow eligible users to utilize the Statewide Law Enforcement Radio System.

SUBJECT AREA TO BE DISCUSSED: Development of a rule chapter setting out procedures to allow eligible users to utilize the Statewide Law Enforcement Radio System, including Eligible User Classifications, Frequencies, Licenses, Talk Group Limits, Service and Maintenance Priorities and Application Process.

SPECIFIC AUTHORITY: 282.102(16) FS.

LAW IMPLEMENTED: 282.1095 FS.

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

TIME AND DATE: 9:00 a.m., October 26, 2004

PLACE: 4040 Esplanade Way, Suite 225F, Tallahassee, Florida  
Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the State Technology Office at least 2 calendar days before the workshop, by contacting: Matthew Kimball, (850)922-5511

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Tom Brooks, P.E., Manager, Statewide Law Enforcement Radio System, State Technology Office, 4030 Esplanade Way, Suite 280P, Tallahassee, Florida 32399-0950, (850)414-6768, Tom.Brooks@MyFlorida.com

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management and Building**

**Construction**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Lease/Sublease of State-Owned	
Property for E911 System	
Wireless Communication	
Facility	60H-9
RULE TITLES:	RULE NOS.:
Definitions	60H-9.001
Intent	60H-9.002
Properties Acquired for Transportation	
Purposes Excluded	60H-9.003
Managing Agency/Owner Agency	
Evaluation of Space Availability	60H-9.004
Negotiation of DMS E911 Wireless	
Communications Lease/Sublease	60H-9.005
Filing on Standard Lease/Sublease	60H-9.006
Information and Forms	60H-9.007

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to promulgate a set of rules defining a process for the use of State-owned Property to site Wireless Communication Facilities to support the Wireless E911 System.

SUBJECT AREA TO BE DISCUSSED: Definitions; Intent; Properties Acquired for Transportation Purposes Excluded; Managing Agency/Owner Agency Evaluation of Space Availability; Negotiation of DMS E911 Wireless Communications Lease/Sublease; Filing on Standard Lease/Sublease; Information and Forms.

SPECIFIC AUTHORITY: 365.172(11)(e) FS.

LAW IMPLEMENTED: 365.172(3) FS.

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

TIME AND DATE: 9:00 a.m., October 19, 2004

PLACE: Shared Resource Center, 2585 Shumard Oak Blvd., Suite 124, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department of Management Services at least 2 calendar days before the workshop, by contacting: Marta McPherson, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: John Owen, Senior Management Analyst II, Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-0439, Suncom 278-3239, e-mail: owenj@dms.state.fl.us

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 Massage Therapy**

RULE TITLE: Continuing Education  
 RULE NO.: 64B7-28.009

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.013(7),(8), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(7),(8), 480.0415 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Citations  
 RULE NO.: 64B8-55.002

PURPOSE AND EFFECT: The Council proposes the development of the above-referenced rule amendment to determine the necessary changes regarding citation procedures and requirements.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077(1),(2) FS.

LAW IMPLEMENTED: 456.072(3)(b), 456.077(1),(2), 478.51, 478.52 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: Kay Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE TITLE: Mediation  
 RULE NO.: 64B33-5.005

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule pursuant to Section 456.078, F.S.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 456.078 FS.

LAW IMPLEMENTED: 456.078 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: Sue Foster, Executive Director, Board of Athletic Training, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

**FISH AND WILDLIFE CONSERVATION**

**COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: General Prohibitions and Requirements  
 RULE CHAPTER NO.: 68A-4

RULE TITLE: Introduction of Nonnative Species into State; Conditional and Prohibited Species  
 RULE NO.: 68A-4.009

PURPOSE AND EFFECT: The purpose of this rule is to consolidate in a single Fish and Wildlife Conservation Commission rule provisions of Rule 68A-23.008, F.A.C., and Section 370.081, Florida Statutes, each relating to the introduction of invasive nonnative species into Florida. The effect of this consolidation should be to unify regulation of such species, whether they are freshwater, saltwater, or terrestrial, and to allow for the repeal of Section 370.081, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Nonnative species.  
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKY.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Rules Relating to Game 68A-12  
RULE TITLE: RULE NO.:  
Private Game Farms 68A-12.012

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in a new rule the substance of Section 372.16, Florida Statutes, as it related to private game farms, since such matters are within the Fish and Wildlife Conservation Commission’s constitutional authority. The effect of adopting this new rule will be to allow the repeal of the statute as it relates to private game farms.

SUBJECT AREA TO BE ADDRESSED: Private game farms.  
SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKY.

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Rules Relating to Reptiles 68A-25  
RULE TITLE: RULE NO.:  
Feeding or Enticement of Alligators or Crocodiles Unlawful 68A-25.001

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in a new rule the substance of Section 372.667, Florida Statutes, relating to the feeding or enticement of alligators or crocodiles, since such matters are within the Fish and Wildlife Conservation Commission’s constitutional authority. The effect of adopting this new rule will be to allow the repeal of the statute.

SUBJECT AREA TO BE ADDRESSED: Alligators and crocodiles.

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Local Laws

RULE TITLES:	RULE NOS.:
State Preemption of Power to Regulate	68B-3.001
St. Johns County, Use of Nets	68B-3.006
Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act	68B-3.008

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in new rules the substance of Sections 370.102 and 370.0821, Florida Statutes, relating to the state's preemption of the authority to regulate the taking of saltwater fish and the use of nets in St. Johns County, respectively. This effort also deletes references to statutes in Rule 68B-3.008, F.A.C., which statutes have been or will be repealed. All of these matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these new rules and rule amendment will be to allow the repeal of the affected statutes.

SUBJECT AREA TO BE ADDRESSED: Local regulation of saltwater fishing.

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

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLES:	RULE NOS.:
Gear Definitions	68B-4.002
Food Fish: Gear and Other Restrictions; Use of Explosives to Kill Fish Prohibited; Certain Uses of Frame Nets Prohibited; Stop Netting Prohibited; Possession of Certain Proscribed Nets Prohibited; Use of Chemicals Prohibited	68B-4.0083
Diving: Powerheads and Rebreathers, Use to Harvest Fish in State Waters Prohibited; Definition; Spearfishing Marine Species in Fresh Water Prohibited	68B-4.012
Limitation on Use of Spotter Planes	68B-4.013
Saltwater Fish Traps	68B-4.020

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in existing and new rules the substance of Sections 370.08, 370.11 and 370.1105, Florida Statutes, relating to net gear prohibitions and restrictions and use of explosives and chemicals to harvest fish, limitations on the take and use of food fish, and fish trap regulations, respectively. All of these matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these new rules and rule amendment will be to allow the repeal of the affected statutes.

SUBJECT AREA TO BE ADDRESSED: Gear and manner of taking saltwater fish.

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

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Stone Crabs

RULE TITLE: RULE NO.:

Licenses, Endorsements, and Permits for Experimental, Scientific and Exhibitional Purposes 68B-13.006

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in an existing rule the substance of Section 370.13(3), Florida Statutes, relating to depredation permits, and strike archaic language from the rule. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statute.

SUBJECT AREA TO BE ADDRESSED: Stone crabs. SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLE: RULE NO.:

Regulation and Prohibition of Certain Harvesting Gear: Allowable Gear, Incidental Bycatch, Violation 68B-14.005

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in new rules the substance of Section 370.1105, Florida Statutes, with respect to the regulation of black sea bass traps. This matter is within the

constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statute.

SUBJECT AREA TO BE ADDRESSED: Black sea bass traps. SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster

RULE TITLES: RULE NOS.:

Special Recreational Crawfish License 68B-24.0035

Bag Limit 68B-24.004

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in a new rule and rule amendment the substance of Section 370.063, Florida Statutes, relating to the Special Recreational Crawfish License. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this new rule and rule amendment will be to allow the repeal of the affected statute.

SUBJECT AREA TO BE ADDRESSED: Special Recreational Crawfish License.

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Tampa Bay

RULE TITLE: Old Tampa Bay: Repeal of Local Laws; RULE NO.:

Prohibition of Certain Gear 68B-25.003

PURPOSE AND EFFECT: The purpose of this rule development effort is to delete a reference to the shrimp trap regulations in Section 370.15, Florida Statutes, which statute will be repealed. Regulation of shrimp traps is a matter are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statutes.

SUBJECT AREA TO BE ADDRESSED: Allowable gear in Tampa Bay.

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

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Sponges

RULE TITLE: Commercial Sponge Size Limit RULE NO.:

68B-28.0035

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in Rule 68B-28.0035, F.A.C., the substance of Section 370.17(2), Florida Statutes, relating to the size of hooks that may be used to harvest commercial sponges. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statutes.

SUBJECT AREA TO BE ADDRESSED: Sponges.

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

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Shrimp

RULE TITLES: RULE NOS.:

Definitions 68B-31.006

Statewide Recreational Shrimping Restrictions 68B-31.007

Statewide Live Bait Shrimp 68B-31.008

Production Restrictions 68B-31.009

Statewide Food Shrimp Production Restrictions 68B-31.009

Southeast Region: Food Shrimp Production 68B-31.0136

Closed Area (Portion of Monroe County)

East Coast: Night Trawling Prohibited; Exception 68B-31.0157  
 Northwest Region Closed Areas; Repealed Special Acts 68B-31.018  
 Regulation of Shrimp Fishing in Tampa Bay; License Requirements 68B-31.019

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in rules the regulations contained in Sections 370.1105, 370.15 and 370.1535, Florida Statutes, relating to the state’s shrimp fishery. This effort also corrects references to statutes in Rule Chapter 68B-31, F.A.C., which statutes have been or will be repealed. All of these matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these new rules and rule amendment will be to allow the repeal of the affected statutes.

SUBJECT AREA TO BE ADDRESSED: Shrimp.  
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Tarpon  
 RULE TITLES: RULE NOS.:  
 Tarpon Tags: Limitation on Number of Tags Issued Annually; Limitation on Number of Tags Issued to Professional Fishing Guides 68B-32.003  
 Gear Restriction 68B-32.004  
 Sale Prohibited, Transport Regulated 68B-32.006

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in new rules the substance of Sections 370.11 and 372.5704, Florida Statutes, as they relate to tarpon regulation and the tarpon tag program. This effort

also deletes references to these two statutes, which will be repealed. These matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these new rule and rule amendments will be to allow the repeal of the affected statutes.

SUBJECT AREA TO BE ADDRESSED: Tarpon.  
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Bonefish  
 RULE TITLES: RULE NOS.:  
 Definitions 68B-34.002  
 Bonefish Size Limit; Bag and Possession Limits; Exception, Gear Restriction 68B-34.003

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in existing rules the substance of Section 370.1121, Florida Statutes, relating to the regulation of bonefish. These matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these rule amendments will be to allow the repeal of the affected statutes.

SUBJECT AREA TO BE ADDRESSED: Bonefish.  
 SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.  
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Shrimping and Trapping: Closed Areas and Seasons

RULE TITLES: RULE NOS.:

- Citrus-Hernando Shrimping and Trapping
- Closed Areas and Seasons 68B-38.001
- Southwest Florida Seasonal Shrimp Closures 68B-38.002
- Taylor County Shrimp Closure 68B-38.003

PURPOSE AND EFFECT: The purpose of this rule development effort is to delete references to Sections 370.1105 and 370.15, Florida Statutes, which statutes will be repealed, with references to Commission rules. These matters are within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting these rule amendments will be to allow the repeal of the affected statutes.

SUBJECT AREA TO BE ADDRESSED: Shrimping and trapping closed areas and seasons.

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

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

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Blue Crab

RULE TITLES: RULE NOS.:

- Regulation and Prohibition of
- Certain Harvesting Gear 68B-45.004

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in an existing rule the substance of Section 370.13, Florida Statutes, relating to blue crab depredation permits. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this rule amendment will be to allow the repeal of the affected statute.

SUBJECT AREA TO BE ADDRESSED: Blue crab depredation permits.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Trap Retrieval and Trap Debris Removal

RULE TITLE: RULE NO.:

- Definitions 68B-55.001

PURPOSE AND EFFECT: The purpose of this rule development effort is to delete reference to Section 370.1105, Florida Statutes, and various rules of the Commission relating to traps. The reference is being replaced by reference to proposed new Rule 68B-4.020, F.A.C., which will provide a list of allowable fish traps. The effect of adopting this and rule amendment will be to allow the repeal of the affected statute.

SUBJECT AREA TO BE ADDRESSED: Trap retrieval and trap debris removal.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE TITLE: RULE NO.:

Conditional Release of Stop Work Order and Periodic Payment Agreement 69L-6.025

PURPOSE AND EFFECT: The rule is being promulgated to reflect an amendment to Section 440.107(7)(a), Florida Statutes, contained in Chapter 2004-370, Laws of Florida. The amendment to Section 440.107(7)(a), Florida Statutes, authorizes the Division of Workers' Compensation to conditionally release an employer from a stop-work order upon a finding that the employer has complied with the coverage requirements of Chapter 440, Florida Statutes, and has agreed to remit periodic payments of the penalty pursuant to a payment agreement schedule. The amendment further requires that the stop-work order be immediately reinstated if the employer fails to meet any term or condition of the penalty payment agreement, with the unpaid balance of the penalty becoming immediately due.

SUBJECT AREA TO BE ADDRESSED: Stop-work orders and periodic payment of penalties under Section 440.107, F.S.

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(a) FS.

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

TIME AND DATE: 2:30 p.m., October 5, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Acting Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.025 Conditional Release of Stop Work Order and Periodic Payment Agreement.

(1) The requirements for issuance of an Order of Conditional Release From Stop Work Order as provided for in Section 440.107, F.S. are:

(a) The employer has come into compliance with the coverage requirements of Chapter 440, F.S. Compliance with the coverage requirements of Chapter 440, F.S. includes demonstration by the employer that it is no longer failing to secure the payment of compensation within the meaning of Section 440.107, F.S.

(b) The employer and the Department have executed a Payment Agreement Schedule for Periodic Payment of Penalty, Form Number DFS-F4-1600 (rev. 7/04).

(c) The employer agrees to file probationary periodic reports with the Department that demonstrate the employer's continued compliance with Chapter 440, F.S. The probationary periodic reports shall be filed as a section of each monthly payment installment invoice pursuant to the Payment Agreement Schedule for Periodic Payment of Penalty.

(2) The terms and conditions of a Payment Agreement Schedule for Periodic Payment of Penalty shall be:

(a) The employer shall make a down payment on the total assessed penalty amount to the Department that is the greater of \$1000.00 or at least 10% of the total assessed penalty amount. The amount constituting the total assessed penalty amount, less the down payment, shall be referred to as the "remaining penalty".

(b) Each monthly payment installment is due on the first day of the month in which it is due, and the employer is in violation of the Payment Agreement Schedule for Periodic Payment of Penalty if the full monthly payment installment is not received by the Department by the last day of the month in which the payment installment is due;

1. An employer whose remaining penalty is less than \$13,500, shall pay the remaining penalty in twelve consecutive monthly installments.

2. An employer whose remaining penalty is \$13,500 or greater shall pay the remaining penalty in twenty-four consecutive monthly installments.

3. The employer may at any time pre-pay the installments of the remaining penalty, which have not become due.

4. The first monthly payment installment shall be due on the first day of the second month following the month of issuance of the Conditional Release From Stop Work Order, Form Number DFS-F4-1602 (rev. 6/04), and each subsequent payment installment shall be due on the first day of each consecutive month.

(c) Monthly payment installments shall only be remitted to the Department's address designated in the Payment Agreement Schedule for Periodic Payment of Penalty.

(d) Monthly payment installments shall be in the form of a cashier's check or money order only, made payable to the Workers' Compensation Administration Trust Fund.

(e) If the employer is a corporation, only an officer of the corporation may execute the Payment Agreement Schedule For Periodic Payment of Penalty on behalf of the employer.

(f) If the employer is a business entity other than a corporation, any principal of the business entity may execute the Payment Agreement Schedule For Periodic Payment of Penalty on behalf of the employer.

(g) Failure by the employer to meet or violation of any term or condition of the Payment Agreement Schedule For Periodic Payment of Penalty shall constitute a default by the employer.

(3) The Payment Agreement Schedule For Periodic Payment of Penalty becomes effective when it is executed on behalf of the employer and by the Department. Upon execution of the Payment Agreement Schedule For Periodic Payment of Penalty, the Department will provide the employer with a Monthly Payment Installment Invoice, Form Number DFS-F4-1601 (rev. 8/04), which shall be submitted with each monthly payment installment. Each Monthly Payment Installment Invoice contains a probationary reporting section that shall be completed by the employer.

(4) If an employer defaults under any of its obligations under the Payment Agreement Schedule For Periodic Payment of Penalty, the Stop Work Order to which the penalty applies shall be immediately reinstated and the entire unpaid balance of the remaining penalty shall immediately become due and payable.

(5) The Department hereby adopts and incorporates the following forms by reference. Copies of the forms can be obtained from the Division of Workers' Compensation's Bureau of Compliance, 200 East Gaines Street, Tallahassee, Florida 32399-4228, or from any field office identified in Rule 69L-6.009, F.A.C.

(a)	DFS-F4-1600	Payment Agreement Schedule For Periodic Payment of Penalty	rev. 7/04
(b)	DFS-F4-1601	Monthly Payment Installment Invoice	rev. 8/04
(c)	DFS-F4-1602	Order of Conditional Release From Stop-Work Order	rev. 6/04

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(a) FS. History--New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Administration

RULE CHAPTER TITLE: Agricultural Vehicle Inspection  
 RULE CHAPTER NO.: 5A-16  
 RULE TITLES: Procedure for Conducting Vehicle Inspection  
 RULE NOS.: 5A-16.003

Florida Exempt Cargo Manifest 5A-16.004  
 Commercial Carrier Pre-clearance Program 5A-16.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish criteria by which non-agricultural laden commercial motor vehicles may be permitted to transport goods without being required to regularly stop at agricultural interdiction stations for physical inspection; establish guidelines associated with permitting process and activities; establish penalties for violation; eliminates the Florida Exempt Cargo Manifest program.

SUMMARY: This rule establishes conditions under which vehicles may pass agricultural interdiction stations without stopping for inspection as required by subsections 570.15(2) and (5), F.S. and makes technical corrections to reflect current number of stations. Repeals the Florida Exempt Cargo Manifest rule.

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

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

SPECIFIC AUTHORITY: 570.07(23), 570.15(5) FS.

LAW IMPLEMENTED: 570.15(1), 570.15(2), 570.15(5) FS.

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

TIME AND DATE: 2:00 p.m., October 25, 2004

PLACE: Department of Agriculture and Consumer Services, Agricultural Law Enforcement Conference Room, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clark R. Jennings, Chief Counsel, Office of Agricultural Law Enforcement, 2005 Apalachee Parkway, Room 222, Tallahassee, Florida 32399-6500, (850)245-1300, Fax (850)245-1330

THE FULL TEXT OF THE PROPOSED RULES IS:

5A-16.003 Procedure for Conducting Vehicle Inspection.

(1) "Inspection" means for those vehicles designated in Section 570.15(1)(a), Florida Statutes:

(a) The examination of documents including but not limited to bill of lading, proof of ownership, certificate of inspection, Florida Exempt Cargo Manifest and similar or related documents.

(b) In addition to paragraph (1)(a) of this rule, inspection also includes ~~visual~~ examination of the cargo of the following vehicles:

1. All livestock carrying vehicles;
2. All vehicles having no valid documentation of cargo except empty semitrailer rigs;
3. Vehicles having documentation of cargo which is apparently altered or inconsistent with the physical characteristics of said vehicle;
4. All vehicles participating in the Commercial Carrier Pre-clearance Program which voluntarily enter agricultural inspection stations to declare commodities over which the Department exercises regulatory authority;
5. All vehicles participating in the Commercial Carrier Pre-clearance Program which are routed into an agricultural inspection station for a compliance inspection;

~~6.4.~~ All vehicles with valid documentation indicating agricultural products, horticultural products, aquaculture, products derived from aquaculture, ~~or~~ livestock, products derived from livestock, or other commodities ~~products~~ over which the Department exercises regulatory authority with the exception of:

- a. Fully loaded vehicles transporting only fresh citrus fruit accompanied by a valid inspection certificate covering an amount of fruit compatible with the carrying capacity of said vehicle.
- b. Fully loaded vehicles transporting only tomatoes accompanied by a valid inspection certificate covering an amount of tomatoes compatible with the carrying capacity of said vehicle.

~~7.5.~~ Every 20th other such vehicle at inspection stations 6A, 6B, 9A, 9B, 16A and 16B with every 10th other such vehicle at remaining inspection stations.

a. Inspection Stations 1 and 14 shall calculate the every 10th vehicle count by maintaining two separate counts, one for the northbound ramp and one for the southbound ramp.

b. Inspection Stations 2, 3, 4, 5, 7, 8, 10, ~~10A~~, 11, 12, 13, ~~and 15, 17 and 18~~ shall calculate the every 10th vehicle count by maintaining a combined count for the northbound and southbound lanes.

~~e. Vehicles accompanied by a valid Florida Exempt Cargo Manifest shall not be included in the count described in Section (1)(b)5. of this rule.~~

(2) The following vehicles unless carrying agricultural products, horticultural products, aquaculture, products derived from aquaculture, ~~or~~ livestock, products derived from livestock, or other commodities over which the Department exercises regulatory authority shall be exempt from inspection and shall not be included in the count specified in subparagraph (1)(b)~~7.5.~~, of this rule:

- (a) Car and boat carriers;
- (b) Designated U.S. Mail vehicles;
- (c) Clearly marked vehicles operated by parcel delivery companies;
- (d) Open log, pulpwood and lumber trucks;
- (e) Chip, bark, mulch, charcoal, beverage and bread trucks;
- (f) Empty flatbeds;
- (g) Tank carriers of other than agricultural products;
- (h) Trucks transporting rock, limestone, dirt or sand;
- (i) Clearly marked telephone company, electric company or cooperative, city, county, state and federal vehicles;
- (j) Pickups or vans which have visible access to the entire cargo area of said vehicles;
- (k) Sealed vehicles transporting prescription drugs.

(3) All vehicles approved by the Department to participate in the Commercial Carrier Pre-clearance Program, with the exception of those vehicles described in subparagraph (1)(b)4. and subparagraph (1)(b)5. of this rule, shall be exempt from the requirement to enter agricultural inspection stations for inspection and shall not be included in the count specified in subparagraph (1)(b)7. of this rule;

~~(4)(3)~~ All vehicles so designated in Section 570.15, Florida Statutes, entering agricultural inspection stations with the exception of those vehicles designated in paragraph (2) shall be inspected in accordance with subsection (1).

~~(5)(4)~~ In the event the driver of a vehicle subject to visual inspection under this rule refuses access to cargo area of said vehicle, or where probable cause exists as evidenced by senses (e.g., sight, sound, smell) or reliable information exists to believe a vehicle is transporting agricultural products, horticultural products, aquaculture, products derived from aquaculture, ~~or~~ livestock, products derived from livestock, or other commodities over which the Department exercises regulatory authority ~~products~~, and the driver refuses to allow



the inspector to conduct an inspection, a search warrant shall be requested from the appropriate official of ~~the that~~ county in which the inspection station is located.

~~(5) Notwithstanding the above, all vehicles subject to the Florida Special Fuel and Motor Fuel Use Tax Act of 1981, Chapter 207, Florida Statutes, shall stop for vehicle use tax permit (decal) checks.~~

(6) No vehicle which has stopped for purposes of inspection shall be detained for a period longer than that reasonably required to conduct an inspection and/or seek, obtain and execute a search warrant if valid grounds for securing a warrant exist.

Specific Authority 570.07(23), 570.15(1)(5)(b)2. FS. Law Implemented 570.15 FS. History—New 6-20-84, Amended 2-3-85, Formerly 5E-12.03, Amended 10-8-87, Formerly 5E-12.003, Amended \_\_\_\_\_.

#### 5A-16.004 Florida Exempt Cargo Manifest.

Specific Authority 570.07(23), 570.15(1)(b)2. FS. Law Implemented 570.15 FS. History—New 2-3-85, Formerly 5E-12.04, Amended 4-1-86, Formerly 5E-12.004, Repealed \_\_\_\_\_.

#### 5A-16.005 Commercial Carrier Pre-clearance Program.

(1) Based upon prior approval by the Department, trucking concerns and truck lines may participate in the Commercial Carrier Pre-clearance Program for the purpose of transporting goods without being regularly required to stop at the Department's agricultural inspection stations for physical inspection.

(2) Qualifying trucking concerns and truck lines may apply to the Department requesting approval to participate in the Commercial Carrier Pre-clearance Program by submitting a completed Commercial Carrier Pre-clearance Program application form number DACS-01281 to the Office of Agricultural Law Enforcement, Post Office Box 850, Old Town, Florida 32680.

(3) Approval to participate in the Commercial Carrier Pre-clearance Program will be granted only to those trucking concerns and truck lines that meet the following criteria:

(a) Applicant must be verified by the Florida Department of Revenue as being exempt from or enrolled and actively participating in the Florida Department of Revenue's Electronic Bill of Lading Program;

(b) Applicant must be a recognized trucking concern or truck line engaged primarily in the transportation of commodities other than commodities over which the Department exercises regulatory authority. Applications received from trucking concerns and truck lines that routinely or regularly transport agricultural products, horticultural products, aquaculture, products derived from aquaculture, livestock, products derived from livestock, or other commodities over which the Department exercises regulatory authority will be denied;

(c) Applicant must agree to allow any department representative to inspect the cargo, regular manifest and/or other billing of all vehicles participating in the Commercial

Carrier Pre-clearance Program at all Florida terminals or drop sites any time during hours of operation, should the Department wish to check such cargo and/or billing;

(d) Applicant must agree that each and every truck shipment which contains or includes agricultural products, horticultural products, aquaculture, products derived from aquaculture, livestock, products derived from livestock, or other commodities over which the Department exercises regulatory authority will voluntarily stop at all agricultural inspection stations and declare such commodities even though pre-clearance approval is received.

(4) The privilege of participating in the Commercial Carrier Pre-clearance Program shall be revoked or canceled for any of the following causes:

(a) Notification by the Department of Revenue that the trucking concern or truck line has lost its exemption, been removed from or is no longer participating in the Department of Revenue's Electronic Bill of Lading Program or is not in compliance with applicable Florida Statutes or Administrative Rules;

(b) Notification to or discovery by the Department that the trucking concern or truck line has begun to routinely or regularly transport agricultural products, horticultural products, aquaculture, products derived from aquaculture, livestock, products derived from livestock, or other commodities over which the Department exercises regulatory authority.

(c) Discovery by the Department that a vehicle owned, leased, rented, loaned to or by the trucking concern or operated by an employee or agent of the trucking concern was used in the commission of a criminal act or was discovered to have been transporting contraband or undocumented or otherwise unauthorized foreign nationals.

(5) Participants of the Commercial Carrier Pre-clearance Program shall be subject to disciplinary action for any of the following causes:

(a) Failure to make available for inspection by any department representative the cargo, regular manifest and/or other billing pertaining to any vehicle participating in the Commercial Carrier Pre-clearance Program at any Florida terminal or drop site during hours of operation;

(b) Failure of any vehicle participating in the Commercial Carrier Pre-clearance Program which is transporting agricultural products, horticultural products, aquaculture, products derived from aquaculture, livestock, products derived from livestock, or other commodities over which the Department exercises regulatory authority to voluntarily stop at any agricultural inspection station and declare such commodities even though pre-clearance approval is received;

(c) Failure of any vehicle participating in the Commercial Carrier Pre-clearance Program, which is routed into an agricultural inspection station for a compliance spot check, to enter said inspection station and/or submit for inspection;

(6) Participants of the Commercial Carrier Pre-clearance Program who are determined to have engaged in those acts prescribed in paragraph (5) above shall be subject to the following penalties:

(a) First time offenders shall be subject to an administrative fine of up to two thousand dollars (\$2,000) and an increase in compliance spot checks of the participating carrier vehicles up to fifty percent (50%);

(b) Second offense shall be subject to an administrative fine of up to five thousand dollars (\$5,000) and suspension of their participation in the program for a period not to exceed one hundred eighty (180) days;

(c) Subsequent offenses shall result in expulsion from the program without leave to reapply for a period of twelve months.

(7) Five percent (5%) of vehicles participating in the Commercial Carrier Pre-clearance Program which pass a specified agricultural inspection station shall be routed into the inspection station for inspection of the cargo, regular manifest and/or other billing, as a means to ensure compliance. The compliance spot check count shall be conducted separately at each specified agricultural inspection station.

(a) The percentage of vehicles subject to compliance spot checks may be reduced to zero percent (0%) to address safety concerns resulting from ramp renovation, construction projects, natural and manmade disasters, and heavy traffic;

(b) The percentage of vehicles subject to compliance spot checks may be increased to one hundred percent (100%) during emergencies as defined by the Governor or Commissioner of Agriculture.

(c) The percentage of vehicles subject to compliance spot checks may be increased up to fifty percent (50%) as a condition of readmission into the program following suspension or revocation.

Specific Authority 570.07(23), 570.15(5) FS. Law Implemented 570.15(1), 570.15(2), 570.15(5) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Clark R. Jennings, Chief Counsel, Office of Agricultural Law Enforcement, 2005 Apalachee Parkway, Room 235, Tallahassee, Florida 32399-6500, (850)245-1300, Fax (850)245-1330

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel A. Darrell Liford, Director, Office of Agricultural Law Enforcement, 2005 Apalachee Parkway, Room 235, Tallahassee, Florida 32399-6500; (850)245-1300; FAX: 245-1330

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 2004

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Importation of Animals	5C-3
RULE TITLES:	RULE NOS.:
Definitions	5C-3.001
General Requirements and Limitations	5C-3.002
Equidae	5C-3.003
Cattle	5C-3.004
Goats or Sheep	5C-3.005
Swine	5C-3.007
Dogs or Domestic Cats	5C-3.009
Cervidae	5C-3.011
Domestic Fowl Poultry, Poultry Products and Ratites	5C-3.012

PURPOSE, EFFECT AND SUMMARY: This proposed rule amendment modifies and updates general requirements, definitions, species-specific requirements, tests and documentation needs of both state and federal governing agencies regarding interstate animal transportation, animal movement and disease control.

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 within 21 days of this notice.

SPECIFIC AUTHORITY 585.002(4), 585.08(2)(a) FS.

LAW IMPLEMENTED: 534.081, 585.08(1),(2)(a), 585.11(1),(2), 585.145(1),(2), 585.16 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dr. Cesar Ruiz, Vet. Manager, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 333, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 5C-3.001 follows. See Florida Administrative Code for present text.)

5C-3.001 Definitions.

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

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of federal and

cooperative state-federal programs in accordance with the provisions of Title 9 Code of Federal Regulations (9 CFR) § 160 - § 162 (2004).

(2) Administrator. The Administrator of USDA, APHIS or any person authorized to act for the Administrator.

(3) Animal. Any equine, bovine, goat, sheep, swine, domestic cat, dog, poultry, ostrich, rhea or emu, or other domesticated beast or bird. The term "animal" shall include wild or game animals whenever necessary to effectively control or eradicate dangerous transmissible diseases or pests.

(4) Approved All-Class Market. A livestock market approved by the Administrator pursuant to 9 CFR Part (§) 71.20 (2004), where breeding, feeding, and slaughter swine are received, handled and released in accordance with Federal interstate regulations and applicable state regulations; and released in accordance with 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004).

(5) Approved Slaughter Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) where slaughter swine are received, handled and released, in accordance with applicable state regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004).

(6) Authorized Representative. An employee of the state or federal government, or a licensed veterinarian accredited by the USDA, who is authorized to conduct animal disease control and eradication activities.

(7) Avian Influenza (AI) or Exotic Newcastle Disease (END)-Affected State. Any state in which High Path Avian Influenza subtype H5 or H7 or END virus has been diagnosed in poultry within the last 90 days prior to importation.

(8) Cleaned and Disinfected. Free of organic matter and disinfected with an approved agent.

(9) Commercial Production Swine. Swine that have been continuously managed with adequate facilities and practices to prevent exposure to either transitional or feral swine and so recognized by state animal health officials.

(10) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(11) Domestic Fowl. Any member of the Class Aves that is propagated or maintained under control of a person for commercial, exhibition or breeding purposes, or as pets.

(12) Feral Swine. Swine that are free-roaming.

(13) Import, Imported, Importation. The movement of animals into the state of Florida, from another state, United States (U.S.) possession, or foreign country.

(14) National Poultry Improvement Plan (NPIP). A cooperative state-federal-industry program for prevention and control of certain hatchery-disseminated diseases and for improvement of poultry and poultry products as provided in 9 CFR § 145 (2004) and § 147 (2004).

(15) Official Certificate of Veterinary Inspection (OCVI). A legible certificate made on an official form from the state of origin or from the USDA, issued by an authorized representative, and approved by the chief animal health official of the state of origin.

(16) Official Individual Identification. A unique individual identification that is secure, traceable, and capable of carrying unique numbers from a central repository; including, but not limited to: official USDA ear tags that conform to the alphanumeric National Uniform Eartagging System, flank tattoo, tail web or ear tattoo, or lip tattoo using the National Uniform Tag code number assigned by USDA to the state of origin, or official leg or wing band, or any electronic identification device with a unique number that is recorded in a single central database, or other USDA-approved identification device that conforms to the alphanumeric National Uniform Eartagging System, or biometrics, or the digital image or notarized photograph of the animal signed by the licensed accredited veterinarian or notary public, drawing, or other forms of identification developed through technology in which natural physical marks such as signalments are recorded and/or documented. It may bear the valid premises identification used in conjunction with the producer's livestock production numbering system to provide a unique identification number. An owner's private brand or tattoo, even though permanent and registered in the state of origin, is not an acceptable individual animal identification for the purposes of entry into Florida.

(17) Poultry. Chickens, turkeys, quail, pheasants, chukars, peafowl, guineas, ratites and waterfowl.

(18) Poultry and Eggs for Hatching Purposes. A specific designation of those species of domestic fowl and the qualified eggs produced by these that are eligible for testing and qualification under the supervision of the NPIP including, but not limited to, chickens, turkeys, waterfowl, exhibition poultry and game birds. The term also includes other domestic fowl used for commercial, exhibition or breeding purposes or as pets.

(19) Poultry Products. Hatching eggs, chicks, poults, table eggs, litter, and offal but does not include processed poultry meat for human consumption.

(20) Prior Permission. Written or verbal authorization by the Division prior to importation into Florida. An authorization number must be obtained and shown on the OCVI accompanying the animals.

(21) Recognized Slaughtering Establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or equivalent state meat inspection program.

(22) Restricted. Animals that are quarantined, infected with, or exposed to any infectious or communicable disease.

(23) Specifically Approved Livestock Market. A stockyard, livestock market, buying station, concentration point or any other premises under state or federal veterinary

supervision where livestock are assembled for sale or sale purposes and which has been approved by the Administrator as provided in 9 CFR § 71.20 (2004).

(24) Transitional Swine. Swine that have been, or have had the potential to be, exposed to feral swine.

(25) USDA. United States Department of Agriculture.

(26) Vesicular Stomatitis (VS)-Affected State. Any state in which VS virus serotypes New Jersey or Indiana have been diagnosed within the last 60 days prior to importation.

(27) Forms and Materials. 9 CFR § 71 (2004), § 71.20 (2004), § 78 (2004), § 85 (2004), § 145 (2004), § 147 (2004), § 160 - § 162 (2004), and the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and VS Form 9-3 (Aug 95), Report of Sales of Hatching Eggs, Chicks, and Poults are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a) FS. Law Implemented 585.08(2)(a), 585.145(1),(2) FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.01, Amended 9-6-89, 3-23-94, 6-4-95,\_\_\_\_\_.

(Substantial rewording of Rule 5C-3.002 follows. See Florida Administrative Code for present text.)

5C-3.002 General Requirements and Limitations.

(1) OCVI Required. Animals imported into the state must be accompanied by an OCVI unless exempted by this rule. The OCVI must be attached to the waybill or be in the possession of the driver of the vehicle or person otherwise in charge of the animals. The OCVI must accompany the animals to their final destinations in Florida.

(a) All information required on the OCVI must be fully completed by the issuing veterinarian and must include the following:

1. The name and address of the consignor;
2. The name and address of the consignee;
3. The point of origin and premises identification, if assigned by state officials in the state of origin;
4. The point of destination;
5. The date of examination;
6. The number of animals examined;
7. The official individual identification of each animal; and the name or registered brand or tattoo number;
8. The sex, age, and breed of each identified animal;
9. Test results and herd or state status on certain diseases as specified in this chapter;
10. Prior permission number, if required;
11. A statement by the issuing veterinarian that the animals identified on the OCVI are free of signs of infectious or communicable disease; and
12. For Equidae only, the establishment or premises at which the horse was examined, body temperature at examination, and color and markings or digital image.

(b) A copy of the OCVI must be forwarded immediately to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800.

(c) The OCVI will be void after 30 days except that OCVIs for Equidae may be extended as provided in subsection 5C-3.003(5), F.A.C.

(2) Proof of Ownership. Animals which are not required to have an OCVI for importation, as exempted by this rule, and animals being transported totally within the state must be accompanied by a document signed by the owner or agent as evidence of ownership or authority for possession of the transported animals. These documents must disclose:

- (a) The name and address of the consignor,
- (b) The name and address of the consignee,
- (c) The point of origin,
- (d) The point of destination, and
- (e) A description of the animals sufficient to identify them for any and all purposes.

(3) Restricted Animals. All restricted animals must have prior permission for importation into the state or to be transported within the state.

(4) Importation for Slaughter. Animals imported into the state for slaughter must be consigned directly to a recognized slaughtering establishment and must be slaughtered within 10 days after arrival at their destination.

(5) Vesicular Stomatitis.

(a) Certification for Vesicular Stomatitis (VS). All hoofed animals, including horses, ruminants, swine, exotic and wild hoofed animals, originating from a VS-affected state must be accompanied by an OCVI which includes the following statement: "All animals susceptible to Vesicular Stomatitis (VS) identified and included in this OCVI for shipment have been examined and found to be free from clinical signs and vectors of VS and have not been exposed to VS virus and have not been within 10 miles of a VS-infected premises within the last 30 days." Documentation must also accompany the animals to show that the animals have been tested and found negative to an approved test for VS within the previous 10 days.

(b) Prior permission. Animals originating from a VS-affected state will require prior permission.

(6) Violations. Animals entering the state in violation of the provisions of this chapter shall be stopped by an agent, or employee of the Division or by any FDACS law enforcement officer of the state of Florida or any subdivision of the state. Any person, firm, or association having charge, custody, or control of animals imported in violation of this rule will remove the animals from the state as directed by the Division.

Specific Authority 585.002(4), 585.08(2)(a) FS. Law Implemented 534.081, 585.11(1),(2), 585.145(1),(2), 585.16 FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.02, Amended 9-6-89, 3-23-94, 6-4-95,\_\_\_\_\_.

(Substantial rewording of Rule 5C-3.003 follows. See Florida Administrative Code for present text.)

5C-3.003 Equidae.

(1) OCVI Required. An OCVI must accompany all Equidae imported into the state except the following:

(a) Equidae consigned directly to a veterinary medical treatment facility for emergency medical care and placed under quarantine at the medical facility until it recovers and exits the state, or

(b) Equidae accompanied by an Equine Event Extension (DACS-09051) Rev. (8/04), Equine Interstate Passport Card (DACS-09207) Rev. (8/04), or equivalent, of the state of origin, signed by the State Veterinarian or chief animal health official as provided in subsection 5C-3.003(5), F.A.C.

(2) Prior Permission. Prior permission must be obtained for:

(a) Equidae consigned directly to a veterinary medical treatment facility for emergency medical care;

(b) Equidae imported from a state or U.S. possession where Equine piroplasmiasis is endemic; or

(c) Equidae imported into the state from countries where Contagious Equine Metritis (CEM) is endemic.

(3) Equine Infectious Anemia (EIA) Test.

(a) All Equidae imported into the state must be accompanied by evidence of an official negative EIA serologic test within 12 months prior to importation, except the following:

1. Foals under six months of age accompanied by their dam which has met the EIA test requirements, and

2. Equidae exempted from the OCVI requirement under paragraph 5C-3.003(1)(a), F.A.C.

(b) The EIA test information must be recorded on the OCVI, Equine Event Extension (DACS-09051) Rev. (8/04), Equine Interstate Passport Card (DACS-09207) Rev. (8/04), or equivalent, of the state of origin signed by the State Veterinarian or chief animal health official as provided in subsection 5C-3.003(5), F.A.C., and must include the following:

1. The date of the test;

2. The result of the test;

3. The name of the testing laboratory; and

4. The laboratory accession number.

(4) Equine Piroplasmiasis Test Requirements:

(a) All Equidae imported from states or U.S. possessions where Equine piroplasmiasis is endemic must be accompanied by evidence of a negative official test for both *Babesia caballi* and *Babesia equi* as approved by the USDA within 30 days prior to importation.

(b) All Equidae meeting the above requirements for importation will be quarantined upon arrival at their destination. The Equidae will remain under quarantine until

such time as negative official tests for *B. caballi* and *B. equi* are conducted at the owner's expense not less than 30 days nor more than 60 days after importation.

Equidae which test positive for *B. caballi* or *B. equi* will remain under quarantine, with all treatment and related costs at the owner's expense, until:

1. The animal is treated by a Florida licensed and accredited veterinarian and is negative on retesting; or

2. Is returned to the point of origin under VS Form 1-27 (JUN 89); or

3. Is euthanized and disposed of by methods approved by the Division; or

4. Is moved directly to a recognized slaughtering establishment under VS Form 1-27 (JUN 89).

(5) Equine Event Extension or Equine Interstate Passport Card. Equine Event Extension (DACS-09051) Rev. (8/04), or Equine Interstate Passport Card (DACS-09207) Rev. (8/04), or equivalent, will be issued to certify the existence of an official negative EIA test within the previous 12 months and a valid Florida Official Equine Certificate of Veterinary Inspection. This card will be valid for up to six months provided that:

(a) The purpose is solely to allow routine interstate movement between Florida and other states that have mutually agreed to recognize such Equine Event Extension (DACS-09051) Rev. (8/04), or Equine Interstate Passport Card (DACS-09207) Rev. (8/04), or equivalent, to equine events such as horse shows or meets, races, trail rides, or fox hunts-and

(b) The OCVI includes all other information required by subsections 5C-3.002(1) and 5C-3.003(3), FAC; and

(c) The new expiration date will not be later than the expiration date of the EIA test; and

(d) An Equine Event Extension (DACS-09051) Rev. (8/04), or Equine Interstate Passport Card (DACS-09207) Rev. (8/04), or equivalent, does not supersede or replace the requirements of any given event; and

(e) An Equine Event Extension (DACS-09051) Rev. (8/04), or Equine Interstate Passport Card (DACS-09207) Rev. (8/04), or equivalent, will not be issued for an owner, owner's agent, or horse which has been the subject of cancellation of an Equine Event Extension (DACS-09051) Rev. (8/04), or Equine Interstate Passport Card (DACS-09207) Rev. (8/04), or equivalent.

(f) An Equine Event Extension (DACS-09051) Rev. (8/04) or Equine Interstate Passport Card (DACS-09207) Rev. (8/04) may be applied for by submitting an Application for Equine Event Extension or Equine Interstate Passport Card (DACS-09078) Rev. (8/04) to the Division of Animal Industry, Florida Department of Agriculture and Consumer Services, 407 S. Calhoun St., Mayo Building, Tallahassee, Florida 32399-0800, Fax: (850)410-0957; or through the Department's Licensing, Permits and Registration website: <http://www.doacs.state.fl.us/onestop/ai/aiinst.html>.

(6) Brucellosis. Equidae which are positive to a brucellosis test or which show evidence of "poll evil" or "fistulous withers" whether draining or not, will not be allowed to enter the state for any purpose.

(7) Forms. Equine Event Extension (DACS-09051) Rev. (08/04), and Equine Interstate Passport Card (DACS-09207) Rev. (08/04), are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 S. Calhoun St., Tallahassee, FL 32399-0800. USDA APHIS VS Form 1-27 (JUN 89) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—Amended 11-21-65, 6-26-66, 3-1-72, 10-15-73, 3-17-76, 9-14-82, 2-5-85, Formerly 5C-3.03, Amended 9-6-89, 3-23-94, 6-4-95,\_\_\_\_\_.

(Substantial rewording of Rule 5C-3.004 follows. See Florida Administrative Code for present text.)

5C-3.004 Cattle.

(1) OCVI Required. All cattle imported must be accompanied by an OCVI except the following:

(a) Steers;

(b) Spayed heifers;

(c) Cattle consigned directly to specifically approved livestock markets; and

(d) Ceattle consigned directly to recognized slaughtering establishments.

(2) Other Requirements and Limitations. General.

(a) Restricted cattle must have prior permission and be accompanied by VS Form 1-27 (JUN 89);

(b) Cattle known to be infected with paratuberculosis (Johne's Disease) shall not be imported except to a recognized slaughtering establishment or to a specifically approved livestock market for sale to a recognized slaughtering establishment.

(c) Testing.

1. Tuberculosis Test.

a. A tuberculosis test is not required for importation provided that the cattle originate from an Accredited Tuberculosis-Free Herd or State. The herd accreditation number or state status must be listed on the OCVI.

b. A negative tuberculosis test is required within 30 days prior to importation for cattle over 6 months of age that originate from a state or herd that is not an Accredited Tuberculosis-Free Herd or State.

2. Brucellosis Test.

a. A brucellosis test is not required for importation provided that the cattle:

(i) Originate from a Certified Brucellosis-Free Herd or Brucellosis Class-Free State or Area; or

(ii) Are official calfhood vaccinates under 18 months of age, or are steers or spayed heifers

b. A negative brucellosis test is required within 30 days prior to importation for cattle not exempted in sub-paragraph 5C-3.004(2)(c)2.a., F.A.C., and which originate from a state or area not recognized as a Brucellosis Class-Free State or Area under the provisions of 9 CFR § 78 (2004).

c. The herd certification number or state status must be listed on the OCVI.

(3) Rodeo Bulls.

(a) Tuberculosis Test. A negative tuberculosis test is required within 12 months prior to importation.

(b) Brucellosis Test. Rodeo bulls performing in rodeo events may be imported without tests provided the bulls are not changing ownership and are under 18 months of age; or individual bulls are negative to a brucellosis test within 12 months prior to importation.

(c) Rodeo bulls imported for purposes other than performing in rodeo events must meet the requirements for importation in subsections 5C-3.004(1) and (2), F.A.C.

(4) Prior Permission. Prior permission shall be required for all cattle originating from states with less than Tuberculosis Accredited-Free State or Brucellosis Class-Free State classifications.

(5) Forms and Materials. VS Form 1-27 (JUN 89) and 9 CFR, § 78 (2004) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History—Amended 3-22-63, 8-20-64, 9-23-65, 7-25-66, 11-15-67, 3-1-68, 3-12-70, 7-1-70, 9-1-72, 4-5-77, 7-1-79, 7-1-80, 9-30-80, 8-9-81, 9-14-82, 6-26-83, 2-5-85, Formerly 5C-3.04, Amended 9-6-89, 3-23-94, 6-4-95,\_\_\_\_\_.

(Substantial rewording of Rule 5C-3.005 follows. See Florida Administrative Code for present text.)

5C-3.005 Goats or Sheep.

(1) OCVI Required. All goats or sheep imported into the state, except goats or sheep consigned directly to recognized slaughtering establishments, must be accompanied by an OCVI. The OCVI must include the following:

(a) The official individual identification of each animal as required in 9 CFR § 79.2 (2004) and § 79.3 (2004) and the Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, October 1, 2003; and

(b) A statement that each goat or sheep, is free of the clinical signs of the diseases: caseous lymphadenitis, contagious ecthyma (Orf), chlamydial keratoconjunctivitis, scabies, scrapie, and contagious footrot.

(2) Testing Requirements for Dairy Goats.

(a) Tuberculosis Test. Dairy goats over 6 months of age must originate from an Accredited Tuberculosis-Free Herd, or have had a negative tuberculosis test within 90 days prior to importation.

(b) Brucellosis Test. Dairy goats over 6 months of age must originate from a Certified Brucellosis-Free Herd, or have had a negative brucellosis test within 90 days prior to importation.

(3) Immediate Slaughter Goats or Sheep.

(a) Goats or sheep older than 18 months of age must have an official individual identification as required in 9 CFR § 79.2 (2004) and § 79.3 (2004), and the Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, October 1, 2003.

(b) Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(2), F.A.C., must accompany the shipment.

(c) The goats or sheep will be moved directly to a recognized slaughter establishment.

(5) Materials. 9 CFR § 79.2 (2004), § 79.3 (2004), and the Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-066, October 1, 2003 are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History--New 6-29-62, Amended 2-5-85, Formerly 5C-3.05, Amended 9-6-89, 3-23-94, 6-4-95, \_\_\_\_\_.

(Substantial rewording of Rule 5C-3.007 follows. See Florida Administrative Code for present text.)

5C-3.007 Swine.

(1) OCVI Required. All swine imported into the state, except swine consigned directly to a recognized slaughtering establishment, must be accompanied by an OCVI.

(2) Prior Permission. Prior permission is required for all swine imported originating from any state with less than a Validated Brucellosis-Free State, or Pseudorabies Stage IV or V (Pseudorabies-Free) State status or Transitional swine from any state, except swine consigned directly to a recognized slaughtering establishment.

(3) Breeding, Exhibition and Pet Swine.

(a) Brucellosis Test. Swine imported for breeding, exhibition or pet purposes must:

1. Originate from herds not known to be infected with or exposed to brucellosis and be accompanied by proof of a negative brucellosis test conducted within 30 days prior to importation, or

2. Be commercial production swine that originate directly from a Validated Brucellosis-Free State; or

3. Originate directly from a Validated Brucellosis-Free Herd. The Brucellosis-Free Herd number and the date of expiration or state status must be listed on the OCVI.

(b) Pseudorabies Tests. Swine entering the state for breeding, exhibition or pet purposes must:

1. Originate from a herd not known to be infected with or exposed to pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days prior to importation; or

2. Originate from a Qualified Pseudorabies-Negative (QN) Herd; or

3. Be commercial production swine that originate directly from a Pseudorabies Stage IV or V (Pseudorabies-Free) State.

(4) Feeder Swine.

(a) Brucellosis Test. Swine imported for feeder purposes must originate from herds not known to be infected with or exposed to brucellosis.

(b) Pseudorabies Tests. Swine imported for feeder purposes must:

1. Originate from herds not known to be infected with or exposed to pseudorabies and be accompanied by proof of a negative pseudorabies test conducted within 30 days prior to importation; or

2. Originate from a Qualified Pseudorabies-Negative (QN) Herd; or

3. Originate from a Pseudorabies-Monitored Feeder Pig (MFPH) Herd; or

4. Be commercial production swine that originate directly from shipped directly from the farm of origin in a Pseudorabies Stage III, IV, or V (Pseudorabies-Free) State.

(5) Immediate Slaughter Swine.

(a) Commercial Production Swine not known to be infected with or exposed to brucellosis or pseudorabies may enter the state without restrictions provided they are:

1. Consigned directly to an approved slaughtering establishment; or

2. Consigned directly to an approved slaughter market or an approved all-class market and then directly to another approved slaughter market or to a recognized slaughtering establishment.

(b) Transitional swine and swine known to be infected with or exposed to pseudorabies or brucellosis must have prior permission and be accompanied by VS Form 1-27 (JUN 89) and may be imported provided the swine are consigned directly to a recognized slaughtering establishment

(c) Evidence of ownership or authority to transport the animals as provided in subsection 5C-3.002(2), F.A.C., must accompany the shipment.

(6) Forms. VS Form 1-27 (JUN 89) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History--Amended 3-24-65, 11-7-67, 6-20-68, 1-1-71, 3-1-72, 8-4-77, 2-5-85, 10-23-85, Formerly 5C-3.07, Amended 9-6-89, 3-23-94, \_\_\_\_\_.

(Substantial rewording of Rule 5C-3.009 follows. See Florida Administrative Code for present text.)

5C-3.009 Dogs or Domestic Cats.

(1) OCVI Required. All dogs or domestic cats imported into this state, except dogs or domestic cats imported for exhibition purposes only and that will remain in the state less than six months, must be accompanied by an OCVI stating that they are:

(a) Free from signs of any infectious or communicable disease;

(b) Did not originate within an area under quarantine for rabies; and

(c) Not known to have a history of exposure to a rabies-infected animal prior to importation.

(2) Rabies Vaccination. Dogs and domestic cats 3 months of age and older transported into the state must have a current rabies vaccination with a USDA-approved rabies vaccine.

(3) Prior Permission. Dogs or domestic cats originating from areas under quarantine for rabies must have prior permission from the Department as provided in subsection 5C-3.002(3), F.A.C.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History--New 6-29-62, Amended 2-5-85, Formerly 5C-3.09, Amended 9-6-89, 3-23-94, 6-4-95, \_\_\_\_\_.

(Substantial rewording of Rule 5C-3.011 follows. See Florida Administrative Code for present text.)

5C-3.011 Cervidae.

(1) OCVI Required. All cervidae imported into the state, except cervidae consigned directly to a recognized slaughtering establishment, must be accompanied by an OCVI. The OCVI must list the official individual identification of each animal, and the date and results of any required test as provided in Rule 5C-26.005, F.A.C.

(2) Prior Permission. All cervidae imported into the state, except cervidae consigned directly to a recognized slaughtering establishment, must have prior permission and meet the requirements of Chapter 5C-26, F.A.C.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History--New 3-23-94, Amended \_\_\_\_\_.

(Substantial rewording of Rule 5C-3.012 follows. See Florida Administrative Code for present text.)

5C-3.012 Domestic Fowl, Poultry, Poultry Products and Ratites.

(1) OCVI Required. All domestic fowl, poultry and eggs for hatching purposes imported into the state, unless exempted by this rule, must be accompanied by an OCVI. Poultry and hatching eggs classified under provisions of the NPIP may substitute VS Form 9-3 (AUG 95), Report of Sales of Hatching Eggs, Chicks and Poults, for the OCVI. Racing pigeons that are transported out of the state for racing purposes in a sealed

crate(s) and reenter the state with unbroken seals or poultry consigned directly to a recognized slaughtering establishment are exempt from the OCVI importation requirements.

(2) Prior Permission. Prior permission is required for importation of all domestic fowl and poultry and eggs for hatching purposes except:

(a) Poultry consigned directly to a recognized slaughtering establishment;

(b) Individual exotic and pet birds;

(c) Exhibition birds originating in NPIP participating flocks in Florida and are returning to the state.

(3) Pullorum-Typhoid Test

(a) An official negative test for Pullorum-Typhoid is required within 30 days of importation for poultry or on the flock from which hatching eggs originate that do not meet the requirements in paragraph 5C-3.012(3)(b), F.A.C.

(b) Exemptions to the test requirements. No tests is required for the following:

1. Importing poultry or eggs for hatching purposes originating from flocks classified under provisions of the NPIP as Pullorum-Typhoid Clean or from flocks that have met comparable standards of the poultry disease control authority of the state of origin;

2. Quail, pheasants, pigeons and other birds used strictly for hunting purposes and which are consigned directly to a Florida Fish and Wildlife Conservation Commission-licensed hunting preserve;

3. Racing pigeons entering the state for release for return to state of origin;

4. Ratites;

5. Waterfowl imported for exhibition purposes;

6. Exotic birds or other pet birds;

7. Exhibition birds originating from NPIP-participating flocks in Florida returning to the state. These birds must be accompanied by proof of a valid NPIP flock testing record indicating that the flock test was conducted within the previous 12 months or proof of a valid NPIP participant card current within the past 12 months; or

8. Poultry consigned directly to a recognized slaughtering establishment.

(4) Backyard poultry flocks that are not used for commercial or exhibition purposes, entering the state without prior permission, must be quarantined to their destination until the birds are found to be negative to an official Pullorum-Typhoid test and any other tests required by the State Veterinarian. The tests will be conducted by an authorized representative of the Department.

(5) Importations from an Avian Influenza (AI) or Exotic Newcastle Disease (END)-Affected State.



(a) Approval. All domestic fowl, live poultry or poultry products from an AI- or END-affected state(s) will be considered for approval by the State Veterinarian on a case-by-case basis following a risk assessment.

(b) Documentation. Poultry or poultry products must originate from a flock that is NPIP AI Clean and the shipment is accompanied by a VS Form 9-3 (AUG 95), or VS Form 1-27 (JUN 89), or OCVI indicating poultry or poultry product originates from an AI- or END-negative flock, listing the description of birds, test date, test results, and the name of testing laboratory.

(c) Prior permission. All domestic fowl, live poultry or poultry products originating from AI- or END-affected states will require prior permission.

(d) Quarantine. All domestic fowl, poultry or poultry products originating from AI- or END- affected states will remain under quarantine at destination for a period of time not less than 14 days and will be subject to inspection by an authorized representative.

(e) Quarantine Area. No domestic fowl, live poultry or poultry products originating from a quarantine area may enter Florida.

(f) Purpose of Movement. No domestic fowl or poultry can enter Florida from an AI- or END-affected state for the purpose of being offered for sale, exchange or exhibition, or any market channel.

(g) Containers for Shipment. Chicks or hatching eggs approved for import into Florida must be transported in new, disposable containers. Chicks may be transported in non-disposable containers if protocol for clean and disinfect and reuse is approved by the Division. All shipments will be required to be sealed at origin and seal broken by an authorized representative at destination. A statement verifying these requirements must be included on a VS Form 9-3 (AUG 95), VS Form 1-27 (JUN 89), or OCVI. Disposable containers must be properly disposed of at point of destination.

(h) Domestic Fowl, Poultry or Poultry Products Originating from Florida. Domestic fowl, poultry or poultry products originating from Florida that have been transported into an AI- or END-affected state will not return to Florida until the above requirements in subsection 5C-3.0012(5), F.A.C., have been met.

(i) Chicks or Eggs. No chicks or eggs originating from a hatchery that received eggs from a positive AI or END flock within 90 days may enter Florida.

(j) Vehicles. All vehicles associated with transporting domestic fowl, poultry or poultry products from AI- or END-affected states must be clean and disinfected prior to loading poultry or poultry products. In addition, the loaded vehicle shall have tires and undercarriage clean and disinfected after leaving premises and prior to entry into Florida. A statement verifying compliance to the requirement must be

included on VS Form 9-3 (AUG 95), VS Form 1-27 (JUN 89), or OCVI or other applicable document. Vehicles will be inspected by FDACS at destination to ensure compliance.

(k) Restrictions. The restrictions specified in subsection 5C-3.0012(5), F.A.C., will remain in effect for a period of 90 days from last date an AI or END premises was depopulated.

(6) Containers for Shipment. All imported domestic fowl, poultry, and eggs for hatching purposes must be shipped in new or properly cleaned and disinfected reusable containers.

(7) Forms. VS Form 9-3 (AUG 95), Report of Sales of Hatching Eggs, Chicks and Poults, and VS Form 1-27 (JUN 89), are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History--New 3-23-94, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Cesar Ruiz, Vet. Manager, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 333, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Wm. C. Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 332, 407 S. Calhoun St. Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2004

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Pseudorabies	5C-21
RULE TITLES:	RULE NOS.:
Definitions	5C-21.002
General Requirements and Limitations	5C-21.010
Vaccination, Approval and Procedures	5C-21.011
Procedures for Control and Eradication of Pseudorabies	5C-21.012
Feral or Transitional Swine, Movement and Test Requirements	5C-21.015
Commercial Production Swine Herd Requirements	5C-21.018

PURPOSE: This proposed rule amendment specifies and delineates the guidelines for the implementation of the National Pseudorabies Eradication Program for all domestic and feral swine populations in Florida. By incorporating these

guidelines and modifications, the State of Florida should be able to fulfill the requirements to attain Stage V in which a state is declared pseudorabies free in the national program.

SUMMARY: This proposed rule amendment modifies and updates the general requirements, definitions, procedures for control and eradication, and requirements for commercial production, transitional, and feral swine populations to fit the particular idiosyncrasies of such industries in the state.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 585.002(4), 585.08(2) FS.

LAW IMPLEMENTED: 570.0705, 585.002(5), 585.01, 585.08(1), 585.08(3), 585.09, 585.11, 585.11(1),(2), 585.145, 585.145(1), 585.145(1),(2), 585.16, 585.17, 585.20, 585.21, 585.23, 585.40 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dr. Cesar Ruiz, Vet. Manager, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 333, 407 S. Calhoun St. Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 5C-21.002 follows. See Florida Administrative Code for present text.)

5C-21.002 Definitions.

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the Administrator, United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of Title 9 Code of Federal Regulations (9 CFR) § 160 - § 162 (2004).

(2) Administrator. The Administrator of USDA, APHIS, or any person authorized to act for the Administrator.

(3) Approved Game Reserve. A premises containing game animals intended for hunting which complies with the requirements of a Quarantined Feedlot under 9 CFR § 85.1 (2004) also meeting the following criteria:

(a) Operates under a written herd health plan that is approved by the State Veterinarian;

(b) Is surrounded by fencing adequate to reasonably prevent both the escape of enclosed animals and unsolicited additions of animals outside of the enclosure;

(c) Accepts swine of unknown disease status;

(d) Collects blood and/or tissue samples from swine at the time of kill and submits the samples for testing in an official laboratory;

(e) Allows swine to leave the facility only when they are killed or sold through direct-to-slaughter-only trade channels, or transported to another Approved Game Reserve.

(4) Approved All-Class Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) where swine are received, handled and released in accordance with Federal interstate regulations and applicable state regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004).

(5) Approved Differential Pseudorabies Test. Any test for the diagnosis of pseudorabies that:

(a) Can distinguish vaccinated swine from infected swine;

(b) Is produced under license from the Secretary of Agriculture with indications for use in the Cooperative State-Federal-Industry Pseudorabies Eradication Program; and

(c) Is conducted in a laboratory approved by the Administrator.

(6) Approved Feral Swine Holding Facility. A temporary holding facility for captured feral swine prior to being slaughtered, moved directly to slaughter, or moved to an Approved Game Reserve. Such facility must be inspected and approved annually.

(7) Approved Pseudorabies Vaccine. A pseudorabies vaccine approved by USDA and the State Veterinarian for use in the state.

(8) Approved Slaughter Market. A livestock market approved by the Administrator pursuant to 9 CFR § 71.20 (2004) where slaughter swine are received, handled, and released in accordance with applicable state regulations and 9 CFR § 71 (2004), § 78 (2004), and § 85 (2004).

(9) Area Veterinarian-in-Charge (AVIC). The veterinary official of USDA, APHIS who is assigned by the Administrator to supervise and perform animal health work in the state/area.

(10) Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*.

(11) Commercial Production Swine Herd. A swine herd approved and recognized by the Division that has been continuously managed with adequate facilities and practices to prevent exposure to either transitional or feral swine. These herds meet or exceed the requirements of a Pseudorabies Monitored Feeder Pig Herd, a Validated Brucellosis Herd, and a Qualified Pseudorabies Negative Herd, provided that after the initial qualifying test, an appropriate percentage of the herd is tested monthly or quarterly as specified in The Pseudorabies Eradication Program Standards, APHIS 91-55-071, November 1, 2003, The Swine Brucellosis Control/Eradication Uniform Methods & Rules, APHIS 91-55-042, April 1998, and 9 CFR § 78.1 & § 85.1 (2004).

(12) Commercial Production Swine Herd Management Plan. A written herd management and testing agreement between the Division and the herd owner which must be renewed annually.

(13) Common Ground. The ground, area, building, and equipment commonly shared by any specific group of livestock.

(14) Dealer. Any person who engages in the business of buying or selling swine in commerce, either for their own account or as an employee or agent of the seller or buyer or any person who engages in the business of buying or selling swine in commerce on a commission basis. The term shall not include persons who buy or sell swine only as part of their own breeding and feeding operation or who receive swine exclusively for immediate slaughter on their own premises and who are not otherwise engaged in the business of buying, selling, trading, or negotiating transfer of swine.

(15) Department. The Florida Department of Agriculture and Consumer Services.

(16) Direct Shipment of Feral or Transitional Swine. Movement of feral or transitional swine without unloading en route, and without contact with infected or exposed livestock.

(17) Division. The Division of Animal Industry of the Department.

(18) Exposed Livestock. All susceptible livestock that have been in contact with an animal infected with pseudorabies, including all susceptible livestock in a known infected herd. Susceptible livestock other than swine that have not been exposed to a clinical case of pseudorabies for the last ten consecutive days shall no longer be considered to be exposed.

(19) Feral Swine. Swine that are free-roaming.

(20) Feral Swine Dealer. Any person that traps, buys, sells, or trades feral swine and is registered with the Division.

(21) Herd. Any group of livestock maintained on common ground for any purpose or two or more groups of livestock under common ownership or supervision geographically separated but which have an interchange of animals.

(22) Herd Cleanup Plan. A written, mandatory plan to eliminate pseudorabies from a swine herd which is developed by a pseudorabies epidemiologist or other designated state or federal representative in consultation with the herd owner and, when requested by the owner, the owner's veterinary practitioner, and is approved by the Division.

(23) Isolation. Separation of individual swine by a physical barrier in a manner that assures one pig does not have access to the body, excrement, or discharges of another pig; does not share a building with a common ventilation system; and is not within ten feet of another pig.

(24) Official Individual Identification. A unique individual identification that is secure, traceable, and capable of carrying unique numbers from a central repository; including, but not limited to: official USDA eartags that conform to the

alphanumeric National Uniform Eartagging System, ear tattoo, using the National Uniform Tag code number assigned by USDA to the state of origin, or any electronic identification device with a unique number that is recorded in a single central database, or other USDA-approved identification device that conforms to the alphanumeric National Uniform Eartagging System. It may bear the valid premises identification used in conjunction with the producer's livestock production numbering system to provide a unique identification number. An owner's private brand or tattoo, even though permanent and registered in the state of origin, is not an acceptable individual animal identification for the purposes of entry into Florida.

(25) Official Random-Sample Test. A sampling procedure utilizing a pseudorabies test or an approved differential pseudorabies test, which provides a 95 percent probability of detecting infection in a herd in which at least 5 percent of the swine are positive for pseudorabies. Each segregated group of swine on an individual premises is considered to be a herd and must be sampled as provided in the Program Standards.

(26) Owner. The owner of the animal or herd or the owner's authorized representative or agent.

(27) Program Standards. The requirements for the pseudorabies eradication program as provided in USDA APHIS publication, Pseudorabies Eradication, State-Federal-Industry Program Standards, APHIS 91-55-071, November 1, 2003.

(28) Pseudorabies. The contagious, infectious, and communicable disease of livestock and other animals also known as Aujeszky's disease, mad itch, or infectious bulbar paralysis.

(29) Pseudorabies Epidemiologist. A state or federal veterinarian designated by the State Veterinarian and the USDA, APHIS AVIC to investigate and diagnose pseudorabies in livestock.

(30) Pseudorabies Test. Any official test used for the diagnosis of pseudorabies approved by the Division and conducted in an approved laboratory. Approved tests are listed in 9 CFR § 85.1 (2004).

(31) Quarantine. A legally directed isolation of animals or defined geographic area to prevent the spread of disease or pests.

(32) Quarantined Feedlot. A premises under supervision and control of a state or federal representative at which pseudorabies infected or exposed swine are fed and from which swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment.

(33) Recognized Slaughtering Establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or equivalent state meat inspection program.

(34) Risk Assessment. An epidemiologic analysis completed by a state or federal representative, and approved by the Division that evaluates the probability for exposure to swine of unknown disease status.

(35) Segregate. To maintain a group of swine separate from another group of swine in such a manner as to prevent physical contact between swine of the two groups.

(36) State or Federal Representative. A full-time employee of USDA, APHIS approved by the Area Veterinarian-in-Charge; or a full-time employee of the Department approved by the State Veterinarian.

(37) State Swine Health Advisory Committee. An advisory committee appointed by the State Veterinarian which is composed of representatives of swine producers and swine organizations within the state, licensed accredited veterinarians, general farm organizations, livestock markets, recognized slaughtering establishments, animal scientists, and state and federal regulatory officials.

(38) State Veterinarian. The Director of the Division of Animal Industry, Florida Department of Agriculture and Consumer Services.

(39) Susceptible Livestock. Swine, cattle, sheep, and goats.

(40) Transitional Swine. Swine that have been, or have had the potential to be, exposed to swine of unknown status, including feral swine.

(41) Materials. Pseudorabies Eradication, State-Federal-Industry Program Standards, APHIS 91-55-071, November 1, 2003, 9 CFR § 160 - § 162 (2004), The Swine Brucellosis Control/Eradication Uniform Methods & Rules, APHIS 91-55-042, April 1998, 9 CFR § 71 (2004), 9 CFR § 85 (2004), are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 570.0705, 585.01, 585.08(1), 585.11, 585.145(1) FS. History—New 5-17-87, Amended 10-23-94, 9-2-99,\_\_\_\_\_.

(Substantial rewording of Rule 5C-21.010 follows. See Florida Administrative Code for present text.)

5C-21.010 General Requirements and Limitations.

(1) Owner Cooperation Required. With notice from the Department, the owner of any swine must present the swine for testing and other procedures required in this chapter, and provide the necessary facilities and personnel to assist the state or federal representative in conducting these tests and procedures.

(2) Official Individual Identification. All swine presented for testing must have official individual identification.

(3) Cooperation with USDA, APHIS. The Department shall cooperate with the USDA, APHIS in implementing the Pseudorabies Eradication, State-Federal-Industry, Program Standards as specified in APHIS 91-55-071, November 1, 2003.

(4) State Swine Health Advisory Committee. The State Veterinarian is authorized to establish the State Swine Health Advisory Committee. The committee shall act in an advisory capacity to the State Veterinarian regarding the control and eradication of swine diseases

(5) Herd Cleanup Plan, mandatory.

(a) When pseudorabies has been discovered in a swine herd, the owner shall enter into a Herd Clean-Up Plan with the Department within 90 days of receiving Notice of Quarantine, DACS-09030 Rev. 08/04.

(b) The Department and the pseudorabies epidemiologist shall monitor the progress of the herd and coordinate testing and surveillance activities in the surrounding area as determined by epidemiological evidence to detect and prevent the spread of the disease.

(c) Modifications to the original Herd Cleanup Plan are accepted with full agreement of the pseudorabies epidemiologist or his designee, the herd owner, and the owner's veterinary practitioner when requested by the owner, and upon approval by the Division.

(d) If the herd owner fails or refuses to enter into an agreement to establish a Herd Cleanup Plan, the Department shall immediately initiate enforcement action against the owner as provided in Section 585.007, F.S.

(6) Quarantined Feedlots will be established only upon approval by the State Veterinarian.

(7) Materials. Notice of Quarantine, DACS-09030 Rev. 08/04, Pseudorabies Eradication, State-Federal-Industry Program Standards as specified in APHIS 91-55-071, November 1, 2003, are hereby incorporated by reference. Copies of DACS-09030 may be obtained from the Florida Department of Agriculture, Division of Animal Industry, Room 329, Tallahassee, Florida 32399-0800. Copies of the Program Standards may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 570.0705, 585.002(5), 585.08(1), 585.11, 585.145(1),(2), 585.23, 585.40, 585.17 FS. History—New 10-23-94, Amended 9-2-99,\_\_\_\_\_.

(Substantial rewording of Rule 5C-21.011 follows. See Florida Administrative Code for present text.)

5C-21.011 Vaccination, Approval and Procedures.

(1) Approval. No person shall produce, distribute, sell, or use any pseudorabies vaccine for the immunization of any swine in the state unless such vaccine is an approved pseudorabies vaccine.

(2) Vaccination of swine for pseudorabies shall be authorized provided:

(a) Prior approval is given by the State Veterinarian;

(b) Only an approved pseudorabies vaccine is used;

(c) Vaccination is performed by or under the direct supervision of an accredited veterinarian or a state or federally employed veterinarian;

(d) Vaccinated animals are permanently identified by an official individual identification; and

(e) Vaccine is used only in pseudorabies infected, exposed, or high-risk herds as determined and recommended by a pseudorabies epidemiologist.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1),(2), 585.20, 585.21, 585.145 FS. History--New 10-23-94, Amended 9-2-99, \_\_\_\_\_.

(Substantial rewording of Rule 5C-21.012 follows. See Florida Administrative Code for present text.)

5C-21.012 Procedures for Control and Eradication of Pseudorabies.

(1) Negative Test Required.

(a) All swine moved within the state must be negative to a pseudorabies test within 30 days prior to movement unless exempted by this rule.

(2) A negative test is not required for swine that:

(a) Originate directly from a Commercial Production Swine Herd; or

(b) Are consigned directly to a recognized slaughtering establishment; or,

(c) Are consigned directly to an Approved Game Reserve; or

(d) Are consigned directly to an Approved Feral Swine Holding Facility; or

(e) Are shown or exhibited at a slaughter-class only event; or

(f) Are sold at an approved all-class market or an approved slaughter market for feeding in a quarantined feedlot.

(3) Area Testing.

(a) Pseudorabies Herd Testing.

1. All swine herds in the state are subject to test as required by the Division.

2. Subject to the availability of funds, initial testing required for establishing a Commercial Production Swine Herd shall be conducted at state.

3. All herds determined to have swine positive to a pseudorabies test shall be quarantined.

(b) Circle Testing. An official random-sample test, is required of all swine herds within a 2 mile radius of positive herds.

(4) Surveillance Testing. All sows and boars slaughtered at a recognized slaughtering establishment shall be tested for pseudorabies and shall be identified back to the person

consigning the swine to the slaughtering establishment. Any herd to which pseudorabies positive swine are traced shall be placed under quarantine.

(5) Disposition of Swine.

(a) All positive animals must be isolated immediately.

(b) Subject to the availability of funds, the Division shall indemnify and reimburse the owner of pseudorabies positive swine, not to exceed the sum of \$35.00 per animal, if it is shown that:

1. The swine were positive to a pseudorabies test;

2. The swine were maintained in strict isolation from the date of the positive test until slaughtered;

3. The swine were slaughtered within 15 days of the date of the positive test;

4. The premises were cleaned and disinfected within 15 days of the date of the removal of all positive animals.

(c) All sows in infected breeding herds must be tested prior to or at farrowing and all positive sows removed from the herd for slaughter or isolation for slaughter within 15 days after weaning. All boars must be tested quarterly and all positives removed from the herd for slaughter or isolation for slaughter within 15 days after test results are reported.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(3), 585.09, 585.145(1),(2), 585.11(1),(2), 585.20 FS. History--New 10-23-94, Amended 9-2-99, \_\_\_\_\_.

(Substantial rewording of Rule 5C-21.015 follows. See Florida Administrative Code for present text.)

5C-21.015 Feral Swine Transitional Swine, Movement and Test Requirements.

(1) Breeding Purposes. Feral swine or transitional swine moved for breeding purposes, must be negative to a pseudorabies test conducted within 30 days prior to movement and, must be segregated from all commercial production swine until found negative to a second pseudorabies test, which is conducted 60 days after the first test.

(2) Natural Habitat Removals. The person who removes feral swine from their natural habitat is responsible for satisfying the test and permit requirements for movement as required by the Division in this section.

(3) Feral Swine Dealers Registration. Feral Swine Dealers are required to be registered with the Division and must keep records of all transactions, dealing with feral swine, listing names, addresses, telephone numbers (when available), dates, and the total number of animals.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1),(2), 585.145(1),(2), 585.16 FS. History--New 10-23-94, Amended 9-2-99, \_\_\_\_\_.

5C-21.018 Commercial Production Swine Herd Requirements.

A swine herd may be approved and recognized as a Commercial Production Swine herd by fulfilling the following requirements:

(1) Submission of a written request by a swine herd owner to the Division for a herd to be considered for recognition as a Commercial Production Swine herd;

(2) Successful completion of a Risk Assessment;

(3) Completion of negative herd test for pseudorabies and brucellosis, as specified in the Pseudorabies Eradication Program Standards, APHIS 91-55-071, November 1, 2003, and The Swine Brucellosis Control/Eradication, Uniform Methods & Rules, APHIS 91-55-042, April 1998, with subsequent annual negative herd tests (An owner may elect to substitute monthly or quarterly testing in lieu of annual testing to meet this requirement);

(4) Completion of a Commercial Production Swine Herd Management Plan; and

(5) Periodic inspections of swine, facilities, practices and records, as determined necessary by State or Federal representatives.

(6) Materials, Pseudorabies Eradication Program Standards, APHIS 91-55-071, November 1, 2003, and The Swine Brucellosis Control/Eradication, Uniform Methods & Rules, APHIS 91-55-042, April 1998, are hereby incorporated by reference. Copies of them may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002, 585.08 FS. Law Implemented 585.11, 585.145, 585.16 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Cesar Ruiz, Vet. Manager, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 333, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Wm. C. Jeter, Chief, Bureau of Animal Disease Control, Division of Animal Industry, Rm. 332, 407 S. Calhoun St. Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0957

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 2004

**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 TITLES:	RULE NOS.:
Interstate Compact for Adult Offender Supervision	33-301.104
Other State Offenders Community Supervision	33-301.105

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to eliminate obsolete rules.

SUMMARY: The rules addressing interstate compact for supervised offenders are being repealed as they have been replaced by rules adopted by the Interstate Commission for Adult Supervision applicable to all states.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 949.08 FS.

LAW IMPLEMENTED: 949.07, 949.08 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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-301.104 Interstate Compact for Adult Offender Supervision.

Specific Authority 949.08 FS. Law Implemented 949.07, 949.08 FS. History--New 4-15-03, Repealed \_\_\_\_\_.

33-301.105 Other State Offenders Community Supervision.

Specific Authority 949.08 FS. Law Implemented 949.07, 949.08 FS. History--New 4-15-03, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Atchison

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2004

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE:                   RULE CHAPTER NO.:  
Water Levels and Rates of Flow                   40D-8

RULE TITLE:   RULE NO.:  
Guidance and Minimum Levels for Lakes                   40D-8.624

PURPOSE AND EFFECT: To amend Rule 40D-8.624, F.A.C., to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes for Lakes Bell, Bird, Clear, Green, Hancock, Moon, Padgett, Parker (Ann) and Pasadena/Buddy Pasco County, Florida and Lakes Charles, Dan, Jackson, Reinheimer, Garden Lake, Mound Lake, Platt Lake, and Strawberry (North Crystal) Lake, Hillsborough County, Florida.

SUMMARY: Establishment of minimum lake levels and guidance levels for Hillsborough and Pasco County Lakes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(7), F.A.C., to establish the level. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.

Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) In Charlotte County Within the Peace River Basin	RESERVED					
(b) In Citrus County Within the Coastal Rivers Basin	RESERVED					
(c) In Citrus County Within the Withlacoochee River Basin	RESERVED					
(d) In DeSoto County Within the Peace River Basin	RESERVED					
(e) In Hardee County Within the Peace River Basin	RESERVED					
(f) In Hernando County Within the Coastal Rivers Basin	RESERVED					
(g) In Hernando County Within the Hillsborough River Basin	RESERVED					
(h) In Hernando County Within the Withlacoochee River Basin	RESERVED					
(i) In Highlands County Within the Peace River Basin	RESERVED					
(j) In Hillsborough County Within the Alafia River Basin	RESERVED					
(k) In Hillsborough County Within the Hillsborough River Basin	Stemper, Lake S-13, T-27, R-18 (Levels in feet NGVD)	62.6	61.2	60.8 (CAT 1)	59.4 (CAT 1)	59.1
(l) In Hillsborough County Within the Northwest Hillsborough Basin	Alice, Lake S-16, T-27, R-17 (Levels in feet NGVD)	42.4'	40.9'	40.9' (CAT 2)	39.9' (CAT 2)	38.8'
	Barbara, Lake S-19, T-27, R-18	54.96	53.15	53.15 (CAT 3)	52.15 (CAT 3)	51.05
	Bird Lake S-26, T-27, R-18 (Levels in feet NGVD)	53.0	49.6	49.6 (CAT 2)	48.6 (CAT 2)	47.5
	Brant Lake S-23, T-27, R-18 (Levels in feet NGVD)	60.5	58.0	58.0 (CAT 2)	57.0 (CAT 2)	55.9
	Calm Lake S-14, T-27, R-17	51.02	49.41	49.41 (CAT 3)	48.41 (CAT 3)	47.31
	Charles, Lake S-23, T-27, R-18	<u>56.2</u>	<u>54.2</u>	<u>53.8</u> (CAT 1)	<u>52.4</u> (CAT 1)	<u>52.1</u>
	Church Lake S-28, T-27, R-17	36.74	35.64	35.64 (CAT 3)	34.64 (CAT 3)	33.54
	Crenshaw, Lake S-22, T-27, R-18	57.64	55.5	54.45 (CAT 3)	53.45 (CAT 3)	53.4



Crystal Lake S-14, T-27, R-18 (Levels in feet NGVD)	62.1	59.8	59.8 (CAT 2)	58.8 (CAT 2)	57.7
Cypress Lake S-24, T-27, R-17	50.86	48.89	48.89 (CAT 3)	47.89 (CAT 3)	46.79
<u>Dan, Lake</u>	<u>34.9</u>	<u>32.5</u>	<u>31.9</u> (CAT 3)	<u>30.9</u> (CAT 3)	<u>30.4</u>
<u>S-6, T-27, R-17</u> Deer Lake	70.0	66.5	<u>66.5</u> (CAT 2)	<u>65.5</u> (CAT 2)	64.4
S-1, T-27, R-18 (Levels in feet NGVD)					
Dosson Lake S-20, T-27, R-18 (Levels in feet NGVD)	55.1	53.4	53.4 (CAT 2)	52.4 (CAT 2)	51.3
Echo Lake S-28, T-27, R-17	36.74	35.64	35.64 (CAT 3)	34.64 (CAT 3)	33.54
Ellen, Lake S-19, T-27, R-18	54.96	53.15	53.15 (CAT 3)	52.15 (CAT 3)	51.05
Fairy (Maurine) Lake	34.51	33.41	33.41 (CAT 3)	32.41 (CAT 3)	31.31
<u>S-34, T-27, R-17</u> <u>Garden Lake</u>	<u>33.9</u>	<u>31.5</u>	<u>30.5</u> (CAT 3)	<u>29.5</u> (CAT 3)	<u>29.4</u>
<u>S-17, T-27, R-17</u> Halfmoon Lake	45.07	43.3	43.3 (CAT 2)	42.3 (CAT 2)	41.2
<u>S-31, T-27, R-18</u> <u>Helen, Lake</u>	<u>54.96</u>	<u>53.15</u>	<u>53.15</u> (CAT 3)	<u>52.15</u> (CAT 3)	<u>51.05</u>
<u>S-19, T-27, R-18</u> Hobbs, Lake	67.75	65.46	<u>65.46</u> (CAT 2)	<u>64.46</u> (CAT 2)	63.36
S-1, T-27, R-18 Horse Lake	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED (CAT 3)	RESERVED
<u>S-26, T-27, R-17</u> <u>Jackson, Lake</u>	<u>34.7</u>	<u>33.0</u>	<u>33.0</u> (CAT 2)	<u>32.0</u> (CAT 2)	<u>30.9</u>
<u>S-17, T-27, R-17</u> Juanita, Lake	43.8	41.7	41.7 (CAT 2)	40.7 (CAT 2)	39.6
S-22, T-27, R-17 (Levels in feet NGVD)					
Little Moon Lake S-28, T-27, R-17 (Levels in feet NGVD)	40.8	39.1	39.1 (CAT 2)	38.1 (CAT 2)	37.0
Merrywater, Lake S-22, T-27, R-18 (Levels in feet NGVD)	58.0	55.8	55.8 (CAT 2)	54.8 (CAT 2)	53.7
<u>Mound Lake</u> <u>S-11, T-27, R-17</u>	<u>51.8</u>	<u>50.2</u>	<u>50.7</u> (CAT 1)	<u>49.3</u> (CAT 1)	<u>48.3</u>
<u>Platt Lake</u> <u>S-35, T-27, R-18</u>	<u>52.0</u>	<u>49.7</u>	<u>49.5</u> (CAT 1)	<u>48.1</u> (CAT 1)	<u>45.5</u>
Rainbow Lake S-22, T-27, R-17 (Levels in feet NGVD)	40.8	39.1	39.1 (CAT 2)	38.1 (CAT 2)	37.0
Raleigh, Lake S-27, T-27, R-17	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED (CAT 3)	RESERVED
<u>Reinheimer, Lake</u> <u>S-15, T27, R-18</u>	<u>60.8</u>	<u>58.6</u>	<u>58.9</u> (CAT 1)	<u>57.5</u> (CAT 1)	<u>56.5</u>
Rogers, Lake S-27, T-27, R-17	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED (CAT 3)	RESERVED

	Round Lake	56.49	55.6	54.5	53.5	53.5
	S-22, T-27, R-18			(CAT 3)	(CAT 3)	
	Saddleback Lake	56.11	54.58	54.58	53.58	52.48
	S-22, T-27, R-18			(CAT 2)	(CAT 2)	
	Sapphire Lake	64.1	63.4	63.0	61.6	61.3
	S-14, T-27, R-18			(CAT 1)	(CAT 1)	
	(Levels in feet NGVD)					
	Starvation Lake	RESERVED	RESERVED	RESERVED	RESERVED	RESERVED
	S-21, T-27, R-18			(CAT 3)	(CAT 3)	
	<u>Strawberry (North Crystal) Lake</u>	<u>62.0</u>	<u>60.1</u>	<u>60.1</u>	<u>59.1</u>	<u>58.0</u>
	S-14, T-27, R-18			(CAT 3)	(CAT 3)	
	Sunset Lake	35.0	34.8	34.4	33.0	32.7
	S-17, T-27, R-17			(CAT 1)	(CAT 1)	
	(Levels in feet NGVD)					
	Sunshine Lake	55.1	53.4	53.4	52.4	51.3
	S-20, T-27, R-18			(CAT 2)	(CAT 2)	
	(Levels in feet NGVD)					
(m) in Lake County within the Green Swamp Basin						
RESERVED						
(n) In Levy County Within the Withlacoochee River Basin						
RESERVED						
(o) In Manatee County Within the Manasota River Basin						
RESERVED						
(p) In Marion County Within the Withlacoochee River Basin						
RESERVED						
(q) In Pasco County Within the Coastal Rivers Basin	Big Fish Lake	77.41	76.05	75.65	73.05	71.75
	S-21, T-24, R-19			(CAT 3)	(CAT 3)	
	<u>Green Lake</u>	<u>75.5</u>	<u>74.4</u>	<u>74.2</u>	<u>71.9</u>	<u>70.0</u>
	S-16, T-26, R-18			(CAT 2)	(CAT 2)	
	<u>Moon Lake</u>	<u>41.7</u>	<u>39.9</u>	<u>39.9</u>	<u>38.3</u>	<u>36.2</u>
	S-28, T-25, R-17			(CAT 3)	(CAT 3)	
(r) In Pasco County Within the Green Swamp Basin						
RESERVED						
(s) In Pasco County Within the Hillsborough County Basin	<u>Bell Lake</u>	<u>73.3</u>	<u>71.6</u>	<u>70.8</u>	<u>69.4</u>	<u>69.2</u>
	S-13, T-26, R-18			(CAT 1)	(CAT 1)	
RESERVED						
	<u>Bird Lake</u>	<u>68.2</u>	<u>66.8</u>	<u>66.6</u>	<u>65.2</u>	<u>64.3</u>
	S-36, T-26, R-18			(CAT 1)	(CAT 1)	
	<u>Padgett, Lake</u>	<u>71.5</u>	<u>70.5</u>	<u>70.5</u>	<u>69.5</u>	<u>68.4</u>
	S-24, T-26, R-18			(CAT 1)	(CAT 1)	
(t) In Pasco County Within the Pinellas-Anclote River Basin	Camp Lake	64.3	63.8	63.4	62.0	61.3
	S-34, T-26, R-18			(CAT 1)	(CAT 1)	
	(Levels in feet NGVD)					
	<u>Parker (Ann), Lake</u>	<u>49.5</u>	<u>48.3</u>	<u>48.1</u>	<u>46.7</u>	<u>46.2</u>
	S-35, T-26, R17			(CAT 1)	(CAT 1)	

- (u) In Pasco County Within the Withlacoochee River Basin  
RESERVED
- (v) In Pinellas County Within the Pinellas-Anclote River Basin  
RESERVED
- (w) In Polk County Within the Alafia River Basin  
RESERVED
- (x) In Polk County Within the Green Swamp Basin  
RESERVED
- (y) In Polk County Within the Hillsborough River Basin  
RESERVED
- (z) In Polk County Within the Peace River Basin  
RESERVED
- (aa) In Sarasota County Within the Manasota Basin  
RESERVED
- (bb) In Sumter County Within the Green Swamp Basin  
RESERVED
- (cc) In Sumter County Within the Withlacoochee River Basin  
RESERVED

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Location of Impoundment by County and Basin	Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
	Ten (10) Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a) In Charlotte County Within the Peace River Basin				
(b) In Citrus County Within the Coastal Rivers Basin				
(c) In Citrus County Within the Withlacoochee River Basin				
Bradley, Lake	43.40'	42.50'	40.25'	38.25'
S23 T20S R20E				
Cato, Lake	38.82'	38.00'	35.50'	34.00'
S5 T19 R20				
Connell, Lake	35.68'	35.50'	32.00'	30.00'
S6 T19 R20				
Cooter, Lake	41.80'	40.50'	38.25'	36.25'
S17 T19 R20				
Hog Pond, Lake (Nina)	35.92'	34.50'	32.00'	30.00'
S2 T19 R19				
Holden, Lake (Inverness)	32.44'	32.00'	29.50'	28.00'
S32 T19 R20				
Magnolia, Lake	32.36'	31.00'	28.50'	27.00'
S3 T20 R20				
Rush, Lake (Williams)	36.20'	35.75'	33.25'	31.25'
S03 T17 R18				

Lake Tsala Apopka (Floral City Pool)	43.40'	42.50'	40.25'	38.25'
19	19S	21E		
21	19S	21E		
22	19S	21E		
27	19S	21E		
28	19S	21E		
29	19S	21E		
30	19S	21E		
31	19S	21E		
32	19S	21E		
33	19S	21E		
34	19S	21E		
1	20S	20E		
2	20S	20E		
3	20S	20E		
10	20S	20E		
11	20S	20E		
12	20S	20E		
13	20S	20E		
14	20S	20E		
3	20S	21E		
4	20S	21E		
5	20S	21E		
6	20S	21E		
7	20S	21E		
8	20S	21E		
17	20S	21E		
18	20S	21E		
25	19S	20E		
26	19S	20E		
34	19S	20E		
35	19S	20E		
36	19S	20E		
Lake Tsala Apopka (Hernando Pool)	40.50'	39.00'	36.75'	34.75'
Sec.	Twsp.	Rng.		
1	18S	19E		
2	18S	19E		
11	18S	19E		
12	18S	19E		
13	18S	19E		
23	18S	19E		
24	18S	19E		
25	18S	19E		
26	18S	19E		
5	18S	20E		
6	18S	20E		
7	18S	20E		
8	18S	20E		
16	18S	20E		
17	18S	20E		
18	18S	20E		
19	18S	20E		
20	18S	20E		
21	18S	20E		
27	18S	20E		
28	18S	20E		

29	18S	20E				
30	18S	20E				
31	18S	20E				
32	18S	20E				
33	18S	20E				
Lake Tsala Apopka (Inverness Pool)	41.80'		40.50'		38.25'	36.25'
33	18S	20E				
34	18S	20E				
35	18S	20E				
1	19S	20E				
2	19S	20E				
3	19S	20E				
4	19S	20E				
8	19S	20E				
9	19S	20E				
10	19S	20E				
11	19S	20E				
12	19S	20E				
13	19S	20E				
14	19S	20E				
15	19S	20E				
16	19S	20E				
17	19S	20E				
21	19S	20E				
22	19S	20E				
23	19S	20E				
18	19S	21E				
19	19S	21E				
Little Lake (Consuella)	43.40'		41.50'		39.00'	37.25'
S15 T20S R20E						
Lake Twin Lake	38.11'		37.00'		35.00'	33.00'
S6 T19 R20						
(d) In DeSoto County Within the Peace River Basin						
(e) In Hardee County Within the Peace River Basin						
(f) In Hernando County Within the Coastal Rivers Basin						
(g) In Hernando County Within the Hillsborough River Basin						
LAKES						
Nicks Lake	114.46'		113.00'		110.50'	108.50'
S29 T23S R20E						
St. Clair Lake	114.46'		113.00'		110.50'	108.50'
S33 T23S R20E						
(h) In Hernando County Within the Withlacoochee River Basin						
LAKES						
Elizabeth, Lake	62.90'		60.25'		57.00'	55.50'
S11 T23S R21E						
Francis, Lake	62.90'		60.25'		57.00'	55.50'
11 23S 21E						
Geneva, Lake	62.90'		60.25'		57.00'	55.50'
11 23S 21E						
Lindsey, Lake	70.60'		69.00'		66.00'	64.50'
25 23S 19E						
Mountain Lake	105.10'		104.00'		101.00'	99.00'
16 23S 20E						

Neff Lake	104.40'	103.00'	100.00'	98.00'
20 23S 20E				
Sparkman Lake	94.40'	91.50'	89.00'	88.00'
24 23S 19E				
Spring Lake	185.02'	184.25'	181.25'	178.25'
S15 T23S R20E				
(i) In Highlands County				
Within the Peace River Basin				
LAKES				
Sec Twsp Rng				
Adelaide, Lake	110.00'	106.50'	104.00'	102.50'
5 33S 28E				
Angelo, Lake	104.00'	99.50'	97.00'	95.00'
4 27S 25E				
Anoka, Lake	124.00'	124.00'	122.00'	120.00'
27 33S 28E				
Apthhorpe, Lake	72.00'	71.50'	68.00'	66.00'
18 36S 30E				
Blue, Lake	78.70'	77.50'	75.00'	73.50'
30 36S 30E				
Bonnet, Lake	91.90'	90.75'	88.00'	86.00'
8 34S 29E				
Brentwood, Lake	102.30'	102.75'	99.50'	98.00'
10 33S 28E				
Buck, Lake	96.40'	94.00'	91.50'	89.50'
29 37S 30E				
Byrd, Lake	110.60'	108.25'	105.50'	104.00'
9 33S 28E				
Carrie, Lake	75.13'	75.50'	73.00'	72.50'
21 36S 29E				
Charlotte, Lake	93.90'	93.75'	91.25'	89.75'
17 35S 29E				
Chilton, Lake	116.30'	114.00'	111.00'	109.50'
7 33S 28E				
Clay, Lake	79.00'	78.75'	76.00'	75.00'
29 36S 30E				
Crews, Lake	120.50'	119.50'	117.00'	115.50'
32 36S 29E				
Damon, Lake	102.30'	101.00'	98.00'	95.00'
3 33S 28E				
Denton, Lake	117.10'	116.50'	114.00'	112.00'
2 34S 28E				
Dinner, Lake	103.50'	102.50'	98.50'	97.00'
17 34S 29E				
Francis, Lake	70.80'	70.50'	67.50'	66.50'
22 36S 29E				
Glenada, Lake	118.40'	120.00'	117.00'	115.50'
34 33S 28E				
Grassy, Lake	92.10'	91.50'	88.50'	87.50'
17 37S 30E				
Harry, Lake	67.60'	67.50'	63.00'	62.00'
1 36S 29E				
Henry, Lake	75.13'	75.50'	73.00'	72.50'
25 36S 29E				
Hill, Lake	101.00'	99.25'	96.00'	94.50'
17 36S 29E				
Huckleberry Lake	104.80'	104.50'	102.00'	101.00'
7 35S 29E				
Huntley, Lake	83.40'	83.75'	81.00'	79.50'
5 37S 30E				
Jackson, Lake	103.20'	103.00'	100.00'	98.00'
30 34S 29E				
Josephine, Lake	72.70'	72.50'	69.00'	68.50'
32 35S 29E				

June-in-Winter, Lake 34 36S 29E	75.13'	75.50'	73.00'	72.50'
Lake Lachard 36 36S 29E	79.56'	78.50'	76.00'	74.00'
Lelia, Lake 34 33S 29E	113.00'	114.50'	112.50'	110.50'
Letta, Lake 31 33S 29E	100.00'	100.00'	97.00'	95.00'
Little Bonnet Lake 36 33S 28E	101.70'	100.00'	97.00'	96.00'
Little Lake Jackson 6 35S 29E	103.20'	103.00'	100.00'	98.00'
Little Red Water Lake 14 36S 29E	104.10'	103.25'	100.50'	98.50'
Lost Lake 12 37S 29E	90.60'	88.00'	84.00'	82.75'
Lotela, Lake 26 33S 28E	106.60'	108.50'	105.00'	104.00'
McCoy, Lake 6 37S 30E	87.39'	87.00'	84.00'	82.00'
Mirror, Lake 7 37S 30E	94.70'	93.50'	90.00'	88.00'
Center Nellie 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Nellie N.W., Lake 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Nellie S.E., Lake 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Olivia, Lake 6 33S 28E	118.10'	117.50'	114.50'	113.00'
Pearl, Lake 6 37S 30E	87.27'	87.00'	84.00'	82.00'
Persimmon Lake 10 36S 29E	69.30'	68.25'	65.00'	63.50'
Pioneer, Lake 11 33S 28E	108.60'	108.00'	104.50'	103.00'
Placid, Lake 30 36S 30E	94.70'	94.50'	91.50'	90.00'
Pythias, Lake 2 33S 28E	101.20'	101.00'	98.00'	95.00'
Red Beach Lake 15 35S 29E	76.80'	76.50'	73.75'	72.75'
Red Water Lake 14 36S 29E	70.80'	70.50'	67.50'	66.50'
Ruth, Lake 18 35S 29E	94.20'	94.00'	91.50'	90.00'
Saddlebags, Lake 6 37S 30E	84.27'	84.00'	81.00'	79.00'
Sebring, Lake 14 34S 28E	107.60'	107.25'	104.50'	103.00'
Simmons, Lake 24 36S 29E	74.30'	72.50'	68.00'	66.50'
Sirena, Lake 1 37S 29E	87.27'	87.00'	84.00'	82.00'
Trout Lake 34 32S 28E	100.60'	101.00'	98.00'	95.00'
Tulane, Lake 27 33S 28E	120.50'	120.00'	116.00'	114.00'
Unnamed Lake (B) 20 37S 30E	92.10'	91.50'	88.50'	87.50'
Unnamed Lake (F) 24 36S 29E	78.50'	78.00'	74.00'	72.00'
Verona, Lake 23 33S 28E	123.00'	119.00'	115.25'	113.00'

Viola, Lake	112.20'	109.50'	105.75'	104.00'
14 33S 28E				
Wolf Lake	93.80'	92.50'	90.00'	88.00'
24 35S 28E				
(j) In Hillsborough County				
Within the Alafia River Basin				
LAKES				
Carlton Lake	93.60'	93.50'	90.50'	88.00'
Edward Medard Reservoir	67.10'	62.75'	57.50'	56.00'
Grady Lake	40.70'	39.00'	36.00'	34.00'
Hickory Hammock Lake	32.80'	32.25'	30.50'	29.00'
Unnamed Lake #2	56.00'	56.00'	No Recommendation	
Wimauma, Lake	87.20'	86.75'	83.00'	81.00'
(k) In Hillsborough County				
Within the Hillsborough				
River Basin				
LAKES				
Bellows Lake (East Lake)	24.50'	23.75'	21.50'	19.00'
Burrell Lake	50.50'	50.00'	47.50'	45.00'
Commiston Lake	64.20'	63.00'	60.50'	59.00'
Eckles Lake	33.40'	32.50'	30.00'	28.00'
Egypt Lake	38.50'	37.50'	35.00'	32.50'
Gornto Lake	39.00'	38.50'	36.00'	34.00'
Hanna Lake	63.50'	62.50'	59.50'	58.25'
Hart Lake	67.20'	66.00'	64.00'	63.00'
Hog Island Lake	67.00'	66.00'	64.00'	61.00'
Hooker Lake	45.50'	45.00'	43.00'	42.00'
Kathy, Lake	45.50'	43.50'	42.50'	42.00'
Keene Lake	63.90'	63.00'	60.50'	59.00'
Kell Lake	67.30'	66.00'	63.50'	62.50'
Long Lake	52.00'	50.25'	48.00'	46.00'
Long Pond	48.50'	46.50'	44.00'	42.00'
Mud Lake (Lake Walden)	115.80'	115.00'	112.50'	110.50'
Thonotosassa, Lake	39.10'	37.00'	34.50'	33.00'
Unnamed Lake	63.40'	63.00'	60.50'	59.00'
Unnamed Lake	62.00'	61.00'	58.50'	57.00'
Valrico Lake	48.50'	45.00'	42.50'	41.00'
Weeks, Lake	43.80'	43.25'	41.00'	39.50'
(l) In Hillsborough County				
Within the Northwest				
Hillsborough Basin				
LAKES				
Sec Twsp Rng				
SWEETWATER CREEK WATERSHED				
Avis Lake	38.50'	37.00'	34.50'	32.50'
15 28S 18E				
Bay Lake	47.00'	46.75'	44.00'	42.50'
Boat Lake	38.00'	35.50'	33.75'	31.25'
Brooker Lake	66.00'	64.25'	61.00'	59.00'
Carroll Lake	38.50'	37.00'	34.50'	32.50'
Chapman Lake	52.30'	52.25'	49.50'	48.00'
<del>Charles, Lake</del>	<del>56.10'</del>	<del>54.75'</del>	<del>52.00'</del>	<del>50.00'</del>
Cooper, Lake	64.00'	61.75'	59.75'	57.00'
Elaine, Lake	38.50'	37.00'	34.50'	32.50'
15 28S 18E				
Gass Lake	51.50'	49.50'	46.25'	44.50'
George, Lake	51.00'	48.00'	45.00'	42.00'
Geraci, Lake	65.00'	63.50'	61.50'	59.50'
Halls Lake				
3 28S 18E	50.70'	50.00'	47.50'	46.00'
Lipsey, Lake	42.50'	41.50'	39.00'	37.00'
Magdalene, Lake	50.70'	50.00'	47.50'	46.00'
<del>Platt Lake</del>	<del>51.80'</del>	<del>50.50'</del>	<del>45.75'</del>	<del>46.00'</del>
<del>Reinheimer, Lake</del>	<del>61.50'</del>	<del>59.50'</del>	<del>57.00'</del>	<del>56.00'</del>
<del>Strawberry Lake</del>	<del>62.80'</del>	<del>62.00'</del>	<del>59.75'</del>	<del>57.00'</del>
Thomas, Lake	64.00'	63.50'	61.25'	59.25'
Twin Lake	34.00'	32.00'	30.00'	27.75'
White Trout Lake	38.50'	36.50'	34.00'	32.50'



ROCKY CREEK WATERSHED				
Allen, Lake	62.60'	62.50'	59.75'	57.50'
Armistead, Lake	46.50'	44.00'	40.50'	39.00'
Browns Lake	63.70'	63.50'	60.75'	59.00'
Harvey, Lake	62.90'	62.50'	60.25'	58.00'
Josephine, Lake	47.50'	46.00'	42.75'	40.00'
LeClare, Lake	53.50'	52.00'	49.50'	47.00'
Pretty Lake	46.70'	45.50'	42.75'	40.00'
Rock Lake	48.00'	46.00'	42.75'	40.00'
Starvation Lake	55.00'	53.00'	50.00'	48.00'
Turkey Ford Lake	55.00'	54.00'	51.50'	50.00'
Virginia Lake	63.00'	62.50'	60.25'	58.00'
DOUBLEBRANCH CREEK WATERSHED				
Hixon Lake	37.00'	36.50'	33.25'	31.00'
Unnamed Lake #1	38.90'	37.50'	35.00'	34.50'
2 28S 17E				
Unnamed Lake #2	38.90'	37.50'	35.00'	34.50'
2 28S 17E				
BROOKER CREEK WATERSHED				
Artillery, Lake	44.50'	44.00'	40.50'	39.00'
3 27S 17E				
Buck Lake	35.50'	35.00'	32.00'	29.50'
Crescent Lake	44.20'	42.50'	40.00'	38.50'
Elizabeth Lake	54.00'	53.00'	51.00'	49.00'
Fern, Lake	48.00'	46.00'	43.00'	41.50'
Frances, Lake	42.50'	40.50'	38.00'	36.00'
Garden Lake	35.00'	32.00'	29.00'	26.50'
Horse Lake	48.40'	46.50'	44.00'	42.00'
Island Ford Lake	42.30'	41.50'	39.00'	37.00'
Jackson, Lake	36.00'	33.50'	31.00'	29.00'
James Lake	47.70'	46.50'	43.50'	42.00'
23 27S 17E				
Keystone Lake	43.20'	42.00'	39.75'	39.00'
Little Lake	47.70'	46.50'	43.50'	42.00'
23 27S 17E				
Mound Lake	51.60'	51.00'	48.00'	46.00'
Raleigh, Lake	43.30'	42.50'	38.00'	35.00'
Rogers, Lake				
Taylor, Lake	39.70'	39.25'	36.75'	34.75'
Velburton Lake	41.50'	40.00'	37.25'	35.00'
NO LEVELS RECOMMENDED				
ANCLOTE RIVER WATERSHED				
Dan, Lake	35.00'	32.00'	28.00'	25.00'
Hiawatha, Lake	52.50'	50.50'	48.00'	45.00'
Osceola, Lake	47.40'	46.50'	44.50'	42.50'
(m) In Lake County Within the Green Swamp Basin				
(n) In Levy County Within the Withlacoochee River Basin				
Marion, Lake	56.60'	53.00'	50.50'	48.50'
S02 T14 R17				
(o) In Manatee County Within the Manasota Basin				
(p) In Marion County Within the Withlacoochee River Basin				
Bonable, Lake	65.10'	64.00'	61.50'	59.50'
S31 T15 R18				
Little Bonable, Lake	59.80'	58.00'	55.50'	53.50'
S30 T15 R18				
Tiger, Lake	65.10'	64.00'	61.50'	59.50'
S32 T15 R18				
(q) In Pasco County Within the Coastal Rivers Basin				
LAKES				
Crews Lake	57.00'	55.00'	52.00'	50.00'
S16 T24S R18E				

Garden Lake		22.10'	19.00'	16.25'	15.75'
S16 T25S R16E					
<del>Moon Lake</del>		<del>41.00'</del>	<del>40.50'</del>	<del>37.50'</del>	<del>35.50'</del>
<del>S28 T25S R17E</del>					
Pasco Lake		67.50'	67.00'	64.00'	62.00'
S22 T24S R18E					
Pierce Lake		73.60'	73.00'	70.00'	68.00'
S9 T25S R18E					
Richey Lake		14.10'	13.00'	10.00'	8.00'
S3 T26S R16E					
Unnamed Lake No. 22		62.60'	62.50'	59.50'	57.50'
S27 T24S R18E					
Worrell, Lake (Bass Lake)		22.10'	19.00'	16.25'	15.75'
S26 T25S R16E					
(r) In Pasco County Within the Green Swamp Basin					
(s) In Pasco County Within the Hillsborough River Basin					
LAKES					
<del>Bell Lake</del>		<del>72.53'</del>	<del>72.50'</del>	<del>70.00'</del>	<del>69.00'</del>
<del>S13 T26S R18E</del>					
<del>Bird Lake</del>		<del>67.70'</del>	<del>67.50'</del>	<del>65.00'</del>	<del>63.00'</del>
Catfish Lake		68.72'	68.00'	65.50'	63.50'
S30 T25 R19					
Cow (East) Lake		78.63'	78.50'	76.00'	75.00'
S19 T26S R19E					
Floyd, Lake		68.41'	68.50'	66.00'	64.00'
S36 T26 R19					
Gooseneck, Lake		75.10'	73.50'	71.00'	69.00'
S29 T26 R19					
Hancock, Lake		107.48'	106.50'	104.00'	102.00'
S5 T24S R20E					
Hog (Joyce) Lake		76.66'	76.50'	73.50'	72.50'
S19 T26S R19E					
Iola, Lake		147.55'	147.50'	145.00'	142.50'
S15 T24S R20E					
Jessamine, Lake		144.18'	142.00'	138.00'	136.00'
S11 T24S R20E					
JoAnn, Lake		68.72'	68.00'	65.50'	63.50'
S30 T26 R19					
King Lake		73.58'	73.50'	71.50'	69.50'
S7 T26S R19E					
King Lake (East)		105.49'	105.25'	102.50'	100.00'
S22 T25S R20E					
Middle Lake		107.48'	107.00'	105.00'	103.00'
S4 T24S R20E					
Moody Lake		110.48'	110.00'	107.50'	105.50'
S10 T24S R20E					
Myrtle, Lake		68.72'	68.00'	65.50'	63.50'
S30 T26 R19					
<del>Padgett, Lake</del>		<del>71.34'</del>	<del>71.25'</del>	<del>69.00'</del>	<del>67.50'</del>
<del>S24 T26S R18E</del>					
Saxon Lake		71.34'	71.25'	69.00'	67.50'
S30 T26S R19E					
Tampa (Turtle) Lake		66.00'	65.50'	63.00'	61.00'
S32 T26 R19					
Toni, Lake		68.72'	68.00'	65.50'	63.50'
S30 T26 R19					
Twin, Lake		68.35'	67.50'	65.00'	63.00'
S28 T26 R19					
Unnamed Lake #26		68.75'	68.00'	65.50'	63.50'
S25 T26 R18					

(t) In Pasco County Within  
the Pinellas-Anclote River  
Basin

LAKES

Bass Lake (Holiday)	48.80'	48.75'	45.75'	45.00'
S34 T26E R17S				
Big Lake Vienna	70.70'	70.25'	67.00'	65.00'
23 26 18				
Fishing Lake	48.80'	48.75'	45.75'	45.00'
S34 T26E R17S				
Geneva Lake (Mud)	51.20'	50.00'	48.00'	46.00'
S26 T26E R17S				
Linda, Lake	67.30'	66.75'	64.00'	62.00'
26 26 18				
Little Moss (Como) Lake	67.00'	66.00'	63.00'	62.00'
35 26 18				
Minniola, Lake	51.20'	50.00'	48.00'	46.00'
S34 T26E R17S				
Moss Lake	65.00'	64.00'	61.50'	59.00'
35 26 18				
<del>Parker Lake (Ann)</del>	<del>48.80'</del>	<del>48.75'</del>	<del>45.75'</del>	<del>45.00'</del>
<del>S35 T26E R17S</del>				
Seminole, Lake	49.20'	48.75'	46.00'	45.00'
S35 T26E R17S				
Thomas, Lake	75.60'	75.00'	72.50'	71.50'
11 26 18				
Wistaria, Lake	74.90'	74.00'	71.00'	69.00'
2 26 18				

(u) In Pasco County Within  
the Withlacoochee River  
Basin

LAKES

Buddy, Lake	97.02'	94.50'	91.50'	90.00'
S17 T25S R21E				
Pasadena, Lake	97.02'	94.50'	91.50'	90.00'
S16 T25S R21E				
Clear Lake	127.90'	127.50'	125.25'	123.75'
S1 T25S R20E				

(v) In Pinellas County Within  
the Pinellas-Anclote River  
Basin

LAKES

Lake Tarpon	4.20'	3.80'	2.20'	1.00'
Sec. Twsp. Rng.				
7 27S 16E				
8 27S 16E				
16 27S 16E				
17 27S 16E				
18 27S 16E				
19 27S 16E				
20 27S 16E				
21 27S 16E				
28 27S 16E				
29 27S 16E				
30 27S 16E				
32 27S 16E				
33 27S 16E				
4 28S 16E				

(w) In Polk County Within the  
Alafia River Basin

LAKES

Scott, Lake	168.60'	168.00'	165.00'	164.25'
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(x) In Polk County Within the  
Green Swamp Basin

LAKES

Agnes, Lake	135.20'	135.75'	134.75'	130.75'
Alfred, Lake	132.30'	130.75'	128.25'	126.25'
S30 T27S R26				
Arietta, Lake	144.00'	144.00'	141.00'	138.00'
Camp, Lake	133.40'	134.50'	132.00'	130.00'
Clearwater Lake	146.20'	143.50'	141.00'	139.00'
Cummings, Lake	131.50'	131.00'	127.50'	125.50'
S31 T27 R26				
Eva, Lake	132.30'	131.50'	129.00'	127.00'
S29 T27 R26				
Grassy Lake (Big Glades)	133.20'	132.00'	129.50'	128.00'
Griffin, Lake	132.30'	131.50'	129.00'	127.00'
S30 T27 R26				
Gum, Lake	132.60'	131.00'	128.50'	126.00'
Haines, Lake	129.70'	128.75'	126.50'	124.50'
Helene, Lake	144.80'	144.00'	141.00'	139.00'
Juliana, Lake	134.70'	132.50'	130.00'	127.50'
Little Lake Agnes	135.20'	136.00'	133.00'	131.00'
Little Van Lake	141.40'	139.00'	136.50'	135.50'
Mattie, Lake	134.70'	132.50'	130.00'	127.50'
Mud, Lake	141.80'	141.50'	137.75'	136.00'
Myrtle, Lake	141.70'	141.00'	138.50'	136.50'
Swoope, Lake	133.00'	132.50'	130.00'	128.00'
Tennessee, Lake	134.70'	134.00'	130.00'	128.00'
Van, Lake	133.00'	132.75'	130.00'	128.00'
Whistle, Lake	140.90'	137.50'	135.00'	133.75'

(y) In Polk County Within the  
Hillsborough River Basin

LAKES

Bonnet, Lake	146.40'	148.00'	145.00'	142.50'
Hunter, Lake	162.30'	162.75'	160.25'	159.00'

(z) In Polk County Within the  
Peace River Basin

Ada, Lake	123.80'	123.00'	120.00'	118.00'
S33 T28 R27				
Altamaha, Lake	122.60'	122.50'	120.00'	118.00'
S11 T30 R27				
Amoret Lake	115.50'	115.25'	113.00'	111.00'
24 30 27				
Annie, Lake	122.10'	119.00'	116.00'	114.00'
S3 T29S R27E				
Arianna, Lake	137.10'	137.00'	134.50'	132.50'
3 28 25E				
Aurora, Lake	103.30'	100.00'	97.00'	95.00'
13 30 28				
Banana, Lake	106.75'	106.50'	103.50'	102.00'
10 29 24E				
Belle, Lake	123.60'	120.00'	117.00'	115.00'
11 30 27				
Bess, Lake	125.50'	125.25'	123.00'	121.00'
18 29S 27E				
Big Gum Lake	95.50'	95.00'	92.00'	89.00'
26 29 R28				
Blue, Lake	149.80'	149.00'	146.50'	144.50'
S13 T28 R25				
Blue, Lake	118.00'	117.00'	114.00'	--
24 30S 27E				
Bonnie, Lake	113.30'	113.00'	110.00'	108.00'
S31 T29 R28				
Bonny, Lake	130.90'	130.50'	128.00'	126.00'
20 28S 24E				
Buckeye, Lake	130.10'	129.00'	126.00'	124.50'
S22 T28S R26E				

Buffum, Lake 12 31S Cannon, Lake 19 28S Clinch, Lake 31 31S Connie, Lake 9 28S Cooper (Worth) S02 T30 Crooked, Lake 1 31S Crystal Lake S02 T30 Crystal Lake S21 T28 Crystal Lake 23 29S Cypress Lake 36 29 Lake Daisy S6 T29 Lake Deer 25 28 Dell, Lake S28 T28 Lake Dexter S2 T29 Dinner, Lake 15 29S Eagle Lake 29 Easy, Lake 19 30 Echo, Lake S05 T28 Effie, Lake 3 30 Elbert, Lake S22 T28 Eloise, Lake 3 29S Fannie, Lake 11 28S Lake Florence S35 T28 Lake Fox S6 T29 Garfield, Lake 5 30 Gator, Lake 26 30S George, Lake S06 T28 Gibson, Lake 25 27S Gordon, Lake S16 T28 Lake Grassy 2 29 Lake Gross (Grassy) S14 T29 Hamilton, Lake 18 28S	26E 26E 28E 26E R27 27E R27 R27 26E 28E R27 R27 26E 28E R27 25E R27 R26 R26 27E 25E 28 R26 27 R26 26E 26E 26E 26E 23E R27 25E R26 27E	132.75' 132.60' 108.00' 129.70' 124.20' 122.60' 121.40' 122.90' 130.00' 100.20' 130.90' 141.30' 125.70' 132.20' 120.90' 131.00' 115.50' 132.30' 119.60' 137.50' 132.60' 127.00' 128.80' 135.20' 105.70' 133.60' 130.70' 144.20' 121.30' 134.80' 138.50' 122.50'	132.25' 132.00' 106.75' 128.75' 123.50' 122.00' 121.25' 122.00' 129.50' 98.50' 130.00' 140.75' 123.75' 132.00' 118.50' 130.75' 115.25' 131.00' 118.00' 135.50' 132.00' 125.75' 128.75' 135.00' 104.75' 133.00' 130.00' 143.50' 119.00' 129.00' 136.00' 121.50'	129.25' 129.50' 104.00' 126.50' 121.00' 118.50' 118.00' 119.00' 127.00' 95.00' 127.00' 138.50' 121.50' 129.00' 116.00' 128.50' 113.00' 128.00' 115.00' 133.00' 129.50' 123.50' 127.00' 132.00' 101.00' 130.75' 127.50' 141.50' 116.00' 126.50' 133.50' 119.00'	-- 127.00' 102.50' 124.50' 119.00' -- 115.00' 117.00' 125.00' 93.00' 126.00' 136.50' 119.50' 127.50' 114.00' 126.50' 111.00' 126.00' 113.00' 131.50' 127.00' 120.00' 125.00' 131.00' 100.00' 128.50' 125.50' 141.50' 114.00' 125.50' 132.00' 117.25'
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Hancock, Lake 8 29S 25E	102.40'	99.00'	96.00'	94.00'
Hart, Lake 24 29S 26E	124.70'	124.50'	122.00'	120.00'
Hartridge, Lake 8 28S 26E	132.60'	132.00'	129.50'	127.00'
Henry, Lake 16 31S 26E	160.10'	159.00'	156.00'	154.00'
Henry, Lake 36 27S 26E	127.00'	126.50'	124.50'	122.50'
Hickory, Lake 17 32S 28E	98.50'	98.50'	96.00'	94.00'
Howard, Lake 30 28S 26E	132.60'	132.00'	129.50'	127.00'
Ida, Lake 28 31S 28E	80.00'	79.00'	76.50'	75.00'
Ida, Lake S17 T28 R26	136.70'	135.25'	132.00'	130.50'
Idyl, Lake S16 T28 R26	134.90'	134.00'	131.50'	130.00'
Idylwild, Lake 18 28S 26E	132.60'	132.00'	129.50'	127.00'
Jessie, Lake 12 28S 25E	132.60'	132.00'	129.50'	127.00'
Josephine, Lake 13 30 27	121.30'	120.00'	116.50'	114.50'
Josephine, Lake S27 T28 R27	124.10'	121.50'	118.00'	116.50'
Lee, Lake S16 T28 R27	123.50'	123.50'	121.50'	120.00'
Lena, Lake 9 28S 25E	137.10'	137.00'	134.50'	132.50'
Leonore, Lake 10 31S 28E	87.40'	87.00'	84.50'	83.00'
Link, Lake 27 28S 26E	128.70'	128.00'	125.00'	123.00'
Little Aurora Lake (Iris) <del>43 30 28</del>	103.30'	100.50'	98.00'	96.00'
Little Gum Lake 35 29S 28E	96.80'	96.50'	94.00'	92.00'
Little Lake Hamilton 5 28S 27E	122.50'	121.50'	119.00'	117.25'
LuLu, Lake 4 29S 26E	132.60'	132.00'	129.50'	127.00'
Lee, Lake 10 29S 27E	122.10'	119.00'	116.00'	114.00'
Lake McLeod 7 29 26E	133.10'	132.00'	129.50'	128.00'
Mabel, Lake 11 29S 27E	114.50'	110.75'	107.00'	105.00'
Mariam, Lake 27 28S 26E	--	124.75'	122.75'	121.00'
Marie, Lake S27 T28 R27	121.00'	121.00'	118.00'	116.00'
Martha, Lake S21 T28 R26	142.50'	142.00'	139.00'	137.00'
Maude, Lake S21 T28 R26	141.70'	140.50'	137.50'	136.00'
May, Lake 29 28S 26E	132.60'	132.00'	129.50'	127.00'
Medora, Lake S36 T27 R25	140.40'	138.00'	134.50'	133.00'

Menzie, Lake			127.00'	122.00'	120.00'	118.00'
S28	T28	R27				
Middle Lake Hamilton			122.50'	121.50'	119.00'	117.25'
7	28S	27E				
Lake Millsite			125.30'	123.50'	121.00'	119.00'
11	29	25E				
Mirror, Lake			132.60'	132.00'	129.50'	127.00'
20	28S	27E				
Moody, Lake			92.80'	93.50'	91.00'	89.00'
17	31S	R28E				
Myrtle, Lake			118.70'	118.50'	116.50'	114.50'
19	29S	27E				
Lake Ned			129.60'	128.50'	126.00'	124.00'
S1	T29S	R26				
North Lake Wales			116.80'	115.00'	112.00'	110.00'
S01	T30	R27				
Otis, Lake			128.70'	128.00'	125.00'	123.00'
28	28S	25E				
Pansy, Lake			130.00'	129.00'	126.50'	124.50'
S08	T28	R26				
Parker, Lake			122.50'	122.00'	119.50'	117.50'
32	29S	27E				
Parker, Lake			131.60'	131.00'	128.75'	127.50'
8	28	24E				
Parks, Lake			104.50'	102.50'	100.00'	98.00'
36	29S	28E				
Polecat, Lake			142.40'	142.00'	139.50'	137.50'
27	30S	26E				
Reedy, Lake			80.00'	79.75'	77.25	75.25'
35	31S	28E				
Reeves, Lake			125.10'	124.50'	122.00'	120.00'
13	29S	26E				
Lake River			141.60'	139.50'	136.00'	134.00'
S1	T29	R26				
Rochelle, Lake			129.70'	128.75'	126.50'	124.50'
4	28	26E				
Round, Lake			129.40'	129.25'	126.50'	124.50'
13	29S	26E				
Roy, Lake			132.60'	132.00'	129.50'	127.00'
34	28S	26E				
Ruby, Lake			125.50'	125.25'	123.00'	121.00'
12	29S	26E				
Ruth, Lake			123.50'	121.50'	117.50'	115.50'
S28	T28	R27				
Saddlebag, Lake			106.80'	105.00'	102.00'	100.00'
6	30S	29E				
Saint Anne Lake			97.50'	96.00'	93.00'	91.00'
14	30	28				
Sanitary (Marianna), Lake			138.60'	137.50'	135.00'	133.00'
S01	T28	R25				
Sara, Lake			122.50'	121.50'	119.00'	117.25'
S17	T28	R27				
Scott, Lake			168.60'	168.00'	165.00'	164.25'
18	29S	24E				
Lake Sears			143.20'	141.00'	138.00'	136.00'
36	28	25E				
Serena, Lake			125.30'	118.00'	115.00'	113.00'
S12	T30	R27				
Shipp, Lake			132.60'	132.00'	129.50'	127.00'
32	28S	26E				
Silver, Lake			105.00'	103.00'	100.50'	98.50'
5	32S	28E				
Silver, Lake			147.10'	146.50'	144.00'	142.00'
S20	T28	R26				

Smart, Lake			129.70'	128.75'	126.50'	124.50'
9 28S	26E					
Lake Spirit			134.10'	131.50'	129.00'	127.00'
35 28	25E					
Spring, Lake			132.60'	132.00'	129.50'	127.00'
20 28S	27E					
Starr, Lake			115.50'	113.00'	110.00'	108.00'
14 29	27					
Streety Lake			108.70'	105.50'	102.50'	101.00'
24 32S	27E					
Summit, Lake			132.60'	132.00'	129.50'	127.00'
34 28S	26E					
Sunset Lake			101.10'	98.00'	95.50'	93.50'
10 30	28					
Surveyors, Lake			133.60'	133.00'	130.75'	128.50'
26 30S	26E					
Thomas, Lake			104.20'	99.50'	97.00'	95.00'
1 30E	28E					
Lake Thomas			135.60'	132.00'	128.00'	126.00'
35 28	25E					
Tractor Lake			125.00'	123.25'	121.00'	119.00'
14 30	27					
Trask, Lake			114.90'	113.00'	108.00'	106.00'
S22 T28	R27					
Trout, Lake			100.60'	101.00'	98.00'	95.00'
34 32S	28E					
Twin Lakes			124.10'	123.75'	120.00'	118.00'
S11 T30	R27					
Venus, Lake			126.10'	125.00'	122.00'	120.00'
9 29S	27E					
Wales, Lake			114.10'	112.50'	110.00'	108.00'
S01 T30	R27					
Walker, Lake			143.00'	141.00'	137.00'	135.00'
21 30S	26E					
Warren, Lake			124.60'	123.50'	121.00'	119.00'
S11 T30	R27					
Weader (Weaver), Lake			122.00'	121.75'	119.00'	117.00'
S03 T30	R27					
Winterset, Lake			132.60'	132.00'	129.50'	127.00'
11 29S	26E					
(aa) In Sarasota County						
Within the Manasota Basin						
(bb) In Sumter County Within						
the Green Swamp Basin						
(cc) In Sumter County Within						
the Withlacoochee River						
Basin						
LAKES						
Big Gant Lake			76.50'	76.25'	74.50'	72.50'
S14 T22S	R22E					
Black Lake			56.70'	55.00'	53.00'	51.00'
S23 T18S	R23E					
Cherry Lake			56.70'	55.00'	53.00'	51.00'
S24 T18S	R23E					
Deaton, Lake			65.50'	65.00'	62.00'	60.00'
S14 T19S	R23E					
Miona, Lake			56.70'	55.00'	53.00'	51.00'
S27 T18S	R23E					
Okahumpka, Lake			59.90'	58.75'	56.25'	54.00'
S21 T19S	R23E					
Panasofkee, Lake			42.80'	42.50'	39.50'	38.50'



Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, Amended 8-7-00, 1-8-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2004

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004 and April 23, 2004

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Community Behavioral Health Services RULE NO.: 59G-4.050

PURPOSE AND EFFECT: The purpose of this rule amendment is to change the name of the Community Mental Health Services Program to Community Behavioral Health Services Program and incorporate by reference the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook, October 2004. The handbook revisions include modifications to procedure codes mandated by the federal Health Insurance Portability and Accountability Act (HIPAA) and implementation of a recovery model for delivery of behavioral health services. The effect will be to incorporate by reference in the rule the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook, October 2004.

SUMMARY: This rule amendment changes the name of the Community Mental Health Services Program to Community Behavioral Health Services Program and incorporates by reference the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook, October 2004.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.9081, 409.913 FS.

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

TIME AND DATE: 9:00 a.m., Monday, October 25, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, Florida THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Comeaux, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8288

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.050 Community Behavioral ~~Mental~~ Health Services.

(1) No change.

(2) All community behavioral ~~mental~~ health services providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the Florida Medicaid Community Behavioral ~~Mental~~ Health Services Coverage and Limitations Handbook, January 2004 ~~July 2000~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated in Rule 59G-4.001 ~~59G-5.050~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) The following forms that are included in the Florida Medicaid Community Behavioral Health Coverage and Limitations Handbook are incorporated by reference: Limited Service Authorization, October 2004; Authorization for Comprehensive Behavioral Health Assessment, October 2004; Comprehensive Behavioral Health Assessment Provider Certification, October 2004; Specialized Therapeutic Foster Care Provider Agency Certification, October 2004; Authorization for Specialized Therapeutic Foster Care, October 2004; Authorization for Crisis Intervention, October 2004; Provider Agency Self Certification Form Behavioral Health Overlay Services – Department of Juvenile Justice, October 2004; Provider Agency Certification Form Behavioral Health Overlay Services – Department of Juvenile Justice, October 2004; Certification of Eligibility for Behavioral Health Overlay Services – Department of Juvenile Justice, October 2004; Provider Agency Self-Certification Form Therapeutic Group Home Services, October 2004; Therapeutic Group Care Services Provider Agency Certification, October 2004; Authorization for Therapeutic Group Care Services, October 2004; Certification of Eligibility for Behavioral Health Overlay Services – Child Welfare, October 2004; Provider Agency Self-Certification Form Behavioral Health Overlay Services – Child Welfare, October 2004; Provider Agency Certification Form Behavioral Health Overlay Services – Child Welfare, October 2004.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.9081, 409.913 FS. History—New 1-27-82, Amended 10-25-84, Formerly 10C-7.525, Amended 1-19-94, Formerly 10C-7.0525, Amended 9-21-98, 11-14-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michelle Comeaux  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums, and Mobile Homes**

RULE TITLES:	RULE NOS.:
Scope, Organization, Procedure, Forms, and Title	61B-80.101
Filing for Recall Dispute Arbitration	61B-80.102
Filing for Election Dispute Arbitration	61B-80.103
Expedited Procedure for Determination of Jurisdiction	61B-80.104
Computation of Time	61B-80.105
Parties; Appearances; Substitution and Withdrawal of Counsel	61B-80.106
Who May Appear; Criteria for Other Qualified Representatives	61B-80.107
Communication with an Arbitrator	61B-80.108
Withdrawal or Dismissal of Petition; Settlement	61B-80.109
Filing; Service of Papers; Signing	61B-80.110
Answer and Defenses	61B-80.111
Defaults and Final Orders on Default	61B-80.112
Motions; Motions for Temporary Injunctive Relief	61B-80.113
Summary Disposition; Simplified Arbitration Procedure; No Disputed Issues of Material Fact	61B-80.114
Discovery	61B-80.115
Conduct of Proceeding by Arbitrator	61B-80.116
Subpoenas and Witnesses; Fees	61B-80.117
Stenographic Record and Transcript	61B-80.118
Conduct of Formal Hearing; Evidence	61B-80.119
Notice of Final Hearing; Scheduling; Venue; Continuances	61B-80.120
Final Orders and Appeals	61B-80.121
Technical Corrections; Rehearing.	61B-80.122
Motions for Attorney’s Fees and Costs	61B-80.123

PURPOSE AND EFFECT: Provides the rules of procedure governing the arbitration of recall and election disputes under Sections 720.303, 720.306 and 720.311, Florida Statutes.

SUMMARY: Mandatory binding arbitration of recall and election disputes in homeowners’ associations.

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

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

SPECIFIC AUTHORITY: 720.303(10)(d), 720.306(9), 720.311(1), 718.1255(4)(i), 718.112(2)(j)5. FS.

LAW IMPLEMENTED: 720.303(10), 720.306(9), 720.311(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.

TIME AND DATE: 10:00 a.m., October 25, 2004

PLACE: Warren Building, Conference Room #B03, 201 W. Bloxham Street, Tallahassee, Florida 32399-1030

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

THE ARBITRATION RULES OF PROCEDURE GOVERNING RECALL AND ELECTION DISPUTES IN HOMEOWNERS’ ASSOCIATIONS

61B-80.101 Scope, Organization, Procedure, Forms, and Title.

(1) This chapter shall be entitled “The Arbitration Rules of Procedure Governing Recall and Election Disputes in Homeowners’ Association” and shall govern the arbitration of election disputes and recall disputes arising in a homeowners’ associations governed by Chapter 720, F.S. For purposes of these rules “homeowners” means “members” and “parcel owners” who are voting members of the association as those terms are defined by Section 720.301, F.S. This chapter applies

to all recall and election arbitration proceedings held pursuant to Sections 720.303, 720.306, or 720.311, F.S.; these provisions shall only apply to election and recall disputes that exist on or after October 1, 2004. The provisions of Chapter 61B-45 and Chapter 61B-50, F.A.C., are incorporated herein by reference to the extent those chapters are consistent with these rules. These rules also apply to all arbitration proceedings referred to the division and conducted after mediation pursuant to paragraph 720.311(2)(b), F.S.

(2) All petitions and other papers filed with the division for election or recall arbitration pursuant to Sections 720.303, 720.306, or 720.311, F.S., and these rules, shall be filed at the official headquarters of the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, Director's Office, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, except that a petition or other pleading may be filed with the division via telefax at (850)921-5446. All forms referenced in these rules may be obtained online at: <http://www.myflorida.com/dbpr/>.

(3) In order to file a petition for recall arbitration, a petitioner must use DBPR FORM HOA 6000-4, MANDATORY BINDING ARBITRATION FORM PETITION – RECALL DISPUTE, incorporated herein by reference and effective \_\_\_\_\_ . In order to file a petition for election arbitration, a petitioner must use DBPR FORM HOA 6000-3, MANDATORY BINDING ARBITRATION FORM PETITION – ELECTION DISPUTE, incorporated by reference and effective \_\_\_\_\_. In order for someone who is not a member of the Florida Bar to represent a party in a proceeding, the person must file a completed DBPR FORM HOA 6000-6, HOA QUALIFIED REPRESENTATIVE APPLICATION, incorporated herein by reference and effective \_\_\_\_\_. An answer to a petition for arbitration for recall or election dispute arbitration must be filed using DBPR FORM HOA 6000-9, HOA ANSWER TO PETITION, incorporated herein by reference and effective \_\_\_\_\_. A request for an expedited determination of whether jurisdiction exists to hear a particular dispute shall be filed on DBPR FORM HOA 6000-7 REQUEST FOR EXPEDITED DETERMINATION OF JURISDICTION, incorporated herein by reference and effective \_\_\_\_\_.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History–New \_\_\_\_\_.

#### 61B-80.102 Filing for Recall Dispute Arbitration.

(1) Where the homeowners attempt to recall one or more directors of a board of a homeowners' association by written agreement, ballot, or vote taken at a meeting, the board of directors shall initiate a recall arbitration by filing a petition for recall arbitration with the division as provided by this rule. Where the homeowners attempt to recall one or more directors of a board at a homeowners meeting or by an agreement in

writing or written ballot, and the board does not certify the recall, the board shall file a petition for arbitration with the division within five full business days after adjournment of the board meeting at which the board determined not to certify the recall. Where the board fails to file a petition for recall arbitration as required by these rules and Chapter 720, F.S., the homeowners seeking to challenge the board's decision not to certify the recall, or not to file for recall arbitration, may file a petition for arbitration pursuant these rules.

(2) Form of Petition. The term "petition" as used in this rule includes any application or other document that expresses a request for arbitration of a recall of one or more board directors. The petition shall comply with the provisions of this rule, and be printed, typewritten or otherwise duplicated in legible form on one side of the paper only with lines double-spaced. A party filing a petition for recall arbitration shall utilize DBPR FORM HOA 6000-4, MANDATORY BINDING ARBITRATION FORM PETITION – RECALL DISPUTE and shall submit the \$200 filing fee with the petition.

(3) All petitions for arbitration of a recall filed by an association or by the homeowners who voted in favor of recall shall be signed by either a member of the Florida Bar, or by a qualified representative who has submitted an application to appear pursuant to Rule 61B-80.106, F.A.C. Each petition shall contain:

(a) The name and address of the association, the number of total voting interests in the association, the number of voting interests voting for recall of each board member sought to be recalled, the number of recall votes rejected by the board as to each candidate subject to the recall, and the total number of seats on the board at the time that the recall is served on the board;

(b) The name or names of the board director or directors who were recalled;

(c) The name and address of the homeowner representative selected, pursuant to subparagraph 61B-81.002(2)(b)3. or paragraph 61B-81.003(1)(f), F.A.C., to receive pleadings, notices, or other papers on behalf of the recalling homeowners;

(d) A statement of whether the recall was by vote at a meeting of the homeowners or by written agreement.

(e) If the recall was by vote at a meeting, the petition shall state the date of the meeting of the homeowners and the time the meeting was adjourned; if the recall was by written agreement, the petition shall state the date and time of receipt of the written agreement by the board, and a copy of the written agreement to recall shall be attached to the petition;

(f) The date of the board meeting at which the board determined not to certify the recall, and the time the meeting was called to order and adjourned;

(g) A copy of the minutes of the board meeting at which the board determined not to certify the recall;

(h) Each specific basis upon which the board based its determination not to certify the recall, including the parcel number and specific defect to which each challenge applies. Any specific reason upon which the board bases its decision not to certify the recall that is stated in the petition for recall arbitration, but absent from the board meeting minutes or attachments thereto, shall be ineffective and shall not be considered by the arbitrator. A board director may be recalled with or without cause. The fact that a homeowner may have received misinformation is not a valid basis for rejecting a recall agreement and shall not be considered by the arbitrator.

(i) Any relevant sections of the bylaws, articles of incorporation, the declaration of covenants, and rules, including all amendments thereto, as well as any or other documents that are pertinent to the petition; and

(j) Any other information that the petitioner contends is material.

(4) If, during the pendency of a recall arbitration, the homeowners attempt another recall effort and the board files another petition for arbitration, the newly filed petition shall be consolidated with the pending case.

(5) Upon receipt and review of a petition for arbitration of a recall of one or more board directors, the division shall review the petition to verify that it contains all required information and that the petition states a valid claim for relief. If the petition is accepted, within 10 days of the filing of the petition, the arbitrator shall serve the respondent homeowners or other named respondents by mailing a copy of the petition and an order allowing answer by United States certified mail to the representative of the recalling homeowners identified in the petition or other named respondent.

(6) As provided by subsection 720.303(10), F.S., the board of directors must hold a board meeting within 5 full business days after its receipt of a recall agreement in writing or the written recall ballots, and further, the board must within 5 full business days of the board meeting, file a petition for recall arbitration if the board determines not to accept the recall of one or more board directors. The time periods contained in subsection 720.303(10), F.S., operate in the manner of statutes of limitation and are therefore subject to equitable considerations. However, where the board fails to timely comply with these rules relating to the calling and holding of a meeting on whether to certify a recall, or fails to comply with these rules relating to the filing of a petition for recall arbitration, the board must provide legitimate justification and must demonstrate that its actions or inactions were taken or based in good faith. The board's claims of excusable neglect or the inability to identify defects in the recall effort within the time provided, or other unremarkable excuses will not be considered as proper defenses. The failure of an association to timely file a petition for recall arbitration within the time limits imposed under these rules or Chapter 720, F.S., will result in the certification of the recall and the immediate removal of the

board directors subject to recall; however, the failure of the association to timely call or hold a board meeting or to file a petition for recall arbitration will not validate a written recall that is otherwise void at the outset for failing to obtain a majority of the voting interests or is deemed fatally defective for failing to substantially comply with the provisions of these rules.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.311(1) F.S. Law Implemented 720.303(10), 720.311(1) F.S. History--New \_\_\_\_\_.

#### 61B-80.103 Filing for Election Dispute Arbitration.

(1) An election arbitration is commenced upon the filing of a petition for mandatory binding arbitration pursuant to Sections 720.306 and 720.311, F.S., and conforming to the requirements of this rule. The term "petition" as used in this rule includes any application or other document that expresses a request for arbitration of an election dispute. The petition shall comply with the provisions of this rule, and be printed, typewritten or otherwise duplicated in legible form on one side of the paper only with lines double-spaced. A party filing a petition for election arbitration shall utilize DBPR FORM HOA 6000-3, MANDATORY BINDING ARBITRATION FORM PETITION – ELECTION DISPUTE and shall include a \$200 filing fee, incorporated in subsection 61B-80.101(3), F.A.C.

(2) Election disputes include a controversy relating to the conduct of a regular, special, or runoff election; the qualification of candidates for the board; the filling of a vacancy caused by any reason other than the recall of one or more directors of the board; and other disputes regarding an association election.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) F.S. Law Implemented 720.303(10), 720.306 (9), 720.311(1) F.S. History--New \_\_\_\_\_.

#### 61B-80.104 Expedited Procedure for Determination of Jurisdiction.

(1) Any party who is in doubt as to whether a controversy falls within the jurisdiction of the division may file with the division a request for expedited determination of jurisdiction by filing a completed DBPR FORM HOA 6000-7, REQUEST FOR EXPEDITED DETERMINATION OF JURISDICTION, incorporated in subsection 61B-80.101(3), F.A.C. A request for expedited determination of jurisdiction shall be accompanied by a completed DBPR FORM HOA 6000-3, MANDATORY NON-BINDING ARBITRATION PETITION FORM, incorporated in subsection 61B-80.101(3), F.A.C., which shall include the \$200.00 filing fee provided by Section 720.311, F.S.

(2) If the determination of jurisdiction is subject to reasonable dispute, within 10 days of the assignment of a request for relief pursuant to this rule, the arbitrator shall deliver by United States mail to all other persons involved with the dispute, a copy of the request for expedited determination

of jurisdiction, and shall provide such persons an opportunity to serve a response on the issue of whether the dispute falls within the jurisdiction of the division.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) F.S. Law Implemented 720.303(10), 720.306(9), 720.311(1) F.S. History--New \_\_\_\_\_.

#### 61B-80.105 Computation of Time.

(1) Recall Time Calculation. In computing the five full business days prescribed by subsections 720.303(10)(b)2., 720.303(10)(c)2., and 720.303(10)(d), F.S., and these rules, in which the board is required to duly notice and hold a board meeting and file for recall arbitration with the division, the day that the board is served with notice of the recall and the day of the board meeting shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday as prescribed by Section 110.117, F.S., in which event the period shall run until the end of the next business day. For example, if a recall petition is served on the board on June 1, 2004, a Tuesday, the board must duly notice and hold a board meeting to determine whether to contest the recall not later than Monday, June 7, 2004. Likewise, if the board meeting on whether to certify the recall is held on Monday, June 7, 2004, the board shall file its petition for recall arbitration not later than the close of business on Monday, June 14, 2004.

(2) Additional Time after Service by Mail. Unless otherwise ordered by the arbitrator, during the pendency of a case, when a party is required or permitted by these rules or by order of the arbitrator to do an act within a prescribed period after the service of an order or pleading upon that party, and the order or pleading is served by regular United States mail, five days shall be added to the prescribed period. No additional time shall be added to the prescribed period if service is made by hand, facsimile transmission, or other electronic transmission. This provision does not apply to the filing of the petition for recall arbitration which must be filed by the board within 5 business days of the board meeting on whether to certify the recall. In addition, no additional time is added by operation of this rule for a motion for rehearing that must be filed (e.g., received) by the division within 15 days of entry of a final order. No additional time is added by operation of this rule for the filing of a motion for costs and attorney's fees that must be filed (e.g., received) by the division within 30 days of entry of a final order or final order on motion for rehearing.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) F.S. Law Implemented 720.303(10), 720.306(9), 720.311(1) F.S. History--New \_\_\_\_\_.

#### 61B-80.106 Parties; Appearances; Substitution and Withdrawal of Counsel.

(1) Parties in any proceeding conducted in accordance with Sections 720.303, 720.306, or 720.311, F.S., are petitioners or respondents.

(2) The petitioner in a recall arbitration proceeding may be the association, where the board seeks to challenge a recall effort of the homeowners, or may be the homeowners voting in favor of recall where the association fails to timely file a petition for recall arbitration. Where the association through the board timely files for recall arbitration, the respondents shall be the group of homeowners who voted at a meeting, or who executed a written agreement, to recall one or more directors of the board. Every homeowner who voted in favor of recall and who did not revoke his or her vote prior to service on the board of the recall agreements shall be deemed to be a party in the recall arbitration proceeding. Where the homeowners voting in favor of recall file the petition for recall arbitration, the respondent shall be the association.

(3) Parties in an election dispute shall be involved homeowners and the association.

(4) All parties shall receive copies of all pleadings, motions, notices, orders, and other matters filed in arbitration proceedings in the manner provided by Rule 61B-80.108, F.A.C.

(5) An attorney or qualified representative who has filed a petition or has otherwise become the attorney or representative of record for a party to a proceeding shall be permitted to withdraw from representation only upon the filing of a suitable motion with the arbitrator, which motion shall provide a correct mailing address for the client. Only attorneys licensed to practice law in Florida shall be permitted to appear as counsel of record, except that an attorney licensed out of state may apply to the arbitrator for permission to appear in an individual proceeding. No attorney wherever licensed shall be permitted to appear as a qualified representative which is reserved for lay individuals.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) F.S. Law Implemented 720.303(10), 720.306(9), 720.311(1) F.S. History--New \_\_\_\_\_.

#### 61B-80.107 Who May Appear; Criteria for Other Qualified Representatives.

(1) Any person who appears before any arbitrator has the right, at that person's own expense, to be accompanied, represented and advised by a member of the Florida Bar or by a qualified representative who is not a member of the Florida Bar, but who shall demonstrate his or her familiarity with and understanding of these rules of procedure, and with any relevant portions of Chapter 720, F.S., and the rules promulgated by the division.

(2) If a person wishes to be represented by a qualified non-attorney representative, the arbitrator shall make diligent inquiry of the prospective representative during a non-adversarial proceeding, under oath, to assure that the prospective representative is qualified to appear in the arbitration proceedings and is capable of representing the

rights and interests of the person. In lieu of the above, the arbitrator may consider the prospective representative's sworn affidavit setting forth the representative's qualifications.

(3) If the arbitrator is satisfied that the prospective non-attorney representative has the necessary qualifications to render competent and responsible representation of the homeowner's interest in a manner that will not impair the fairness of the proceedings or the correctness of the action to be taken, the arbitrator shall authorize the prospective non-attorney representative to appear in the pending arbitration.

(4) A representative named in the initial petition or who has filed a notice of appearance shall remain the representative of record and shall receive pleadings and continue in a representative capacity until the representative's withdrawal has been approved in writing by the arbitrator.

(5) Any successor or associated attorney or other non-attorney representative shall file a notice of appearance prior to, or at the time of, the filing of any pleading with, or appearance before, the arbitrator.

(6) Standards of Conduct.

(a) A representative shall exercise due diligence in the filing and argument of any motion or pleading. All motions or pleadings shall be filed and argued in good faith.

(b) The signature of a representative upon any motion or pleading shall constitute a certificate that the representative has read the motion or pleading, that to the best of the representative's knowledge it is supported by good faith grounds and that it has not been presented solely for the purpose of delay.

(c) A representative shall advise the client to observe and to obey the law.

(d) A representative shall not:

1. Engage in conduct involving dishonesty, fraud, deceit or misrepresentation; or engage in conduct that is prejudicial to the administration of the arbitration process;

2. File a pleading, assert a position, conduct a defense, delay an arbitration proceeding or take other action on behalf of the client when such action would serve merely to harass or maliciously injure another;

3. Handle a legal or factual matter which the representative knows or should know that the representative is not competent to handle without associating an attorney or another qualified representative; or handle a legal or factual matter without adequate preparation;

4. State or imply that he or she is able to improperly influence the arbitrator or any agency or public official;

5. Communicate or cause another to communicate with an adverse party regarding matters at issue in the arbitration proceeding where the representative knows that the adverse party is represented by an attorney or other qualified representative;

6. Disregard or advise the client to disregard a rule or statute of an agency or a ruling of an arbitrator made in the course of an arbitration proceeding;

7. Conceal or knowingly fail to disclose that which one is bound to reveal by law;

8. Knowingly use perjured testimony or false evidence, or withhold any evidence that the representative or the client should produce;

9. Knowingly make a false statement of law or fact;

10. Advise or cause a person to secrete himself or herself for the purpose of making the person unavailable as a witness therein; pay, offer to pay or acquiesce in the payment of compensation to a witness contingent upon the content of the witness's testimony or the outcome of the case; counsel or advise a witness to provide other than honest testimony.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History--New \_\_\_\_\_.

61B-80.108 Communication with an Arbitrator.

(1) While a case is pending and within 15 days of entry of a final order, no party or other person directly or indirectly interested in an arbitration proceeding nor anyone authorized to act on behalf of a party or other interested person shall communicate verbally or in writing in the absence of all parties with an arbitrator or with the Department of Business and Professional Regulation concerning the merits of the arbitration proceeding, threaten an arbitrator, or offer an arbitrator any reward with respect to the conduct or outcome of a proceeding. No party or other interested person shall attempt to telephone or otherwise contact the arbitrator unless all parties are joined in the telephone call or otherwise included in the communication.

(2) An arbitrator who has received a communication prohibited by this rule, or who has received a threat or offer of reward by any person with respect to the conduct or outcome of a proceeding, shall place upon the record all written communications received, all written responses to such communications and a memorandum stating the substance of all oral communications received and all oral responses made, simultaneously serving all parties.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History--New \_\_\_\_\_.

61B-80.109 Withdrawal or Dismissal of Petition; Settlement.

(1) A petitioner may withdraw or dismiss the petition in writing at any time prior to the entry of a final order. Such withdrawal or dismissal shall be without prejudice to re-filing the petition at a later date. Upon the filing of a dismissal or withdrawal, the arbitrator shall enter an order closing the case file. The filing of a dismissal or withdrawal shall not preclude an award of prevailing party costs and attorney's fees. Where a petitioner voluntarily dismisses the petition, such dismissal

shall not relieve the petitioner of the requirement of mandatory binding arbitration for resolution of the dispute; the dispute shall not be filed in the courts but may be re-filed for binding arbitration at a later date.

(2) The petitioner or the parties may request dismissal of the case based on settlement of the dispute. The settlement of a dispute shall not preclude a later award of prevailing party costs and attorney's fees.

(3) Withdrawal of a petition for arbitration of a recall shall be with prejudice; that is, the recall petition can never be re-filed with reference to that recall effort. If the board withdraws the petition, unless otherwise provided in the final order, the recall shall be deemed certified and the board members recalled. The board member or members recalled shall turn over all association records in his or their possession within five full business days after the withdrawal is filed (i.e., received by the division).

(4) Where a respondent undertakes corrective action that ends the dispute between the parties, the respondent shall immediately so notify the arbitrator.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History—New \_\_\_\_\_.

#### 61B-80.110 Filing; Service of Papers; Signing.

(1) Filing. Unless specifically ordered by the arbitrator or provided for by these rules, every pleading or other paper filed in the proceedings, except an initial petition for arbitration, shall also be served on each party.

#### (2) Method and Proof of Service.

(a) When service is to be made upon a party represented by an attorney or by a qualified representative, service shall be made upon the attorney or representative unless service upon the party is ordered by the arbitrator. Service shall be made by delivering or mailing, by United States mail postage prepaid, a copy of the document to the attorney, representative, or party at that person's last known address.

(b) In a recall arbitration proceeding, when the homeowners have not designated a homeowner representative to represent their interests or when the homeowner representative cannot be ascertained, the arbitrator shall require that the association post a copy of the petition for recall arbitration, the order allowing answer, or other pleading or order on the association property in the same location as it posts notices of meetings in accordance with subparagraph 720.303(2)(c)1., F.S.

(c) Certificate of Service. When any attorney, representative, or unrepresented party signs a certificate of service such as the following, the certificate of service shall be taken as evidence of service in compliance with these rules:

"I certify that a copy hereof has been furnished to (here insert name or names and address or addresses) by United States (U.S.) mail this \_\_\_\_ day of \_\_\_\_, 20\_\_."

#### Signature

(3) Number of Copies. Only the original of all pleadings shall be filed with the arbitrator; no copies shall be filed. However, the initial petition for recall or election arbitration shall be accompanied by one (1) copy for the respondents.

(4) "Filing" shall mean actual receipt by the division during normal business hours or by the arbitrator during the course of a hearing. Pleadings including the initial petition or other communications may be filed by regular hard copy or facsimile, and if filed by facsimile, a hard copy of the pleading or other communication need not be filed with the arbitrator; however, the party using facsimile filing bears the burden of ensuring that the pleading or other correspondence has actually been filed with the arbitrator. If a document is filed via facsimile, the facsimile confirmation sheet shall be evidence of the date on which the division received the document. A facsimile copy is filed within the meaning of this rule when the facsimile copy of the document is received by the division. No pleadings shall be faxed that exceed 30 pages in length including attachments. When a party files a facsimile document with the arbitrator, the party shall also provide a facsimile copy to the other party if the fax number is available. If a party desires to receive orders via e-mail, the party must provide its e-mail address to the arbitrator assigned to the case.

(5) Any pleading or other document received after 5:00 p.m. shall be deemed to be filed as of 8:00 a.m. on the next regular business day.

(6) All pleadings and motions filed shall contain the following:

(a) The style of the proceeding involved;

(b) The case number, if any;

(c) The name of the party on whose behalf the pleading or motion is filed;

(d) The name, address, and telephone number of the person filing the pleading or motion;

(e) The signature of the person filing the pleading or motion; and

(f) A certificate of service attesting that copies have been furnished to other parties as required by subsection (2)(c) of this rule.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History—New \_\_\_\_\_.

61B-80.111 Answer and Defenses.

(1) After a petition for arbitration is filed and assigned to an arbitrator, the respondent will be mailed a copy of the petition by the arbitrator, and will be given an opportunity to answer the petition. Unless a shorter time is ordered by the arbitrator in cases where the health, safety, or welfare of the resident(s) of a community is alleged to be endangered, a respondent in an election dispute shall file the answer with the arbitrator, and shall mail a copy to the petitioner, within 20 days after receipt of the petition. In a recall dispute, the respondent shall have 10 days in which to file an answer. The answer shall include all defenses and objections, and shall be filed on DBPR FORM HOA 6000-9, ANSWER TO PETITION, incorporated in Rule 61B-80.101, F.A.C. The answer shall not include a request for relief (counterclaim) against the petitioner. Any claim or request for relief must be filed as a new petition following the procedure provided in subsection 61B-80.101(3), F.A.C.

(2) The service of any motion under these rules does not alter the period of time in which to file an answer, except that service of a motion in opposition to the petition in an election dispute postpones the time for filing of the answer until 20 days after the arbitrator's ruling on the motion. The following defenses shall be made by motion in opposition to the petition:

- (a) Lack of jurisdiction over the subject matter.
- (b) Lack of jurisdiction over the person.
- (c) Insufficiency of process.
- (d) Insufficiency of service of process.
- (e) Failure to state a cause of action, and
- (f) Failure to join indispensable parties.

In the case of election arbitration proceedings, a motion making any of these defenses shall be made before the filing of the answer. The grounds on which any of the enumerated defenses are based and the substantial matters of law intended to be argued shall be stated specifically and with particularity in the responsive pleading or motion. Any ground not stated in the motion shall be deemed to be waived except any ground showing that the division lacks jurisdiction of the subject matter may be made at any time. In a recall proceeding, these enumerated defenses shall not be raised by motion but shall be included in the answer.

(3) Every defense in law or fact to a claim for relief in a petition shall be asserted in the answer. Unless otherwise determined by the arbitrator, any ground or defense not stated in the answer shall be deemed to be waived except any ground showing that the arbitrator lacks jurisdiction of the subject matter. Each defense shall be separately stated and shall include an identification of all facts upon which the defense is based.

Specific Authority 718.1255(4)(i), 718.112(2)(i)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History—New \_\_\_\_\_.

61B-80.112 Defaults and Final Orders on Default.

(1) When a party fails to file or serve any responsive document in the action or has failed to follow these rules or a lawful order of the arbitrator, the arbitrator shall enter a default against the party where the failure is deemed willful, intentional, or a result of neglect. No service need be made on parties against whom a default has been entered, except that pleadings asserting new or additional claims against them shall be served in the manner provided for service of the original petition for arbitration.

(2) Final orders on default may be entered at any time after the entry of a default. The arbitrator shall require affidavits as necessary to determine damages. The arbitrator may, within a reasonable time following entry of the final order on default, not to exceed one year, set aside a final order on default for reasons of excusable neglect, mistake, surprise, or inadvertence.

Specific Authority 718.1255(4)(i), 718.112(2)(i)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History—New \_\_\_\_\_.

61B-80.113 Motions; Motions for Temporary Injunctive Relief.

(1) During the course of a pending arbitration proceeding, a request to the arbitrator for an order granting some relief or request shall be made by written motion, unless made during a hearing. The motion shall state in detail the grounds for the relief requested and shall set forth the relief or order sought. The arbitrator shall conduct such proceedings and render such orders as are deemed necessary to dispose of issues raised by motion. Other parties may, within 7 days of service of a written motion or other time as provided by the arbitrator, file a written response in opposition to the motion.

(2) A party may, either with the original petition for arbitration, or any time before entry of a final order, file a motion for emergency relief or temporary injunction, which motion or accompanying argument shall demonstrate a clear legal right to the relief requested, that irreparable harm or injury exists or will result, that no adequate remedy at law exists, and that the relief or injunction would not be adverse to the public interest. An evidentiary hearing on a motion for emergency relief shall be scheduled and held as soon as possible after the filing of the motion and supporting petition for arbitration. The hearing will be held upon due notice after the petition for arbitration and motion are served on the opposing party and may be held prior to the filing of the answer.

(3) No temporary injunction shall be entered unless a bond is given by the movant in an amount the arbitrator upon testimony taken deems sufficient, conditioned for the payment of costs and damages sustained by the adverse party if the adverse party is wrongfully enjoined.



Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History–New \_\_\_\_\_.

61B-80.114 Summary Disposition; Simplified Arbitration Procedure; No Disputed Issues of Material Fact.

(1) Any dispute that does not involve a disputed issue of material fact shall be arbitrated as provided in this rule. Where there are no disputed issues of material fact, no formal evidentiary hearing shall be conducted. The arbitrator shall decide the dispute based solely upon the pleadings and evidence filed by the parties.

(2) At any time after the filing of the petition, if the parties do not dispute the important facts in a case, the arbitrator shall summarily enter a final order denying relief requested in the petition if the arbitrator finds that no preliminary basis for relief has been demonstrated in the petition.

(3) At any time after the filing of the petition, if the parties do not dispute the important facts, the arbitrator shall summarily enter a final order awarding relief and failing to certify the recall if the arbitrator finds that no meritorious defense exists or if substantial compliance with the requirements of the rules and statutes relating to recall has not been demonstrated, and the petition is otherwise appropriate for relief.

(4) Any party may move for summary final order whenever there are no disputed issues of material fact. The motion shall be accompanied by supporting affidavits if necessary. All other parties may, within 7 days of service of the motion, file a response in opposition, with or without supporting affidavits.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History–New \_\_\_\_\_.

61B-80.115 Discovery.

(1) The discovery process shall be used sparingly and only for the discovery of those things that are necessary for the proper disposition of the petition. Parties may obtain discovery only upon the prior approval of the arbitrator. A motion to conduct discovery shall describe with specificity the subject matter of the discovery and the method(s) by which discovery will be sought. The arbitrator may issue appropriate orders to effectuate the purposes of discovery and to prevent delay.

(2) Where discovery is permitted by order of the arbitrator, the parties may obtain discovery through the means and in the manner provided in rules 1.280 through 1.390, Florida Rules of Civil Procedure. However, a homeowner desiring to obtain copies of official association records for use in the proceeding shall utilize the owner's right of access to the official records as provided by Section 720.303, F.S., in lieu of formal discovery.

(3) A party may seek enforcement of an order directing discovery by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the order resides.

(4) At any time after the filing of the petition for arbitration, the arbitrator may enter an order requiring the parties or either party to submit supplemental information, evidence or affidavits in support of, supplementing, explaining, or refuting any legal or factual assertion contained in a petition, answer, affirmative defense, or motion or other pleading.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History–New \_\_\_\_\_.

61B-80.116 Conduct of Proceeding by Arbitrator.

(1) The failure or refusal of a respondent to comply with a provision of these rules or any lawful order of the arbitrator shall result in the striking of the answer including any defenses or pending claims where such failure is deemed willful, intentional, or a result of neglect.

(2) The failure or refusal of a petitioner to comply with any lawful order of the arbitrator or with a provision of these rules shall result in a dismissal of the petition where such failure is deemed willful, intentional, or a result of neglect.

(3) In order to expedite the case, the arbitrator may, without the agreement of the parties, conduct any proceeding permitted under these rules, including a motion hearing or final hearing, by telephone conference.

(4) At any time after a petition for arbitration has been filed with the division, the arbitrator may direct the parties to confer for the purpose of clarifying and simplifying issues, discussing the possibility of settlement, examining documents and other exhibits, exchanging names and addresses of witnesses, resolving other procedural matters, and entering into a prehearing stipulation.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History–New \_\_\_\_\_.

61B-80.117 Subpoenas and Witnesses; Fees.

(1) A subpoena requiring the attendance of witnesses or the production of documents, whether for purposes of discovery or for purposes of a final hearing, may be served by any person authorized by law to serve process or by any person who is not a party and who is of majority age, as provided in rule 1.410, Florida Rules of Civil Procedure, or as that rule may subsequently be renumbered. Proof of such service shall be made by affidavit of the person making service if not served by an officer authorized by law to do so.

(2) All witnesses, other than public employees subpoenaed to appear in their official capacity, appearing pursuant to a subpoena shall be paid such fees and mileage for their attendance as set forth in Section 92.142, F.S., or as that statute may subsequently be renumbered. In the case of a public employee, such expenses shall be processed and paid in the manner provided for agency employee travel expense reimbursement; and, in the case of a witness who is not a public employee, payment of such fees and expenses shall accompany the subpoena.

(3) Any party or any person upon whom a subpoena is served or to whom a subpoena is directed may file a motion to quash or for protective order.

(4) Subpoenas shall be issued from the arbitrator in blank except for the case style, the case number, the name, address and telephone number of the attorney or party requesting issuance of the subpoena and the signature of the arbitrator assigned. Subpoenas shall be completed and served by the party requesting issuance of the subpoenas.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History--New \_\_\_\_\_.

#### 61B-80.118 Stenographic Record and Transcript.

(1) Any party wishing to obtain a stenographic record shall make such arrangements directly with the court reporter for such services and shall notify the other parties of such arrangements in advance of the hearing. The requesting party or parties shall bear all the costs of obtaining such a record.

(2) Any party may have a stenographic record and transcript made of the final hearing at the party's own expense. The record transcript may be used in subsequent legal proceedings subject to the applicable rules of evidence.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History--New \_\_\_\_\_.

#### 61B-80.119 Conduct of Formal Hearing; Evidence.

(1) Hearings shall be open to the public. However, the arbitrator shall exclude any observer, witness or party who is disruptive to the conduct of the hearing.

(2) Each party shall have the right to present evidence, cross-examine the other party's witnesses, enter objections, and to rebut the evidence presented against the party.

(3) The arbitrator is authorized to administer oaths. Oral testimony shall be taken only upon oath or affirmation.

(4) Unless otherwise ordered by the arbitrator, the petitioner shall present its evidence and witnesses. Thereafter, the respondent may present its evidence and witnesses.

#### (5) Evidence.

(a) An arbitration proceeding is less formal than a court proceeding. The arbitrator shall admit any relevant evidence if it is the kind of evidence on which reasonable, prudent persons rely in the conduct of their affairs. Reliable, relevant evidence may be presented by the parties. Facts are to be proven through the testimony of witnesses under oath at the final hearing and through documents admitted into evidence at the request of a party. Hearsay evidence (i.e., statements not made at the final hearing under oath, used to establish the truth of the matter asserted) may be used to supplement or explain other evidence, but is not sufficient to support a finding, unless the hearsay evidence would be admissible in a court of law. The rules of

privilege shall be effective to the same extent that they are recognized in civil actions. Irrelevant and unduly repetitious evidence shall not be admitted into evidence.

(b) All exhibits shall be identified as petitioner's exhibits, respondent's exhibits, or as joint exhibits. The exhibits shall be marked in the order that they are received and made a part of the record.

(c) Documentary evidence may be received in the form of a photocopy.

(6) The arbitrator shall afford the parties an opportunity to submit proposed findings of fact, conclusions of law, and proposed orders, or legal briefs or memoranda on the issues, within a time designated by the arbitrator after the final hearing.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History--New \_\_\_\_\_.

#### 61B-80.120 Notice of Final Hearing; Scheduling; Venue; Continuances.

(1) The arbitrator shall set the time and place for all final hearings. The arbitrator shall serve written notice of the final hearing by regular mail on all parties of record.

(2) All hearings shall be held in the state of Florida. Whenever possible, hearings shall be held in the area of residence of the parties and witnesses or at the place most convenient to all parties as determined by the arbitrator.

(3) In the arbitrator's discretion, a duly scheduled hearing may be delayed or continued for good cause shown. Requests for a continuance shall be made in writing. Except in cases of emergency, requests for continuance must be made at least 10 days prior to the date noticed for the final hearing.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History--New \_\_\_\_\_.

#### 61B-80.121 Final Orders and Appeals.

(1) Unless waived, a final order shall be entered within 30 days after any final hearing, receipt by the arbitrator of the hearing transcript if one is timely filed, or receipt of any post-hearing memoranda, whichever is applicable. The final order shall be in writing and shall include a statement of whether or not the recall was certified. Failure to render a decision within such time period shall not invalidate the decision.

(2) The final order shall be mailed to the parties, if unrepresented, or to their counsel or other qualified representative of record by regular U.S. mail. The final order shall include a certificate of service that shall show the date of mailing of the final order to the parties.

(3) In reaching a decision, the arbitrator may take official notice of and find as true without proof, any fact which may be judicially noticed by the courts of this state, including any arbitration final order or any final order of the division involving a similar or related issue.

(4) A final order or nonfinal order is effective upon its issuance and mailing unless otherwise provided in the order or unless a stay of the order has been applied for and granted by the arbitrator. A final order certifying the recall of one or more board members takes effect upon the mailing of the final order. As of the moment of mailing, those board members found to be recalled cease to be authorized board members and shall not exercise the authority of the association.

(5) The final order of the arbitrator is binding on the parties and may not be appealed. The final order of the arbitrator does not constitute final agency action and is not appealable to the district courts of appeal in the manner provided by Section 120.68, Florida Statutes. In any subsequent judicial proceeding, for example, where a party sues in court to enforce the final order, the department, the division, and the arbitrator are not necessary or proper parties and shall not be named as parties.

(6) The arbitrator in the final order may grant mandatory or prohibitory relief, declaratory relief, or any other remedy or relief that is just and equitable. No final order shall include a civil penalty assessed against a party. Relief may include certification of an election or recall, decertification of an election or recall, a requirement that a new election be held, certification of a candidate for election, decertification of a candidate, requiring a board to fill a vacancy or hold an election to fill a vacancy, requiring a director to return association records to the board, and cease acting as a board member, or other relief as may be appropriate in a given case.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History—New \_\_\_\_\_.

#### 61B-80.122 Technical Corrections; Rehearing.

(1) Any party may file a motion for rehearing or a motion to correct any clerical mistake or error arising from oversight or omission in any final order entered by an arbitrator within 15 days of the date on which the order was entered. "Clerical corrections" shall be generally defined as computational corrections, correction of clerical mistake or typographical error or other minor corrections of error arising from oversight or omission; or an evident miscalculation of figures or an evident mistake in the description of any thing, person, or property referred to in the order; or an award by the arbitrator upon a matter not submitted. A motion for rehearing shall state with particularity the points of law or fact that the arbitrator has overlooked or misapprehended but shall not re-argue the merits of the final order. Any response shall be filed within 10 days of service of the motion.

(2) The arbitrator may on his or her own motion initiate entry of a corrected order as described by subsection (1) above within 60 days of the entry of the final order. A timely filed motion for rehearing tolls the time in which a party must file to recover its costs and attorney's fees, until after disposition of the motion for rehearing or reconsideration.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History—New \_\_\_\_\_.

#### 61B-80.123 Motions for Attorney's Fees and Costs.

(1) The prevailing party in a proceeding brought pursuant to Section 720.311, F.S., is entitled to an award of reasonable costs and attorney's fees. A prevailing party is a party that obtained a benefit from the proceeding and includes a party where the opposing party has voluntarily provided the relief requested in the petition, in which case it is deemed that the relief was provided in response to the filing of the petition.

(2) Any party seeking an award of costs and attorney's fees must request the award in writing prior to the rendition of the final order, failing which no motion for costs and attorney's fees will be granted.

(3) A party prevailing in an arbitration proceeding must file a motion requesting an award of costs and attorney's fees within 30 days following entry of a final order, or final order on rehearing entered in response to a timely filed motion for rehearing. The motion is considered filed when it is actually received by the division.

(4) The motion must specify the hourly rate claimed and must include an affidavit of the attorney who performed the work that states the number of years the attorney has practiced law, must indicate each activity for which compensation is sought, and must state the time spent on each activity. In a case involving multiple issues or counts, the affidavit shall present time activity broken down by issue or count.

(5) If an award of costs is sought, the party seeking recovery of costs shall attach receipts or other documentation to provide evidence of the costs incurred. Costs will be awarded consistent with Florida case law and the Statewide Uniform Guidelines for Taxation of Costs in Civil Actions. The cost of personal service by an authorized process server is only a recoverable cost if such personal service is either authorized or required by the arbitrator. The cost of attending a hearing by a court reporter is a recoverable cost; the cost of preparing a transcript of the hearing is only a recoverable cost if the transcript or a portion thereof, is filed with the arbitrator prior to rendition of the final order.

Specific Authority 718.1255(4)(i), 718.112(2)(j)5., 720.303(10)(d), 720.306(9), 720.311(1) FS. Law Implemented 720.303(10), 720.306(9), 720.311(1) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael T. Cochran, Director, Division of Florida Land Sales,  
Condominiums and Mobile Homes, 1940 North Monroe  
Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums, and Mobile Homes**

RULE TITLES:	RULE NOS.:
Right to Recall and Replace a Board Director; Developers; Other Members; Class Voting	61B-81.001
Recall of One or More Directors of a Board at a Homeowner Meeting; Board Certification; Filling Vacancies	61B-81.002
Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies	61B-81.003

PURPOSE AND EFFECT: Addresses certain procedural and substantive issues regarding recall by written agreement and recall at a meeting in a homeowners' association pursuant to Sections 720.303(10), 720.306(9) and 720.311(1), Florida Statutes.

SUMMARY: Mandatory binding arbitration of recall disputes in homeowners' associations.

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

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

SPECIFIC AUTHORITY: 718.112(2)(j)5., 720.303(10)(d), 720.311(1) FS.

LAW IMPLEMENTED: 720.301, 720.303(10), 720.307, 720.3075(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.

TIME AND DATE: 10:00 a.m., October 25, 2004

PLACE: Warren Building Conference Room #B03, 201 W. Bloxham Street, Tallahassee, Florida 32399-1030

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting Sharon A. Elzie, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

SUBSTANTIVE RULES FOR RECALLS IN HOMEOWNERS ASSOCIATIONS

61B-81.001 Right to Recall and Replace a Board Director: Developers; Other Members; Class Voting.

(1) For purposes of these rules, "homeowner" is the "member" or "parcel owner" who has the "voting interest" as those terms are defined by Section 720.301, F.S.

(2) Developer Representatives. When both a developer and other homeowners are entitled to representation on a board of directors pursuant to Section 720.307, F.S., the following provisions apply to recall and replacement of directors elected or appointed by a developer:

(a) Only parcels owned by the developer shall be counted to establish a quorum for a meeting to recall and replace a director who was elected or appointed by that developer.

(b) The percentage of voting interests required to recall a director who was elected or appointed by a developer is a majority of the total parcels owned by that developer.

(c) A director who is elected or appointed by a developer may be recalled only by that developer.

(d) Only the developer may vote to fill a vacancy on the board previously occupied by a director elected or appointed by that developer.

(3) Homeowner Representatives. When both a developer and other homeowners are entitled to representation on a board of administration pursuant to Section 720.307, F.S., the following provisions apply to recall and replacement of directors elected or appointed by homeowners other than a developer:

(a) Only parcels owned by homeowners other than a developer shall be counted to establish a quorum at a meeting to recall and replace a director elected by homeowners other than a developer.

(b) The percentage of voting interests required to recall a director elected by homeowners other than a developer is a majority of the total parcels owned by homeowners other than a developer.

(c) A director who is elected by homeowners other than a developer may be recalled only by homeowners other than a developer.

(d) Only homeowners other than a developer may vote to fill a vacancy on the board previously occupied by a director elected by homeowners other than a developer.

(4) Class Voting. When the governing documents provide that a specific class of homeowners is entitled to elect a director or directors to the board, the class of homeowners electing such director or directors to the board shall constitute all the voting interests that may recall or remove such director or directors.

Specific Authority 718.112(2)(j)5, 720.303(10)(d), 720.311(1) FS. Law Implemented 720.301, 720.303(10), 720.307, 720.3075(1) FS. History—New

61B-81.002 Recall of One or More Directors of a Board at a Homeowner Meeting; Board Certification; Filling Vacancies.

(1) Calling a Recall Meeting. If the governing documents specifically allow recall at a homeowners meeting, 10 percent of the voting interests may call a meeting of the homeowners to recall one or more directors of the board by the voting interests giving the notice specified in paragraphs (2)(a) and (b) below.

(2) Noticing a Recall Meeting.

(a) Signature List. Prior to noticing a homeowners' meeting to recall one or more directors of the board, a list shall be circulated for the purpose of obtaining signatures of not less than 10 percent of the voting interests. The signature list shall:

1. State that the purpose for obtaining signatures is to call a meeting of the homeowners to recall one or more directors of the board;

2. State that replacement directors shall be elected at the meeting if a majority or more of the existing directors are successfully recalled at the meeting; and

3. Contain lines for the voting interest to fill in his or her parcel number, signature and date of signature.

(b) Recall Meeting Notice. The recall meeting notice shall:

1. State that the purpose of the members' meeting is to recall one or more directors of the board and, if a majority or more of the board is subject to recall, the notice shall also state that an election to replace recalled directors will be conducted at the meeting;

2. List by name each director sought to be recalled at the meeting, even if all directors are sought to be recalled;

3. Specify a person, other than a director subject to recall at the meeting, who shall determine whether a quorum is present, call the meeting to order, preside, and proceed as provided in paragraph (3)(b) of this rule;

4. List at least as many eligible persons who are willing to be candidates for replacement directors as there are directors sought to be recalled, in those cases where a majority or more of the board is sought to be recalled. Candidates for replacement directors shall not be listed when a minority of the

board is sought to be recalled, as the remaining directors may appoint replacements. In addition, the notice must state that nominations for replacement directors may be taken from the floor at the meeting;

5. Have attached to it a copy of the signature list referred to in paragraph (2)(a) above;

6. Be mailed or delivered to all homeowners as required in the governing documents for a meeting of the homeowners; and

7. Be delivered to the board at least 10 days prior to the recall meeting. The notice shall become an official record of the association upon actual receipt by the board.

(3) Recall Meeting; Electing Replacements.

(a) Date for Recall Meeting. A recall meeting shall be held not less than 10 days nor more than 20 days from the date when the notice of the recall meeting is mailed or delivered.

(b) Conducting the Recall Meeting. After determining that a quorum exists (proxies may be used to establish a quorum) and the meeting is called to order, the voting interests shall proceed, as follows:

1. A representative to receive pleadings (e.g., copies of a petition for recall arbitration; motions), notices, or other papers on behalf of the recalling homeowners in the event the board disputes the recall, shall be elected or designated by the presiding officer.

2. A person to record the minutes of the recall meeting, who shall not be a board director subject to recall at that meeting, shall be elected or designated by the presiding officer.

3. The requirements of this subsection do not prohibit the voting interests from electing one person to perform one or more of these functions.

(c) Recall Meeting Minutes. The minutes of the recall meeting shall:

1. Record the date and time the recall meeting was called to order and adjourned;

2. Record the name or names of the person or persons chosen as the presiding officer, the recorder of the official minutes and the unit owner representative's name and address;

3. Record the vote count taken on each director of the board sought to be recalled;

4. State whether the recall was effective as to each director sought to be recalled;

5. Record the vote count taken on each candidate to replace the board directors subject to recall and, if applicable, the specific seat each replacement board director was elected to, in those cases where a majority or more of the existing board was subject to recall; and

6. Be delivered to the board and, upon such delivery to the board, become an official record of the association.

(d) Separate Recall Vote. The voting interests shall vote to recall each board director separately.

(e) Filling Vacancies. When the voting interests have recalled one or more board directors at a homeowners' meeting, the following provisions apply regarding the filling of vacancies on the board:

1. If less than a majority of the existing board is recalled at the meeting, no election of replacement board directors shall be conducted at the homeowners' meeting as the existing board may, in its discretion, fill these vacancies, subject to the provisions of Section 720.307, F.S., by the affirmative vote of the remaining board directors. In the alternative, if less than a majority of the existing board is recalled at the homeowners meeting, the board may call and conduct an election to fill a vacancy or vacancies:

2. If a majority or more of the existing board is recalled at the meeting, an election shall be conducted at the recall meeting to fill vacancies on the board occurring as a result of recall. The voting interests may vote to elect replacement board directors in an amount equal to the number of recalled directors.

(f) Taking office. When a majority or more of the board is recalled at a homeowners' meeting, replacement directors shall take office:

1. Upon the expiration of five full business days after adjournment of the homeowners' recall meeting, if the board fails to hold its board meeting to determine whether to certify the recall within five full business days of the adjournment of the homeowners' recall meeting; or,

2. Upon the expiration of five full business days after adjournment of the board meeting to determine whether to certify the recall, if the board fails to certify the recall and fails to file a petition for arbitration; or,

3. Upon certification of the recall by the board; or,

4. Upon certification of the recall by the arbitrator, in accordance with subparagraph (5)(b)4. of this rule, if the board files a petition for recall arbitration.

(g) After adjournment of the meeting to recall one or more members of the board of administration:

1. Any rescission of an individual homeowner's vote or any additional homeowners' votes received in regard to the recall shall be ineffective.

2. Where the board determines not to certify the recall of a director and that director resigns, any appointment to fill the resulting vacancy shall be temporary pending the arbitration decision.

(4) Substantial compliance with the provisions of subsections (1), (2) and (3) of this rule shall be required for the effective recall of one or more directors of the board.

(5) Board Meeting Concerning a Recall at Meeting of the Homeowners; Filling Vacancies. The board shall properly notice the board meeting at which it will determine whether to certify the recall of one or more directors at a homeowners' meeting. It shall be presumed that recall of one or more directors at a homeowners' meeting shall not, in and of itself,

constitute grounds for an emergency meeting of the board if the board has been provided notice of the recall meeting as provided in subparagraph (2)(b)7. of this rule.

(a) Certified Recall. If the recall of one or more directors by vote at a homeowners' meeting is certified by the board, the recall shall be effective upon certification, and the following provisions apply:

1. Each recalled director shall return to the board all association records in his or her possession within five full business days after adjournment of the board meeting at which the recall was certified.

2. If less than a majority of the existing board is recalled in a certified recall, a vacancy or vacancies on the board may be filled by the affirmative vote of a majority of the remaining board members, subject to the provisions of Section 720.307, F.S., regardless of whether the authority to fill vacancies in this manner is provided in the governing documents. No recalled director shall be appointed by the board to fill any vacancy on the board. A director appointed pursuant to this rule shall fill the vacancy for the unexpired term of the seat being filled. If the board determines not to fill vacancies by vote of the remaining directors or if it is unable to fill vacancies in this manner (e.g., if there is a tie vote on the proposed replacement director; if a quorum is not obtained, or otherwise), the board may, in its discretion, call and hold an election in the manner provided by Section 720.306(9), F.S., in which case any person elected shall fill the entire remaining term.

3. If a majority or more of the board is recalled in a certified recall, those replacement directors elected at the recall meeting shall take office upon adjournment of the board meeting at which it was determined to certify the recall. A director who is elected to fill a vacancy caused by recall shall fill the vacancy for the unexpired term of the seat being filled.

(b) Non-certification of Recall by the Board. If the board votes for any reason not to certify the recall of one or more directors at a meeting of the homeowners, the following provisions apply:

1. The board shall, subject to the provisions of these rules file a petition for arbitration with the division (i.e., be received by the division) within five full business days after adjournment of the board meeting at which the board determined not to certify the recall of one or more directors.

2. Any director sought to be recalled shall, unless he or she resigns, continue to serve on the board until a final order regarding the validity of the recall is mailed by the arbitrator.

3. If the arbitrator certifies the recall of less than a majority of the board, the remaining directors may fill the vacancy or vacancies as provided in subparagraph (5)(a)2. of this rule.

4. If the arbitrator certifies the recall of a majority or more of the board, the term of office of those replacement directors elected at the recall meeting shall become effective upon mailing of the final order of arbitration. The term of office of

replacement directors elected at the recall meeting shall expire in accordance with the provisions of subparagraph (5)(a)3. of this rule.

(6) Failure to Duly Notice and Hold the Board Meeting. If the board fails to duly notice and hold a meeting to determine whether to certify the recall within five full business days of the adjournment of the homeowners' recall meeting, the following shall apply:

(a) The recall under these circumstances shall be deemed effective immediately upon expiration of the last day of five full business days after adjournment of the homeowners' recall meeting.

(b) If a majority of the board is recalled, replacement directors elected at the homeowners' meeting shall take office immediately upon expiration of the last day of five full business days after adjournment of the homeowners' recall meeting, in the manner specified in this rule.

Specific Authority 718.112(2)(j)5, 720.303(10)(d), 720.311(1) FS, Law Implemented 720.303(10), 720.307, 720.3075(1) FS. History—New \_\_\_\_\_.

61B-81.003 Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies.

(1) Form of Written Agreement. All written agreements used for the purpose of recalling one or more directors shall:

(a) List by name each director sought to be recalled;

(b) Provide spaces by the name of each director sought to be recalled so that the person executing the agreement may indicate whether that individual director should be recalled or retained;

(c) List, in the form of a ballot, at least as many eligible persons who are willing to be candidates for replacement directors as there are directors subject to recall, in those cases where a majority or more of the board is sought to be recalled. Candidates for replacement directors shall not be listed when a minority of the board is sought to be recalled, as the remaining board may appoint replacements. A space shall be provided by the name of each candidate so that the person executing the agreement may vote for as many replacement candidates as there are directors sought to be recalled. A space shall be provided and designated for write-in votes. The failure to comply with the requirements of this subsection shall not effect the validity of the recall of a director or directors;

(d) Provide a space for the person signing the written agreement to state his or her name, identify his parcel by number or street address and indicate the date the written agreement is signed;

(e) Provide a signature line for the person executing the written agreement to affirm that he or she is authorized in the manner required by the governing documents to cast the vote for that parcel;

(f) Designate a representative who shall open the written agreements, tally the votes, serve copies on the board and, in the event the board does not certify the recall by written

agreement and files a petition for arbitration, receive pleadings (e.g., copies of a petition for recall arbitration; motions), notices, or other papers on behalf of the persons executing the written agreement;

(g) The written agreement or a copy shall be served on the board by certified mail or by personal service. Service on the board after 5:00 p.m. on a business day or on a Saturday, Sunday or legal holiday, as prescribed by Section 110.117, F.S., shall be deemed effective as of the next business day that is not a Saturday, Sunday, or legal holiday. Service of the written agreement on an officer, association manager, board director or the association's registered agent will be deemed effective service on the association. Service upon an attorney who has represented the association in other legal matters will not be effective on the association unless that attorney is a director, the association's registered agent, or has otherwise been retained by the association to represent it in the recall proceeding. Personal service shall be effected in accordance with the procedures set out in Chapter 48, F.S., and the procedures for service of subpoenas as set out in rule 1.410(c), Florida Rules of Civil Procedure; and

(h) Become an official record of the association upon service upon the board.

(i) Written recall ballots in a recall by written agreement may be reused in one subsequent recall effort. A written recall ballot expires 120 days after it is signed by a homeowner. Written recall ballots become void with respect to the director sought to be recalled where that director is elected during a regularly scheduled election.

(j) Written recall ballots may be executed by an individual holding a power of attorney or limited or general proxy given by the homeowner(s) of record.

(k) Any rescission or revocation of a homeowner's written recall ballot or agreement must be done in writing and must be delivered to the board prior to the board being served the written recall agreements.

(2) Substantial compliance with the provisions of subsection (1) of this rule shall be required for an effective recall of a director or directors.

(3) Board Meeting Concerning a Recall by Written Agreement; Filling Vacancies. The board shall hold a duly noticed meeting of the board to determine whether to certify (to validate or accept) the recall by written agreement within five full business days after service of the written agreement upon the board. It shall be presumed that service of a written agreement to recall one or more directors shall not, in and of itself, constitute grounds for an emergency meeting of the board to determine whether to certify the recall.

(a) Certified Recall. If the board votes to certify the written agreement to recall, the recall shall be effective upon certification, and the following provisions apply:

1. Each recalled director shall return to the board all association records in his or her possession within five full business days after adjournment of the board meeting at which the recall was certified.

2. If less than a majority of the existing board is recalled in a certified recall, a vacancy or vacancies on the board may be filled by the affirmative vote of a majority of the remaining directors, subject to the provisions of Section 720.307, F.S., relating to developer control of the association and regardless of whether the authority to fill vacancies in this manner is provided in the governing documents. No recalled director shall be appointed by the board to fill any vacancy on the board. A director appointed pursuant to this rule shall fill the vacancy for the unexpired term of the seat being filled. If the board determines not to fill vacancies by vote of the remaining directors or if it is unable to fill vacancies in this manner (e.g., if there is a tie vote on the proposed replacement director; if a quorum is not obtained, or otherwise) the board may, in its discretion, call and hold an election in the manner provided by Section 720.306(9), F.S., in which case any person elected shall fill the entire remaining term.

3. If a majority or more of the board is recalled in a certified recall, those replacement directors elected by the written agreement pursuant to the procedure referenced in paragraph (1)(c) of this rule shall take office upon adjournment of the board meeting at which it was determined to certify the recall. A director who is elected to fill a vacancy caused by recall shall fill the vacancy for the unexpired term of the seat being filled.

(b) Non-certification of Recall by the Board. If the board votes not to certify the written agreement to recall for any reason, the following provisions apply:

1. The board shall, consistent with the provisions of Chapter 61B-80, F.A.C., file a petition for arbitration with the division (i.e., be received by the division) within five full business days after adjournment of the board meeting at which the board determined not to certify the written agreement to recall.

2. Any director sought to be recalled shall, unless he or she resigns, continue to serve on the board until a final order regarding the validity of the recall is mailed by the arbitrator.

3. If the arbitrator certifies the recall of less than a majority of the board, the remaining directors may fill the vacancy or vacancies as provided in subparagraph (3)(a)2. of this rule.

4. If the arbitrator certifies the recall of a majority or more of the board, the term of office of those replacement board members elected by written agreement of the voting interests shall become effective upon mailing of the final order of arbitration. The term of office of those replacement directors elected by written agreement of the voting interests shall expire in accordance with the provisions of subparagraph (3)(a)3. of this rule.

5. A majority of the total voting interests entitled to vote in favor of recall is sufficient to recall a director, regardless of any provision to the contrary in the governing documents.

6. The failure of the association to enforce a voting certificate requirement in past association elections and homeowner votes shall preclude the association from rejecting a written recall ballot or agreement for failing to comply with a voting certificate requirement.

(4) Board Meeting Minutes. The minutes of the board meeting at which the board determines whether to certify the recall are an official record of the association and shall record the following information:

(a) A majority of the total voting interests entitled to vote in favor of recall is sufficient to recall a director, regardless of any provision to the contrary in the governing documents.

(b) The failure of the association to enforce a voting certificate requirement in past association elections and homeowner votes shall preclude the association from rejecting a written recall ballot or agreement for failing to comply with a voting certificate requirement.

(c) The date and time the board meeting is called to order and adjourned;

(d) Whether the recall is certified by the board;

(e) The manner in which any vacancy on the board occurring as a result of recall will be filled, if the recall is certified; and

(f) If the recall was not certified, the specific reasons it was not certified.

(5) After service of a written agreement on the board:

(a) Any written rescission of an individual homeowner vote or any additional homeowner votes received in regard to the recall shall be ineffective.

(b) Where the board determines not to certify the recall of a director and that director resigns, any appointment to fill the resulting vacancy shall be temporary pending the arbitration decision.

(6) Taking Office. When a majority or more of the board is recalled by written agreement, replacement directors shall take office:

(a) Upon the expiration of five full business days after service of the written agreement on the board, if the board fails to hold its board meeting to determine whether to certify the recall within five full business days after service of the written agreement;

(b) Upon the expiration of five full business days after adjournment of the board meeting to determine whether to certify the recall, if the board fails to certify the recall and fails to file a petition for arbitration;

(c) Upon certification of the recall by the board; or

(d) Upon certification of the recall by the arbitrator, in accordance with subparagraph (3)(b)4. of this rule, if the board files a petition for recall arbitration.



(7) Failure to Duly Notice and Hold a Board Meeting. If the board fails to duly notice and hold the board meeting to determine whether to certify the recall within five full business days of service of the written agreement, the following shall apply:

(a) The recall shall be deemed under these circumstances effective immediately upon expiration of the last day of the five full business days after service of the written agreement on the board.

(b) If a majority of the board is recalled, replacement directors elected by the written agreement shall take office upon expiration of five full business days after service of the written agreement on the board in the manner specified in this rule.

(c) If the entire board is recalled, each recalled director shall immediately return to the replacement board all association records in his or her possession. If less than the entire board is recalled, each recalled director shall immediately return to the board all association records in his or her possession.

Specific Authority 718.112(2)(j)5, 720.303(10)(d), 720.311(1) FS. Law Implemented 720.303(10), 720.307, 720.3075(1) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael T. Cochran, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums, and Mobile Homes**

RULE TITLES:	RULE NOS.:
Scope; Nature of Remedy; Forms	61B-82.001
Filing Petition for Mediation	61B-82.002
Answer	61B-82.003
Assignment of Mediator; Billing	61B-82.004
Parties	61B-82.005
Disputes Eligible for Mediation; Relief Requested	61B-82.006
Subsequent Proceedings; Conclusion of Mediation Proceeding	61B-82.007

PURPOSE AND EFFECT: Provides the procedural rules to be used in the mandatory mediation program of homeowners' association disputes governed by Section 720.311(1),(2), Florida Statutes.

SUMMARY: Mandatory mediation of homeowners' association disputes.

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

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

SPECIFIC AUTHORITY: 720.311(1) FS.

LAW IMPLEMENTED: 720.311(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.

TIME AND DATE: 10:00 a.m., October 25, 2004

PLACE: Warren Building Conference Room #B03, 201 W. Bloxham Street, Tallahassee, Florida 32399-1030

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

THE RULES OF MEDIATION PROCEDURE IN HOMEOWNERS' ASSOCIATIONS

61B-82.001 Scope; Nature of Remedy; Forms.

(1) This chapter shall be entitled "The Rules of Mediation Procedure in Homeowners' Associations" and shall govern the mediation of disputes between a homeowners' association and a homeowner or homeowners pursuant to Section 720.311(2), F.S. In addition to these rules, mediation shall be conducted in accordance with Florida Rules of Civil Procedure 1.700-1.750. Only disputes arising or existing on or after October 1, 2004 and not filed in the courts by October 1, 2004, are subject to mediation under Section 720.311(2), F.S.

(2) The mediation program described by Section 720.311(2), F.S., is a mandatory mediation program. Before a dispute within the jurisdiction of the mediation program may be filed in the courts, the dispute must be filed for mediation with the division. If an action has incorrectly been filed in court without first being filed for mediation, the court may dismiss or abate the court case as appropriate pending mediation of the dispute. There is no requirement that a court action be instituted at the conclusion of a mediation proceeding.

(3) All forms referenced in these rules may be obtained by writing to the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, Director's Office, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. All forms referenced in these rules may be obtained on-line at: <http://www.myflorida.com/dbpr/>.

(4) All forms and pleadings filed with the division in connection with a mediation proceeding should be mailed to the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, Director's Office, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, except that a petition or other pleading may be filed with the division via telefax at (850)921-5446.

(5) In order to file a petition for mediation, a petitioner must use DBPR FORM HOA 6000-5, PETITION FOR MEDIATION IN HOMEOWNERS' ASSOCIATIONS, incorporated herein by reference and effective \_\_\_\_\_. In order to file an answer to the petition for mediation, a respondent must use DBPR FORM HOA 6000-9, ANSWER TO PETITION, incorporated by reference and effective \_\_\_\_\_. In order for someone who is not a member of the Florida Bar to represent a party in a proceeding, the person must file a completed DBPR FORM HOA 6000-6 QUALIFIED REPRESENTATIVE APPLICATION, incorporated herein by reference and effective \_\_\_\_\_.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New \_\_\_\_\_.

#### 61B-82.002 Filing Petition for Mediation.

(1) In order to file a petition for mediation with the division under subsection 720.311(2), F.S., a homeowner or a homeowners' association must file a completed DBPR FORM HOA 6000-5, PETITION FOR MEDIATION IN HOMEOWNERS' ASSOCIATION, and shall include a \$200 filing fee. The petition for mediation shall be filed with the division, and must include an additional copy of the petition for each respondent named in the petition. No petition for mediation will be acted upon by the division prior to October 1, 2004.

(2) All petitions for mediation shall be signed by the party filing the petition for mediation, by a member of the Florida Bar, or where a party seeks to have representation by a person

who is not a member of the Florida Bar, by a qualified representative who has submitted an application to appear on DBPR FORM HOA 6000-6, QUALIFIED REPRESENTATIVE APPLICATION.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New \_\_\_\_\_.

#### 61B-82.003 Answer.

(1) After a petition for mediation is filed, the division will mail a copy of the petition to the respondent by certified mail along with a copy of the petition for mediation and an order requiring answer. The answer shall be filed with the division, with a copy directed to the other party, within 14 days after the respondent receives the order requiring answer. The answer shall be submitted on DBPR FORM HOA 6000-9, ANSWER TO PETITION.

(2) A motion to dismiss shall not be filed in lieu of the answer but may be filed along with the answer. The answer shall include all defenses to the dispute set forth in the petition for mediation, including lack of subject matter jurisdiction or other defense.

(3) The requirement that a respondent file an answer is intended to facilitate the mediation effort so that the petitioner and the mediator are aware of factual and legal defenses to the dispute set forth in the petition for mediation. If a respondent fails to timely file an answer, sanctions shall be imposed by the mediator or by the division on the respondent for failure to participate in the mediation process. Sanctions shall include an award of the mediation costs and fees to the petitioner. The petitioner under such circumstances may apply to a court for an order compelling the filing of an answer and for enforcement of any sanctions imposed by the division.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New \_\_\_\_\_.

#### 61B-82.004 Assignment of Mediator; Billing.

(1) After an answer has been filed, the division shall refer the dispute either to an in-house mediator or to a private mediator who has been certified by the division in the operation of community associations. The mediator shall coordinate the scheduling and conduct of the mediation session.

(2) Billing. If a private mediator is used, the mediator shall bill the parties directly who shall share the expenses and fees of the mediator equally, unless the parties agree to a different arrangement. The division is not responsible for collecting fees not paid to a private mediator and will not seek enforcement or collection of the private mediator's fees. If a division mediator is used, the parties will share the expenses and fees of the mediator equally unless otherwise agreed to, and the division will bill the parties following the conduct of the mediation session.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New \_\_\_\_\_.

61B-82.005 Parties.

(1) Parties in mediation proceedings conducted pursuant to subsection 720.311(2), F.S., shall be homeowners' associations and homeowners that are involved in a dispute, and may include tenants where the division has jurisdiction over the subject matter of the dispute and where the involved homeowner is also made a party. Parties may also include voting members of voluntary community associations as provided by paragraph 720.311(2)(d), F.S. For purposes of these rules "homeowners" means "members" and "parcel owners" who are voting members of the association as those terms are defined by Section 720.301, F.S. The division only has jurisdiction over disputes involving homeowners' association and a homeowner or homeowners. Disputes involving third persons such as disappointed purchasers, or tenants rejected by the association as prospective tenants, are not subject to mediation under Section 720.311, F.S.

(2) Once a person is served and joined as a party in a mediation proceeding, that party is entitled to receive copies of all pleadings and written communication filed with the division by other parties.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New \_\_\_\_\_.

61B-82.006 Disputes Eligible for Mediation; Relief Requested.

(1) Disputes which are required to be mediated prior to being filed in the courts include disputes regarding amendments to the governing documents, including amendments to the association's bylaws, articles of incorporation, or rules or regulations, and any declaration of covenants and restrictions applicable to the property operated by the association.

(2) Disputes subject to mediation also include disputes regarding meetings of the board and committee meetings, membership meetings not including election disputes, disputes regarding the failure to maintain or provide access to official records, and disputes regarding the use of or changes to the common areas or parcels. Other covenant enforcement disputes that are subject to the requirement of mediation include pet restrictions, parking and vehicle disputes, nuisance disputes, disputes regarding common area or parcel use restrictions, and disputes concerning fines, fees, and other charges levied by an association where the fine, fee, or other charge, if unpaid, cannot become a lien on the parcel.

(3) Relief Requested. Where a petitioner seeks damages, the dispute shall be considered subject to the mediation program if the subject matter of the dispute falls within those disputes identified within this rule and so long as additional relief other than an award of damages is requested, for example, where the petitioner also requests enforcement of the governing documents.

(4) Tenant or Occupant Disputes. Where an association seeks the eviction or other removal of a tenant or other occupant who is not a homeowner, the dispute is not subject to mediation. Where a tenant or non-owner occupant is alleged to be creating a nuisance or is otherwise failing to comply with the governing documents, and where eviction is not requested, the dispute is subject to mediation under these rules. For example, where an association alleges that a tenant was not approved as required by the documents, did not pay the processing fee, or engages in nuisance activities, and where the petition does not request eviction, the dispute must be mediated.

(5) Disputes that are not subject to mediation under Section 720.311, F.S., and which cannot be filed with the division for mediation include election disputes, recall disputes, cases where a homeowner or association seeks to evict a tenant or other occupant, foreclosure actions filed by a homeowners' association, disputes primarily involving warranty rights, disputes alleging a breach of fiduciary duty, disputes between associations, or disputes primarily involving title to parcels or to the common areas including disputes regarding the sale of a parcel or the purchase or sale of common areas.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New \_\_\_\_\_.

61B-82.007 Subsequent Proceedings; Conclusion of Mediation Proceeding.

(1) Once a mediation session has been concluded, the mediator assigned to the case shall declare a partial impasse, a total impasse, or a total settlement, as appropriate. Where a case is settled, a written settlement agreement may be enforced in the courts in accordance with Florida Rule of Civil Procedure 1.730. Where a total or partial impasse has been declared, the parties may either agree to pursue the remainder of the dispute in court, or may jointly agree to attend binding or nonbinding arbitration with the division. If the parties do not all agree to attend binding or nonbinding arbitration, but agree to arbitration, the arbitration proceeding will be nonbinding. If the parties do not all agree to any form of arbitration, the dispute shall not be arbitrated but may be filed in court by either party.

(2) The division, the department, the mediator assigned to the case or other department employees shall not be named as parties in any court action seeking to resolve or adjudicate the dispute subject to the mediation proceeding.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael T. Cochran, Director, Division of Florida Land Sales,  
Condominiums and Mobile Homes, 1940 North Monroe  
Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums, and Mobile Homes**

RULE TITLES:	RULE NOS.:
Scope, Organization, Procedure, Forms	61B-83.001
Filing Application for Certification; Verification Requirements	61B-83.002
Qualifications of Mediator or Arbitrators	
Certification Applicants	61B-83.003
Certification and Training Programs	61B-83.004

PURPOSE AND EFFECT: Provides procedures for Division certification of mediators and arbitrators pursuant to Section 720.311(2), Florida Statutes, in the area of homeowners' association disputes.

SUMMARY: Certification of mediators and arbitrators for use in the resolution of homeowners' association disputes.

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

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

SPECIFIC AUTHORITY: 720.311(1) FS.

LAW IMPLEMENTED: 720.311(2)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.

TIME AND DATE: 10:00 a.m., October 25, 2004

PLACE: Warren Building Conference Room #B03, 201 W. Bloxham Street, Tallahassee, Florida 32399-1030

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting: Sharon A. Elzie,

Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULES IS:

CERTIFICATION OF COMMUNITY ASSOCIATION MEDIATORS AND ARBITRATORS

61B-83.001 Scope, Organization, Procedure, Forms.

(1) This chapter governs the certification by the division of community association mediators and arbitrators pursuant to paragraph 720.311(2)(c), F.S.

(2) All applications and supporting documentation filed with the division by a candidate seeking certification by the division as a community association mediator or arbitrator shall be filed at the official headquarters of the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, Director's Office, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, except that an application or other written communication may be filed with the division via telefax at (850)921-5446. All forms referenced in these rules may be obtained on-line at: <http://www.myflorida.com/dbpr/>.

(3) In order to file an application to become certified by the division as a community association mediator, an individual must use DBPR FORM HOA 6000-2, APPLICATION FOR MEDIATOR CERTIFICATION, incorporated herein by reference and effective \_\_\_\_\_. In order to file an application to become certified by the division as a community association arbitrator, an individual must use DBPR FORM HOA 6000-1, APPLICATION FOR ARBITRATOR CERTIFICATION, incorporated herein by reference and effective \_\_\_\_\_. There is no filing or processing fee charged for the application.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2)(c) FS. History--New \_\_\_\_\_.

61B-83.002 Filing Application for Certification; Verification Requirements.

(1) Any individual who meets the minimum requirements for certification as a community association mediator as set forth in paragraph 720.311(2)(c), F.S., and who desires to be certified as a mediator in the operation of community associations by the division shall file a completed DBPR FORM HOA 6000-2, APPLICATION FOR MEDIATOR CERTIFICATION.

(2) Any individual who meets the minimum requirements for certification as a community association arbitrator as set forth in paragraph 720.311(2)(c), F.S., and who desires to be

certified as an arbitrator in the operation of community associations by the division shall file a completed DBPR FORM HOA 6000-1, APPLICATION FOR ARBITRATOR CERTIFICATION.

(3)(a) An applicant who applies for certification as a community association mediator or arbitrator shall provide, along with the completed application, supporting materials demonstrating compliance with the training and experience requirements contained in subsection 720.311(2)(c), Florida Statutes.

(b) Proof or verification of 20 hours of training in mediation or arbitration shall consist of a certificate of completion from a training program in mediation or arbitration techniques, as appropriate, a notarized statement from an instructor or entity providing the training which verifies completion of 20 hours of training in mediation or arbitration techniques, or other verifiable evidence of completion of the training requirement.

(c) Proof or verification of having mediated or arbitrated at least 10 disputes shall consist of providing the case styles and case numbers of at least 10 disputes that the applicant has mediated or arbitrated along with an identification of counsel of record in each dispute, or an affidavit from the applicant attesting to having mediated or arbitrated at least 10 disputes accompanied by the case styles and case numbers of at least 5 disputes mediated or arbitrated along with an identification of counsel of record in each such dispute.

(4) Based upon the application and documentation submitted by the applicant, the division will determine if the applicant meets the requirements to be included on the list of certified community association mediators or arbitrators maintained by the division. If any person who has been certified by the division as a community association mediator or arbitrator is no longer eligible for certification or has failed to keep their mediation certification current with the Florida Supreme Court or has failed to meet the requirements of Rule 61B-83.004, F.A.C., and these rules as amended, the division upon notice shall remove that person from the list of certified mediators or arbitrators.

Specific Authority 720.311(1) FS. Law Implemented 718.1255(4), 720.311(2)(c) FS. History—New \_\_\_\_\_.

**61B-83.003 Qualifications of Mediator or Arbitrators Certification Applicants.**

(1) In order to be eligible for certification as a community association mediator, an applicant need not be an attorney licensed to practice law in the state of Florida, but must be certified by the Florida Supreme Court to mediate county or circuit court disputes.

(2) In order to be eligible for certification as a community association arbitrator, an applicant must be an attorney licensed by the Florida Bar to practice law in the state of Florida.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2)(c) FS. History—New \_\_\_\_\_.

**61B-83.004 Certification and Training Programs.**

(1) Subject to paragraph (2) below, an applicant who has demonstrated compliance with the minimum training and experience requirements provided in paragraph 720.311(2)(c), F.S., and these rules will be certified upon proper application filed with the division.

(2) Under subsection 720.311(3) and paragraph 720.311(2)(c), F.S., the division will be developing a certification and training program for private mediators and arbitrators. Continuing certification as a community association mediator or arbitrator is subject to an individual completing such additional training requirements as may be required by law or by these rules.

Specific Authority 720.311(1) FS. Law Implemented 720.311(2)(c) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael T. Cochran, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Requirement for Physician Office Registration; Inspection or Accreditation

RULE NO.: 64B8-9.0091

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify requirements for office surgery registrations.

SUMMARY: The proposed rule amendments make clarifications to the rule with regard to the Department's authority for office surgery registrations.

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

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

SPECIFIC AUTHORITY: 458.309(1),(3) FS.  
LAW IMPLEMENTED: 456.069, 456.072(1)(cc), 458.309(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0091 Requirement for Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) Every Florida licensed physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of more than five (5) minutes ~~or longer~~ or any Level III office surgery, as fully defined in Rule 64B8-9.009, F.A.C., shall register with the Department of Health Board of Medicine. It is the physician's responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned.

(b) In order to register an office for surgical procedures, the physician must comply with the Department's Rule 64B-4.003, F.A.C., and provide documentation to support compliance with Rule 64B8-9.009, F.A.C., provide to the Board of Medicine, his or her name, mailing address, Florida license number, and a list of each office where the covered surgical procedures are going to be performed by the physician. The list shall also include each office name, address, telephone number, and level of surgery being performed at that location by the physician; and if more than one physician is practicing at that location, a list of all physicians and levels of surgery being performed must be provided. The list shall also include the name of each physician assistant, ARNP and CRNA involved in the office surgery or anesthesia; copies of any protocols necessary for the supervision of any ARNP or CRNA; and any transfer agreements with local hospitals. In addition, the physician shall submit a statement of compliance with Rule 64B8-9.009, F.A.C., "Standard of Care for Office Surgery", and, if applicable, Section 456.0375, F.S., "Registration of certain clinics; requirements; discipline; exemption," when registering with the Department.

(c) The physician must immediately notify the Department Board Office, in writing, of any changes to the registration information.

(d) The registration shall be posted in the office.

(2) through (3) No change.

Specific Authority 458.309(1),(3) FS. Law Implemented 456.069, 456.072(1)(cc), 458.309(3) FS. History--New 5-15-00, Amended 9-18-01, 8-5-03, 9-1-03,\_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Approval of Physician Office  
RULE NO.: 64B8-9.0092

PURPOSE AND EFFECT: The proposed rule amendment removes the Florida Academy of Cosmetic Surgery, Inc., from the list of accrediting entities.

SUMMARY: The proposed rule amendment clarifies the list of accrediting entities.

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

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

SPECIFIC AUTHORITY: 458.309(3) FS.

LAW IMPLEMENTED: 458.309(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0092 Approval of Physician Office Accrediting Organizations.

(1) through (6) No change.

~~(7) Board approved accrediting agency or organizations include Florida Academy of Cosmetic Surgery, Inc.~~

Specific Authority 458.309(3) FS. Law Implemented 458.309(3) FS. History--New 3-9-00, Amended 3-25-02,\_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 7, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE CHAPTER TITLE: Standards for the Certification of Environmental Health Professionals  
 RULE CHAPTER NO.: 64E-18

RULE TITLES:	RULE NOS.:
Definitions	64E-18.002
Requirements for Certification	64E-18.003
Issuance of Certificates and Renewals	64E-18.004
Notifications of Changes	64E-18.005
Standards of Practice	64E-18.007
Disciplinary Guidelines	64E-18.008
Grandfathering	64E-18.0091
Fees	64E-18.010

**PURPOSE AND EFFECT:** The proposed changes create areas which have been omitted and bring current or enhance other areas, eliminate unneeded sections and strengthen weak areas as identified by the regulatory community and regulatory officials.

**SUMMARY:** New definitions have been added and existing definitions have been modified to be current. The educational portion of the initial requirements for certification has been made more easily understandable. In addition to adding two academic disciplines, which assist individuals to comply with the education requirements, the other academic disciplines have been expanded by reference to define which academic disciplines qualify and which do not qualify. Requirements for existing precertification coursework have been reduced from 30 hours to a minimum of 24 hours. Added requirements for precertification coursework are added to the Food Protection program. An inactive status has been added to eliminate hardship when persons do not apply for renewal by the exact expiration date. The standards of practice disciplinary guidelines have been clarified and added to where an omission previously occurred. Future grandfathering has been eliminated because the rule has been in effect for 10 years and none are expected in the future. Lastly the fee structure has been revised to be more easily understandable and to come closer to helping the program pay for itself.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** There are no additional regulatory costs associated with this rule update.

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:** 381.0010 FS.  
**LAW IMPLEMENTED:** 381.0101 FS.  
**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.**

**TIME AND DATE:** 2:00 p.m., November 2, 2004  
**PLACE:** 4042 Bald Cypress Way, Conference Room 301, Tallahassee, Florida

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4277 (An electronic copy of the proposed rule can be obtained without cost by contacting David B. Wolfe, at the above address.)

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

64E-18.002 Definitions.

(1) Accredited – means a degree granting institution recognized as meeting acceptable levels of quality and performance by the American Council on Education.

(2)(+) Administrative position – a position responsible for planning, organizing, evaluating, or directing the work of field personnel, supervisory personnel, or other administrative environmental health professionals.

(3)(2) Environmental Health Services – also referred to as services. These are activities, or the supervision thereof, which are a routine part of environmental health work, such as inspections, evaluations, preparation of reports, analysis of data, interpretation of data and laboratory reports, consultations with other health professionals or the public regarding results of evaluations and sampling efforts, and the recommending of prescribed courses of action to alleviate unsanitary or hazardous conditions. These services are provided based on a knowledge and understanding of technical and scientific environmental health principles.

(4)(3) Field position – a position primarily responsible for performing evaluations and inspections, collecting samples, conducting field tests of equipment, participating in enforcement activities, and providing public information on environmental program activities. Examples of work conducted by an individual working in a field position assigned to a primary program area of food protection would be performing assessments of sanitary conditions in a food operation, or collecting and analyzing information from persons involved in a foodborne illness investigation. An example of a person performing field work in a primary

program area of onsite sewage treatment and disposal would be evaluating the siting and construction of an onsite sewage treatment and disposal system for compliance with minimum state standards.

(5)(4) Florida Environmental Health Association – a not for profit professional association located at 3539 Apalachee Parkway #215, Tallahassee, FL 32311 Post Office Box 271823, Tampa, Florida 33688-1823 which provides training, testing, and educational services for environmental health professionals working in Florida.

(6)(5) Food protection program work – activity associated with the evaluation of facilities and techniques used by individuals and companies providing foods to the public. Included would be the educational activities directed toward informing food managers and food workers in the proper application of sanitary techniques or the investigation of foodborne disease reports.

(7)(6) Supervisor position – this position is responsible for supervision of field personnel, some of whom may or may not yet be certified in a primary area of environmental health practice.

(8)(7) National Environmental Health Association – a not for profit professional association located at 720 South Colorado Boulevard, Suite 970, Denver, Colorado 80222 which provides training, testing, and educational services for environmental health professionals working in the United States.

(9)(8) Onsite sewage treatment and disposal system program work – activities associated with the evaluation and site location of any domestic wastewater treatment and disposal systems under the regulatory authority of the Florida Department of Health. Included in this activity would be site location and evaluation activities associated with the treatment and disposal of septage residuals created during the wastewater treatment process, and the regulation of contractors performing system construction, maintenance, and septage residuals disposal services.

(10)(9) Registered Environmental Health Specialist – a person who has displayed knowledge of a primary area of environmental health and has been certified as knowledgeable by either the Florida Environmental Health Association or the National Environmental Health Association.

(11)(10) Repeat Violation – any violation on which disciplinary action is being taken where the same individual has previously had disciplinary action taken against him or her and has received a penalty other than a letter of warning in a prior case. This definition applies regardless of the chronological relationship of the violations and regardless of whether the violations are of the same or different subsections of this rule.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(2),(5),(8) FS. History—New 9-21-94, Amended 8-20-96, Formerly 10D-123.002, Amended 3-2-98, \_\_\_\_\_.

64E-18.003 Requirements for Certification.

(1) No change.

(2) A person seeking certification in any primary program area shall apply to the department on DH Form 4100, Application for Environmental Health Professional Certification, November ~~2004~~ 1997, incorporated by reference in this rule. An application fee shall be submitted for the first primary environmental health program in which the applicant seeks certification.

(3) A person shall be eligible for certification if they meet the following requirements:

(a) Applicants beginning work in a primary area of environmental health on or after September 21, 1994 must have a bachelor’s degree from an accredited college or university with major coursework in environmental health, environmental science, or a physical or biological science. Final authority on disciplines qualifying as a physical or biological science are listed under “Academic Disciplines and Corresponding Ma-jors” in the Appendix of the October 1995 edition of Determining Eligibility for State Employment, Department of Management Services, State of Florida, incorporated by reference in this rule. Major course work is no less than 30 semester hours or 40 quarter hours of class work ~~in~~ any of the following areas:

1. Chemistry
2. Biology
3. Physics or physical science
4. Health Science
5. Earth Science
6. Environmental Science
7. Epidemiology or biostatistics

8. Other areas of study which are germane to the practice of environmental or public health, though not necessarily based on the application of scientific methods. Examples of these would be public health law, environmental law, ~~or~~ health planning, soil science, food science, or epidemiology and would be determined by the Bureau of Community Environmental Health.

(b) All applicants must submit the necessary exhibits and fees as described in subsection (4) below.

(4) Completed applications for certification must be received by the department’s Bureau of Community Environmental Health Programs at least 60 days prior to examination. In order to be complete, the application must have all spaces correctly completed, be signed by the applicant, include a money order or sufficiently funded check in the correct amount as specified in paragraph 64E-18.010(1)(a), F.A.C., and if employed on or after September 21, 1994, shall include official copies of transcripts from the colleges or universities from which the applicant graduated.



(5) Within ~~45~~ 30 days of receipt of the completed application by the department, the applicant shall be notified as to whether he or she meets the general requirements of this rule and is eligible for certification.

(a) If eligible for certification, the department shall notify the applicant of the schedule for classes and program examinations.

(b) If an applicant is determined to be ineligible for certification, the department shall provide the applicant with a letter of denial, giving the reasons for the determination.

(6) Applicants seeking certification in the Onsite Sewage Treatment and Disposal System Program must:

(a) successfully complete a minimum of 24 ~~30~~ hours of department approved pre-certification course work. At a minimum this course work shall include training and testing on soil classification, system design and theory, system material and construction standards, and regulatory requirements, and;

(b) successfully pass ~~the~~ an examinations administered by the department. Minimum passing score shall be a 70 percent correct response to all questions comprising the exam.

(7) Applicants seeking certification in the Food Protection Program must:

(a) successfully complete a minimum of 24 hours of department approved pre-certification course work. At a minimum this course work shall include training and testing on food microbiology, foodborne illness investigations, and basic hazard analysis and critical control points (HACCP) and;

(b) successfully pass the precertification coursework and certification ~~an~~ examinations administered or approved by the department. Minimum passing score shall be a 70 percent correct response to all questions comprising the exam unless the approved course provider requires a higher score.

(8) through (15) No change.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101 FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.003, Amended 3-2-98,\_\_\_\_\_.

#### 64E-18.004 Issuance of Certificates and Renewals.

(1) Upon receipt of the required fees, the department shall issue a certificate to each applicant who meets the requirements of Section 381.0101(5), F.S., and Rule 64E-18.003, F.A.C.

(2) All certificates expire on September 30th of odd numbered years.

(3) Certificates shall be renewed only after information has been provided to the department that the environmental health professional has successfully completed, within the previous 24-month period, 24 contact hours of continuing education relating to public health and environmental health principles for each program area in which they maintain certification. Contact hours will be prorated on a semi-annual basis. Such information shall be accompanied by necessary

renewal fees and a completed DH Form 4101, Application for Renewal of Environmental Health Professional Certification, November ~~2004~~ 1997, incorporated by reference in this rule.

(4) An application for renewal must be postmarked on or before the close of business on September 30th of the expiration year of the certificate. If that date falls on a weekend or holiday, the date of expiration shall be the first working day after the expiration date on the certificate. If a certificate holder does not file a renewal application prior to the expiration date of the certificate, the certificate will revert to an inactive status ~~expire~~. A certificate can remain inactive no longer than 3 months at which time if not renewed it will expire. Environmental health professionals shall not provide services in a primary environmental health program with a revoked, suspended, inactive, or expired certificate.

(5) Those persons seeking certification under Section 381.0101(5)(a)2., F.S., must apply on DH Form 4100, Application for Environmental Health Professional Certification. The application must be completed in full and submitted to the department. Applications are available through the county health departments or online at <http://www.doh.state.fl.us> ~~the Bureau of Environmental Health Programs~~.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101 FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.004, Amended 3-2-98,\_\_\_\_\_.

#### 64E-18.005 Notifications of Changes.

A certificate holder shall notify the department within 60 days of any change in name or address from that which appears on their current application ~~certificate~~.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(5) FS. History--New 9-21-94, Formerly 10D-123.005, Amended \_\_\_\_\_.

#### 64E-18.007 Standards of Practice.

(1) It shall be the responsibility of persons certified under this rule to see that work for which they are responsible and work which has been performed by them or under their supervision is carried out in conformance with the requirements of Chapters 500, 386, or 381, F.S., and Chapters 64E-6 or 64E-11, F.A.C., and all applicable policies and procedures.

(2) The following actions by a person included under this rule shall be deemed unethical and subject to penalties as set forth in Rule 64E-18.008, F.A.C.:

(a) Knowingly authorizing or approving the construction, installation, repair, use, or operation of a facility, structure, or device which does not meet environmental health or sanitary standards set forth in Chapters 500, 386, or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C., as they are applicable to the facility, the structure, or the device.

(b) Falsifying or providing written or verbal reports of inspections and evaluations which do not reflect the conditions observed or violations found at a site or within a facility.

(c) Allowing the continued existence of a sanitary nuisance without initiating efforts to obtain corrections.

(d) Directing a coworker or subordinate to violate rules and standards relating to the provision of environmental health services as set forth in Chapters 500, 386, or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C.

(e) Providing services in a primary environmental health program without prior certification ~~obtaining a certificate~~ from the department.

(f) Providing services with an expired or inactive certificate.

(g) Aiding or abetting evasion of Chapter 381, Chapter 489 Part III, Chapter 386, Chapter 500, F.S., or Chapter 64E-6 or Chapter 64E-11, F.A.C., promulgated thereunder.

(h) Obtaining certification through fraud, misrepresentation, or concealment of material facts.

(i) Gross negligence, incompetence, or misconduct which:

1. Causes no monetary or other harm to an individual or the public, or physical harm to any person.

2. Causes monetary or other harm to an individual or the public, or physical harm to any person.

(j) Use of improper procedures or methodology to perform work, or a violation of (1) above.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(3),(4),(5),(8) FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.007, Amended 3-2-98, \_\_\_\_\_.

64E-18.008 Disciplinary Guidelines.

(1) The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this rule. Where aggravating circumstances are present, the department shall be allowed to use the penalty for a repeat violation. Where mitigating circumstances are present, the department shall be allowed to use the penalty for first violation plus a fine not to exceed \$500.

(a) Knowingly authorizing or approving the construction, modification, installation, repair, use, or operation of a facility, structure, or device which does not meet health and sanitary standards as set forth in Chapters 500, 386, or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C., as they are applicable to the facility, the structure, or the device. First violation, letter of warning; second violation, \$250 fine; repeat violation, 90 day suspension.

(b) Falsifying or providing written or verbal reports of inspections or ~~and~~ evaluations which do not reflect the actual conditions observed or violations found at a site or within a facility. First violation, letter of warning; second violation, \$250 fine; repeat violation, 30 day suspension.

(c) Allowing the continued existence of a sanitary nuisance without initiating efforts to obtain corrections. First violation, letter of warning; second violation, \$250 fine; repeat violation, 30 day suspension.

(d) Directing a subordinate or coworker to violate rules and standards of the department relative to the provision of environmental health services as set forth in Chapters 500, 386, or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine and 90 day suspension.

(e) Providing primary environmental health services without obtaining prior certification from the department, offering to provide primary environmental health services without maintaining a current certification. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine.

(f) Providing primary environmental health services with an expired or inactive certificate. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine.

(g) Aiding or abetting evasion of Chapter 381, Chapter 386, Chapter 489 Part III, Chapter 500 F.S., Chapter 64E-6 or 64E-11, F.A.C., promulgated thereunder. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine and 90 day suspension.

(h) Obtaining a certificate through fraud, misrepresentation, or concealment of material facts. Revocation.

(i) Gross negligence, incompetence, or misconduct which:

1. Causes no monetary or other harm to an individual or the public, or physical harm to any person. First violation, letter of warning; second violation, \$250 fine; repeat violation, 30 day suspension.

2. Causes monetary or other harm to an individual or the public, or physical harm to any person. First violation, letter of warning; second violation, \$250 fine; repeat violation, 30 day suspension.

(j) Use of improper procedures or methodology for perform work, or a violation of (1) above. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$250 fine and 30 day suspension.

(2) Circumstances which will be considered for the purposes of mitigation or aggravation of a penalty shall include the following:

(a) Monetary or other damage to the public or an individual, in any way associated with the violation, which damage the certified professional has not relieved, as of the time the penalty is to be assessed.

(b) The severity of the offense as recommended by the Environmental Health Professional Advisory Board and approved by the Division of Environmental Health.

(c) The danger to the public.

(d) The number of repetitions of the offense.

(e) The number of complaints filed against the individual.

(f) The length of time the environmental health professional has practiced.

(g) The actual damage, physical or otherwise, to the individual or the public.

(h) Any efforts at rehabilitation.

(3) Where several of the above violations shall occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

(4) Probation shall be allowed to ~~may also~~ be assessed, by the Division of Environmental Health, in any case where it is in the interests of the public, to require the individual to serve a probationary period. Failure to comply with the terms and conditions of the probation shall be prima facie evidence of misconduct.

(5) The department shall require that persons who have been placed on probation take an exam administered by the department. Minimum passing score shall be 70 percent correct response to all questions comprising the exam. One retake within two working days shall be allowed. The examination must be passed before probation can be ended.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0012, 381.0061(1), 381.0101(3),(4),(5),(8) FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.008, Amended 3-2-98, \_\_\_\_\_.

64E-18.0091 Grandfathering.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(7) FS. History--New 3-2-98, Repealed.

64E-18.010 Fees.

(1) The following schedule of fees is hereby established. The fees listed below are required to accompany applications for certification, initial certificate issuance, application for certificate renewal, and application to renew an inactive certificate:

(a) Application for certification including transcript review if applicable, initial examination and certificate issuance. \$50 ~~25~~

(b) ~~Initial certification. \$25~~

(e) ~~Additional program certifications. \$10~~

(b)(d) ~~Renewal of certification per program per biennial period. \$25~~

(c) ~~Late fee for renewal per program per biennial period. \$25~~

(2) The fee listed in paragraph (1)(b) is waived if the individual is certified by examination within 6 months of the renewal date is for the biennial period, and shall be pro-rated to a half period fee if certification is initially granted during the second year of the biennial period.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(7) FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.011, Amended 3-2-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David B. Wolfe

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Padraic Juarez

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 6, 2004

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.015                      RULE TITLE: Minimum Security Procedures for Voting Systems

**NOTICE OF CORRECTION**

A Notice of Change on the above-referenced rule was published in the Florida Administrative Weekly, Page 3775, Vol. 30, No. 37, September 10, 2004. The Notice of Change contained two technical errors. The public hearing held was July 13, 2004, in lieu of June 18, 2004. In addition, reference to Section 120.535, Florida Statutes, as specific authority should be deleted since that section was repealed in 1996. In addition, the Election Parameter Statement found in subsection (5)(f)5. did not reflect the changes made based on comments received from JAPC.

The excerpted provision should read as follows:

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, Florida Statutes, 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 Section 775.083, Florida Statutes.

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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER NO.: 5B-58
RULE NO.: 5B-58.001
RULE CHAPTER TITLE: Citrus Canker
RULE TITLE: Citrus Canker Eradication

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed amendments to the above rule, as published in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.: 5E-4.003, 5E-4.0041
RULE TITLES: Noxious Weed Seed, Disposition of Seed Contaminated With Noxious Weed Seed

NOTICE OF CHANGE

Notice is hereby given that the proposed Chapter 5E-4, F.A.C., published in the Florida Administrative Weekly Vol. 30, No. 34, August 20, 2004, has been changed to reflect comments received from the Joint Administrative Procedures Committee. When changed, the rule will read as follows:

5E-4.003 Noxious Weed Seed.

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

(d) Tropical soda apple (Solanum viarum) None per pound

(e) Benghal dayflower (Commelina benghalensis) None per pound

(2) through (3) No change.

Specific Authority 570.07(23), 578.11(2) FS. Law Implemented 578.11(3), 578.12 FS. History--Amended 5-30-63, 8-22-68, 9-29-83, Formerly 5E-4.03, Amended 8-6-89.

5E-4.0041 Disposition of Seed Contaminated with Noxious Weed Seed.

(1) Seed lots containing one or more of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., and found by the department to be in violation of Section 578.13, Florida Statutes, and which have been placed under stop-sale, stop-use, removal, or hold order, shall not be further subdivided or renumbered such that the integrity of the lot for identification and further inspection and testing is maintained. Within 30 days of receipt of the stop-sale, stop-use, removal, or hold order issued by the department, the owner of the seed lot shall arrange for the reprocessing, destruction through incineration or burial of the seed to a depth of at least 3 feet for a period of at least one year in a solid waste disposal facility for which a permit has been issued or that is exempt from the permit requirement as specified under Rule 62-701.320 F.A.C. (Effective 5-27-01), Solid Waste Management Facilities.

(2) Seed lots which have been reprocessed shall be re-inspected and re-tested by the department to determine if the violation of Section 578.13, Florida Statutes, has been corrected. If the violation of Section 578.13, Florida Statutes, has not been corrected after two consecutive attempts to reprocess the seed lot, and the seed lot continues to contain one or more of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., the seed lot under stop-sale, stop-use, removal, or hold order shall be destroyed by incineration or burial to a depth of at least three feet for a period of at least 1 year in a solid waste disposal facility for which a permit has been issued or that is exempt from the permit requirement as specified under Rule 62-701.320, F.A.C. (Effective 5-27-01), Solid Waste Management Facilities. If none of the noxious weed seeds listed in Rule 5E-4.003, F.A.C., are detected during subsequent inspection and testing, the department shall issue a release for the lot under stop-sale, stop-use, removal, or hold order and the seed lot may be sold and distributed. Upon release of the stop-sale, stop-use, removal, or hold order, the seed lot may be further subdivided or assigned one or more new lot numbers.

Specific Authority 578.11(2) FS. Law Implemented 578.11(3), 578.12 FS. History--New

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-8731

**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.: 19-12.007  
 RULE TITLE: Acceptance of Rollovers  
**NOTICE OF CORRECTION**

Notice is hereby given that the following technical correction has been made to the Notice of Change published in Vol. 30, No. 36, which is the September 3, 2004, issue of the Florida Administrative Weekly.

Rule 19-12.007 was noticed as Rule 19-11.007, F.A.C. The text of the change was correct.

The text read: "The last sentence in subsection 19-12.007(5), F.A.C., will read: 'Participants shall use Form IPRO-1, rev. 06/04, "Employee Rollover Deposit Form," which is hereby adopted and incorporated by reference, to effect rollovers described in this rule.'"

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.401  
 RULE TITLE: Interstate Corrections Compact  
**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 33, August 13, 2004 issue of the Florida Administrative Weekly, has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

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

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 18, of the Florida Administrative Weekly on April 30, 2004, has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE CHAPTER NO.: 60DD-3  
 RULE CHAPTER TITLE: Florida Strategic Information Technology Alliance

RULE NOS.:	RULE TITLES:
60DD-3.001	Enterprise Technology Services Desk; Purpose
60DD-3.002	Definitions
60DD-3.003	Enterprise Technology Services Desk Functions
60DD-3.004	User Responsibilities; Service Agreements
60DD-3.005	Service User Committee

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above referenced Proposed Rule, as noticed in Vol. 30, No. 12, of the Florida Administrative Weekly on March 19, 2004, and Proposed Rule Amendments, as noticed in Vol. 30, No. 22 of the Florida Administrative Weekly on May 28, 2004, in Vol. 30, No. 28 of the Florida Administrative Weekly on July 9, 2004, and in Vol. 30, No. 34 of the Florida Administrative Weekly on August 20, 2004, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Madden, Acting Chief, Bureau of Enterprise Technologies, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 115M, Tallahassee, Florida 32399-0950, (850)488-1320, e-mail: [Julie.Madden@MyFlorida.com](mailto:Julie.Madden@MyFlorida.com)

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NOS.:	RULE TITLES:
61J2-2.027	Applications by Individuals
61J2-2.029	Examination Areas of Competency

**NOTICE OF RESCHEDULED HEARING**

Notice is hereby given that the public hearing regarding these rules which were scheduled for September 14, 2004, as published in the Florida Administrative Weekly, Vol. 30, No. 35, Section II, on August 27, 2004, has been rescheduled to be held on October 19, 2004, at 8:30 a.m. or soonest thereafter, in Conference Meeting Room 901, North Tower, Zora Neale Hurston Building, 400 West Robinson Street, Orlando, Florida 32801.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.707                      RULE TITLE: Family-Related Medicaid Income and Resource Criteria

**NOTICE OF CORRECTION**

Notice is hereby given that the following technical correction is made to proposed Rule 65A-1.707, F.A.C. in accordance with subsection 1S-1.003(4), F.A.C. The Specific Authority and Law Implemented were included after each rule section, but were inadvertently omitted after the Summary of Statement of Estimated Regulatory Cost. This notice corrects the technical deficiency of the Notice of Proposed Rulemaking, which was published in the Florida Administrative Weekly on September 10, 2004, Vol. 30, No. 37.

**TEXT OF CORRECTION TO BE ADDED AFTER THE SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:**

SPECIFIC AUTHORITY: 409.919 FS.  
LAW IMPLEMENTED: 409.903, 409.918, 409.919 FS.

**Section IV  
Emergency Rules**

**DEPARTMENT OF REVENUE**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12BER04-8
Department of Revenue Electronic Database	12BER04-9
Certification of Service Address Databases	12BER04-10
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12BER04-11

**SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been developed, and the announcement concerning its availability and initial effective date was included in the April 5, 2002,

issue of the Florida Administrative Weekly. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these emergency rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures and forms for the Department and local governments to maintain the accuracy of the database on an on-going basis are immediately available; and 3) that the procedures and forms for application for certification by the Department of databases used by communications services tax dealers are available.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized promulgation of emergency rules, and the renewal of such rules, to administer the provisions of the Communications Services Tax Simplification Law. Emergency rules are the most appropriate means of ensuring that local governments have procedures and forms in place to assure they can meet the statutory deadline to submit changes for inclusion in the next update of the Department of Revenue database. Emergency rules are also the most appropriate means for providing communications services dealers and others with procedures and forms to apply for certification of service address databases.

The Department of Revenue has sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements.

**SUMMARY OF THE RULES:** Emergency Rule 12BER04-8 provides guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain databases to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using databases that provide protection from liability for errors in assigning customer service addresses; and 4) the collection allowance available depending on the database used by a communications services dealer. Emergency Rule 12BER04-9 provides guidelines on: 1) the electronic customer service database maintained by the Department of Revenue; 2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and 3) procedures for any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database. Emergency Rule 12BER04-10 provides guidelines on the standards and procedures for certification of a customer

service address database developed by a communications services dealer or a vendor. Emergency Rule 12BER04-11 provides guidelines on the use of an enhanced zip code method to assign customer service addresses. These emergency rules also adopt and incorporate by reference four (4) forms required for administration of the Communications Services Tax Simplification Law and two (2) sets of instructions that are incorporated into the on-line Department of Revenue service address database. The forms are: DR-700012, "Application for Certification of Communications Services Database"; DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax)"; DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; and DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment." The on-line instructions incorporated by reference are the "Guide for Address Change Requests" and the "Instructions for Preparing and Submitting Customer Address Files for Certification Testing."

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

THE FULL TEXT OF THE EMERGENCY RULES IS:

12BER04-8 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the latest version of the communications services tax Address/Jurisdiction Database, which is the electronic database maintained by the Department that is updated and adopted every January 1 and July 1, as discussed in Emergency Rule 12BER04-9, F.A.C. Except as otherwise provided in subsection (2), a dealer is liable for any additional local communications services taxes, interest, and penalties that are due as a result of assigning service addresses to incorrect local taxing jurisdictions when the correct local taxing jurisdiction's tax rate exceeds the incorrectly assigned local taxing jurisdiction's tax rate.

(b) In determining the liability for any additional local communications services taxes, interest, and penalties of a dealer who has failed to assign a service address to the correct local taxing jurisdiction, the Department will take into account

any amount of local communications services tax that was collected and erroneously assigned by the dealer to another local taxing jurisdiction. The Department will reallocate and redistribute such amounts between the local taxing jurisdictions involved to apply the payment of any additional local communications services taxes to the correct local taxing jurisdiction. Interest and penalties will be applied only to the additional local communications services taxes due on the sale after crediting the dealer with the amount of local communications services tax collected that was erroneously based on an assignment to an incorrect local taxing jurisdiction.

(2)(a) A dealer will not be liable for any additional local communications services taxes, interest, or penalty due solely because of an error in assigning a service address to a local taxing jurisdiction if the dealer exercised due diligence in employing one of the following methodologies in assigning that service address:

1. The Address/Jurisdiction Database;
2. A database that has been certified by the Department, as provided in Emergency Rule 12BER04-10, F.A.C.;
3. An enhanced zip code method, as discussed in Emergency Rule 12BER04-11, F.A.C.; or
4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Emergency Rule 12BER04-10, F.A.C., at the time of the sale on which local communications services taxes are due.

(b) A dealer must timely notify the Department of the method or methods to be used in assigning service addresses on form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (R. 05/02, hereby incorporated by reference). If a dealer changes the method or methods to be used, the dealer must notify the Department on form DR-700020 of the change in method or methods and of the effective date of the change.

(c) Due Diligence. In order to avoid liability for any additional local communications services tax, penalty, and interest resulting from errors in the assignment of customer service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one of the methodologies described. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person when ascertaining the correct amount of tax due on sales made by that person.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement a method described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses.

a. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its

database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering or being notified of such errors. A dealer's internal controls must ensure that, when the dealer is notified of an error, the error is corrected and the error is not repeated when a subsequent update is obtained. A dealer may choose to update its database more frequently than once every six months as long as the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates. The auxiliary file described in paragraph (1)(b) of Emergency Rule 12BER04-9, F.A.C., that is maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months.

b. Internal controls in the assignment of service addresses are not adequate if corrected assignments of service addresses are not maintained or are incorrectly replaced with the previous incorrect assignment. Once notified by any person of an error, the dealer must ensure that the corrected information is preserved in its database. In the event that the error reoccurs, the dealer will not be considered to have exercised due diligence as required for the protection described in paragraph (a).

2. A communications services dealer must maintain records establishing that the dealer has exercised due diligence for the period of time during which the Department is authorized to assess taxes on sales of communications services by that dealer. Such records include instructions or procedures provided to employees, contracts and correspondence with third-party vendors or service providers concerning the acquisition or maintenance of data, documentation establishing that the data was consistently updated at least once every six months, records concerning customer or local taxing jurisdiction objections to the assignment of service addresses and responses to those objections, records of changes made to the assignment of service addresses and when the changes were made, and any other records that pertain to the acquisition, maintenance, and revision of the data upon which service address assignments are based.

3. If a communications services dealer uses a certified database provided by a third party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. A dealer using a certified database provided by a third party vendor is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement the third party vendor's certified database and maintains adequate internal controls in the assignment of service addresses. For example, the dealer must follow the vendor's instructions on use of the database and promptly incorporate any updates supplied by the vendor. As part of its due diligence, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a

vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry. A dealer that uses a third party vendor's certified database must ensure that, when the dealer discovers or is notified of errors in assignments of service addresses, the errors are corrected within 120 days from discovering or being notified of such errors and the error is not repeated when a subsequent update is obtained from the vendor.

(d) If a communications services dealer uses multiple databases or methodologies, such dealer is protected from liability for any additional local communications services tax, interest, and penalty only as to service addresses assigned as specified in paragraph (a) of this subsection. Such a dealer is liable as provided in subsection (1) for any additional local communications services taxes, interest, and penalties in regard to erroneous jurisdictional assignments for any service address assigned by any other methodology. A dealer that uses multiple databases must maintain documents demonstrating that a service address has been assigned employing a methodology described in paragraph (a) in order to be held harmless for any additional local communications services taxes resulting from erroneous assignment of that service address.

(e)1. Employing a method described in paragraph (a) protects a dealer from liability for any additional local communications services taxes and related interest and penalties that would otherwise have been due to a local taxing jurisdiction. A dealer's employment of a method described in paragraph (a) does not deprive a purchaser of the right to a refund of overpayment of local communications services taxes resulting from an erroneous assignment of that customer's service address to a local taxing jurisdiction with a higher rate than that in effect in the correct local taxing jurisdiction. If a purchaser complies with the procedural requirements of Section 202.23, F.S., and establishes that the dealer has incorrectly assigned the purchaser's service address and that an overpayment of local communications services tax has resulted, the dealer must refund the amount of the overpayment to the purchaser. Upon making such refund, the dealer would be entitled to an equal credit or refund from the Department upon proper reporting to the Department of the amount and jurisdictions involved.

2. For purposes of this paragraph, a purchaser that establishes that a dealer has assigned the purchaser's service address to a different local taxing jurisdiction from the one to which that address was assigned in the latest version of the Address/Jurisdiction Database as of the date of the sale has established a presumption that the dealer's assignment was erroneous. If a dealer believes that the assignment of the purchaser's address in the Department's database is incorrect, the dealer should refer that refund claim to the Department for a determination in accordance with the procedures in Section



202.23, F.S. A dealer who assigned a purchaser's service address in accordance with the latest version of the Address/Jurisdiction Database at the time of the sale on which the purchaser asserts that tax was overpaid is not required to make a refund to the purchaser unless the Department has subsequently revised the assignment of that address to correct an error and such revision had retroactive effect as of the date of the sale involved pursuant to paragraph (3)(c) of Emergency Rule 12BER04-9, F.A.C.

(3) Collection Allowance.

(a) Any communications services dealer that employs a methodology described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the described methodologies. Any communications services dealer that employs any methodology that is not described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .25 percent on taxes collected on service addresses assigned using such other methodology. A communications services dealer who is not liable for an assessment of additional local communications services taxes, interest, and penalties by reason of employing a database that is found upon audit to meet the accuracy criteria for certification, as described in subparagraph (2)(a)4., is entitled to a collection allowance of .25 percent until such time as an application for certification of the database is made and approved.

(b) A communications services dealer must maintain adequate records to demonstrate that a .75 percent collection allowance was claimed only in regard to taxes that were collected for service addresses that were assigned employing a methodology that qualifies for that allowance. If a communications services dealer's records do not clearly establish the correct collection allowance for each service address, the dealer shall be entitled to only a .25 percent collection allowance on sales made to any service address that the dealer cannot establish was assigned using a database or methodology that qualifies for the .75 percent collection allowance.

(c) A communications services dealer must also timely and correctly remit all tax and meet all the other requirements of Section 202.28, F.S., in order to be entitled to any collection allowance. This rule deals only with determining the amount of collection allowance available to a dealer who otherwise qualifies to receive the allowance. It does not create any separate entitlement to an allowance other than that set forth in Section 202.28, F.S.

(4) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at

(850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on October 1, 2004.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6), 202.23, 202.28(1),(2), 202.34(1)(a) FS. History—New 10-1-04.

12BER04-9 Department of Revenue Electronic Database.

(1)(a) The Department maintains an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of Section 202.22(2)(a), F.S. The electronic database, referred to as the communications services tax Address/Jurisdiction Database, is maintained on the Department's website at the address inside the parentheses (www.myflorida.com/dor). Local taxing jurisdictions and communications services providers are provided with access codes to permit them to register as users of the database. Registered local taxing jurisdictions and communications services dealers have the capability of downloading databases of addresses assigned to each local taxing jurisdiction. Local taxing jurisdictions also have access to an on-line form for requesting changes in service address assignments. The database also has a single address lookup feature that permits any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature does not require an access code or registration.

(b) When a change to the Address/Jurisdiction Database has been approved, it is stored in an auxiliary file pending its inclusion in the next scheduled update of the database, which occurs every January 1 and July 1. The auxiliary file is maintained by the Department and contains the most recent service address local taxing jurisdictional assignment information. Dealers may use this auxiliary file to update their service address assignments between the January 1 and July 1 updates to the Address/Jurisdiction Database even though such use of this auxiliary file is not required to satisfy due diligence requirements. The individual address lookup feature searches this auxiliary file as well as the current database and may therefore reflect information that has not yet been incorporated into the database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(c) The availability and effective date of the initial database was announced in the Florida Administrative Weekly. The availability and effective date of subsequent updates are

also announced in the Florida Administrative Weekly. Updates incorporate corrections of any errors discovered since the last preceding update as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions. Each updated version of the Address/Jurisdiction Database is posted on the Department's website at least 90 days prior to the effective date of the updated version and is also available to dealers of communications services and vendors of databases in magnetic or electronic media for a fee not to exceed the cost of furnishing the updated version in such media. Requests for electronic or magnetic media copies should be addressed to: Florida Department of Revenue, Communications Services Tax, Local Government Jurisdiction Unit, Post Office Box 5885, Tallahassee, Florida 32314-5885.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the Address/Jurisdiction Database, such as changes in service addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters.

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (hereby incorporated by reference). Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (R. 03/03, hereby incorporated by reference).

(c) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the Address/Jurisdiction Database. The effective date must be the next January 1 or July 1 after the date of submission of the information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July 1 on which changes are to be effective.

(d)1. Any requested changes or additions to the Address/Jurisdiction Database must be supported by competent evidence. Competent evidence to support a change to the Address/Jurisdiction Database is documentation establishing that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, or the plat filed for a newly approved subdivision. Competent evidence must clearly designate the service addresses or address ranges that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should attempt to obtain a written consent to the change signed by an authorized contact person of the non-requesting jurisdiction. Form DR-700022 contains an authorization statement that will serve as the written consent of the non-requesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. The Department will consider the receipt of a form DR-700022 containing the signatures of the authorized contact persons of both the initiating and affected jurisdictions to be sufficient competent evidence only when the form is submitted with supporting documentation that identifies the service addresses involved and includes the documentation on which the authorized contact person of the non-requesting jurisdiction relied when giving consent. Identification of the batch number associated with the address changes is insufficient by itself to demonstrate competent evidence establishing that the service addresses are located in the local taxing jurisdiction indicated on the request. If the requesting jurisdiction has not obtained the written consent of the non-requesting jurisdiction, the Department will contact the non-requesting jurisdiction before making the change. Based upon the response of the non-requesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the non-requesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the non-requesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the non-requesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This will not preclude the non-requesting jurisdiction from subsequently objecting to the new address assignments after they have been processed.

(e) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2005. The plat indicates street names but no address numbers have yet been assigned. In order for the addresses to be added to the electronic database effective the following July 1, the local taxing jurisdiction must file form DR-700022 with a copy of the approved subdivision plat and submit on-line address change information by March 3, 2005. If that deadline is not met, the earliest date on which the new service addresses can be added to the database is January 1, 2006. In order to meet the deadline and be certain that the

actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain to include the actual numbers. Because the development of the subdivision affects only the requesting jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a form DR-700022 on February 15, 2003. Included with the form are a copy of the annexation ordinance and a map with the annexed area outlined with street address ranges included in the annexed area noted. The county database contact person has not signed the form DR-700022 or otherwise given written consent to the changes. On February 20, 2003, the Department notifies the county of the requested changes and provides copies of the municipality's form DR-700022, annexation ordinance, and map. The county does not respond with written consent or a written objection. On March 14, 2003, the Department processes the changes, and they are included in an update available on April 1, 2003, to take effect July 1, 2003. The county's database contact person notifies the Department on July 15, 2003, that the county believes the database now incorrectly assigns 25 service addresses to the municipality. The Department will handle this as an objection to the database as discussed in subsection (3).

3. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's contact person timely enters address change requests for the 1500 addresses on-line and writes a letter to the county's contact person requesting that consent be indicated by signing a form DR-700022 that has been prepared by the municipality and enclosed with the letter. Also enclosed with the letter is a copy of the annexation ordinance and a street map on which the annexed area is outlined. The county contact person signs the form DR-700022. The municipality submits the form and copies of the letter, annexation ordinance, and map to the Department on February 15, 2003. The Department will approve the changes and include them in the July 1, 2003 update to the Address/Jurisdiction database.

(3)(a) Any substantially affected party may object to information contained in the Address/Jurisdiction Database by submitting form DR-700025, Objection to Communications Services Tax Electronic Database Service Address Assignment (N. 04/02, hereby incorporated by reference), along with competent evidence to support the party's objection. Local taxing jurisdictions should use form DR-700022 to create addresses in the Address/Jurisdiction Database or to request address assignment changes resulting from changes in jurisdictional boundaries. Regardless of which form is used to request changes to the Address/Jurisdiction Database, the

consent of an affected jurisdiction will be required. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, and local taxing jurisdictions that object to a change to the Address/Jurisdiction Database proposed by another local taxing jurisdiction. Examples of competent evidence that supports an inquiry into a substantially affected party's objection include an electric utility bill from a provider that operates only within a particular local taxing jurisdiction, a voter registration card indicating the voter residing at a service address is entitled to vote in municipal elections or only in county elections, or a map that includes the boundaries of a local taxing jurisdiction and clearly places a service address inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that a service address on that street should be assigned to that municipality in the database. The Department will notify the substantially affected party of any deficiencies in the objection or competent evidence.

(b) Upon receipt of an objection on a completed form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation to the database contact person in each affected taxing jurisdiction. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection. If the affected local taxing jurisdictions each indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address with a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;

2. The Department receives written notification from the party that filed the form DR-700025 that the objection was erroneous and the assignment in the database was correct; or

3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.

(c) No communications services provider who relies on the assignment of a service address in the Address/Jurisdiction Database will be held liable for any additional local

communications services tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. For purposes of making refunds to purchasers, a correction to the Address/Jurisdiction Database will have retroactive effect to the July 1 or January 1 on which the erroneous assignment took effect if the form DR-700025 objecting to the assignment is filed no later than the August 31 following an assignment that took effect on July 1 or the February 28 (February 29 in a leap year) following an assignment that took effect on January 1.

(4) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on October 1, 2004.

Specific Authority 202.26(3)(b),(g),(4) FS. Law Implemented 202.22(2), 202.23 FS. History—New 10-1-04.

#### 12BER04-10 Certification of Service Address Databases.

(1) A communications services dealer that develops and maintains its own database for assigning service addresses to local taxing jurisdictions or a third party vendor that provides a database for sale to communications services dealers or uses such a database in providing billing or other services to communications services dealers may apply to the Department for certification of the database. A database will be certified if it assigns street addresses, address ranges, post office boxes, and post office box ranges to the proper local taxing jurisdictions with an overall accuracy rate of 95 percent with a 95 percent level of confidence, based on a statistically reliable sample. Accuracy must be measured based on the entire geographic area within the state of Florida covered by the database for which certification is sought.

(2)(a) Application for certification must be made to the Department on form DR-700012, Application for Certification of Communications Services Database (R. 07/02, hereby incorporated by reference) and in accordance with the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing (available at the Department's website, [www.myflorida.com/dor](http://www.myflorida.com/dor), and hereby incorporated by reference). All applicable portions of the application must be completed.

(b) The Department will notify the applicant of any errors or omissions in the application and of all additional information or documentation required within 90 days of

receipt of the application. The Department will review the application and contact the individual designated in the application concerning any additional information required and the format in which such information must be submitted. The applicant shall provide access to all records, facilities, and processes reasonably required to review, inspect, or test the database within 10 working days of the Department's request for such access.

(c) The Department will test the applicant's database by comparing the assignments of service addresses to the assignments of service addresses in the Address/Jurisdiction Database, which is the Department's on-line database described in Emergency Rule 12BER04-9, F.A.C. The Department will notify the applicant of all service addresses that do not match the Department's database regardless of whether the applicant's database meets the accuracy criterion for certification.

(d) Within 180 days of receipt of a completed application, the Department will issue a written determination.

1. If the notice grants certification, it will specify the expiration date, which will be three years or four years from the date of the notice.

2. If the notice denies certification, it must specify the grounds, inform the applicant of any available remedy, and set forth procedures for protesting the denial. If the applicant cures the defects that formed the basis for denial and upon retesting the database meets the requirements for certification, the Department will issue a notice certifying the database. If the defects forming the basis of the denial are based on a sample, correction of the errors identified in the sample does not constitute correction of the database. The Department is authorized to grant certification of the database even in cases where the applicant has filed a petition and a proceeding is pending under Chapter 120, F.S.

(3) An application for recertification of a database must be submitted on form DR-700012 when the certification period expires. If an application for recertification is received prior to the stated expiration date of the certification period, the prior certification will not expire until the Department takes final action on the application for recertification. In such cases, if the Department denies recertification, the prior certification will remain in effect until the time for administrative or judicial review of the Department's denial of recertification has expired or, if later, the date fixed by order of the reviewing court.

(4) Certification or recertification of a database is effective upon the date of the Department's notice approving the application. The notice approving the application is in the form of a letter stating that the database is certified and that an application for renewal should be applied for by a specified date. Except when extended as provided under subsection (3), when a timely application for recertification has been filed, a certification or recertification is effective through the date stated on the notice, which shall be either three years or four

years from the date of the notice. The database will be assigned a three-year expiration date if the applicant's business partner number assigned by the Department's accounting system program ends in an even number and a four-year expiration date if the applicant's business partner number ends in an odd number.

(5) In determining whether a database qualifies for certification, the Department will consider whether the applicant will implement procedures designed to maintain the accuracy level required for certification throughout the certification period. If the Department obtains information indicating that a certified database is not being properly maintained and updated to insure on-going accuracy at the required levels, the Department will notify the applicant and review the operation and maintenance of that database. If the Department determines that a database no longer qualifies for certification and remedial steps are not promptly taken, the Department will revoke the certification. The Department shall first provide notice to the applicant of its intent to revoke the certification as provided in Section 120.60, F.S., and afford the applicant a point of entry under Chapter 120, F.S., to contest the notice of intent.

(6) Certification is contingent upon there being no material changes to the database or procedures for its updating and maintenance. If there are such changes, the applicant should inform the Department and request a determination whether a new form DR-700012 should be submitted. If practicable, the Department will test the effect of the changes rather than require a new certification procedure for the entire database. A material change is any change that could reasonably be expected to affect whether the database would still meet the 95 percent accuracy level required for certification. Examples of changes that could be material would be an expansion of the service area covered by a database, the merger of two or more databases, a change in the sources from which information for the database is obtained, or alteration of the methods by which service addresses are assigned, updated, or corrected. Changes to the assignment of service addresses or address ranges that are made in the course of consistently followed procedures to obtain and incorporate accurate updates and to correct errors in assignments of service addresses as required to satisfy the due diligence standards set forth in paragraph (2)(c) of Emergency Rule 12BER04-8, F.A.C., are not material address changes that require Department review of a database.

(7) Transition Rules. Notwithstanding any provision to the contrary, if a dealer submitted an application for certification of a database on or before May 1, 2002, the following transition rules apply:

(a) The requirement of Section 202.22(3)(d), F.S., that the Department grant or deny the application within 180 days does not apply.

(b) If a notice of intent to deny the application is issued, the dealer is entitled to a collection allowance of .75 percent for taxes collected on service addresses assigned using the database that is the subject of the application until the date the Department's notice of denial is final.

(c) If the application is approved, the effective date of the certification will be the date the application was submitted.

(8) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Distribution Center at (850)922-2208; or 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on October 1, 2004.

Specific Authority 202.26(3)(g),(4) FS. Law Implemented 202.22(3) FS. History--New 10-1-04.

12BER04-11 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

(1) An enhanced zip code method is a method of assigning service addresses to local taxing jurisdictions based on United States postal zip codes of at least nine digits.

(2) A communications services dealer may avoid liability as provided in Emergency Rule 12BER04-8, F.A.C., for any additional local communications services tax, penalty, and interest resulting from errors in assigning service addresses to an incorrect local taxing jurisdiction when the correct local taxing jurisdiction has a higher local tax rate by employing an enhanced zip code method only if the requirements of this rule are satisfied.

(3) The dealer or the vendor providing the database is not permitted to rely solely on the location of the post office to which an enhanced zip code is assigned by the United States Postal System if the area covered by the enhanced zip code is not entirely located within the same local taxing jurisdiction as the post office. In some cases, the area included in an enhanced zip code overlaps local jurisdictional boundaries or is outside the local taxing jurisdiction where the post office to which a zip code is assigned is located. In addition, a dealer may provide services to customer service addresses for which an enhanced zip code is not available, because the service address is in a rural area or is without postal delivery. The dealer or the vendor must use a reasonable methodology that accurately assigns service addresses to the correct local taxing jurisdictions in such circumstances. The dealer or vendor will

be considered to have used a reasonable methodology if it relies on information obtained from one or more of the following sources:

(a) The Address/Jurisdiction Database, described in Emergency Rule 12BER04-9, F.A.C.:

(b) A database that has been certified by the Department as provided in Emergency Rule 12BER04-10, F.A.C.:

(c) Representatives of relevant local taxing jurisdictions whose responsibilities entail knowledge of the location of addresses as within or without their jurisdictions:

(d) The United States Census Bureau; or

(e) The United States Post Office.

The dealer must maintain records that establish the methodology used to assign service addresses as provided in this subsection.

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in paragraphs (2)(b) and (c) of Emergency Rule 12BER04-8, F.A.C. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The due diligence requirement includes the requirement to correct errors in the assignments of service addresses within 120 days of discovering or being notified by any person of such errors. The database vendor or dealer must also maintain adequate internal controls to assure the on-going accuracy of an enhanced zip code database as described in subparagraph (2)(c)1. of Emergency Rule 12BER04-8, F.A.C.

(5) Mobile communications services providers using an enhanced zip code method are subject to the safe harbor provisions of Title 4 U.S.C. s. 120. Such providers will be held harmless from liability for additional local communications services tax, penalty, and interest resulting from erroneous assignments of customer service addresses to local taxing jurisdictions as provided in the federal Mobile Communications Sourcing Act.

(6) In order to be entitled to the .75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of subsection (3) of this rule and the requirements of subsection (3) of Emergency Rule 12BER04-8, F.A.C.

This rule shall take effect on October 1, 2004.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2. FS. History—New 10-1-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 1, 2004

**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 THE LOTTERY**

RULE TITLE: Instant Game Number 559, COUNT DE MONEY 53ER04-52  
 RULE NO.:  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 559, "COUNT DE MONEY," 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: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-52 Instant Game Number 559, COUNT DE MONEY.

(1) Name of Game. Instant Game Number 559, "COUNT DE MONEY."

(2) Price. COUNT DE MONEY lottery tickets sell for \$1.00 per ticket.

(3) COUNT DE MONEY 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 COUNT DE MONEY lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any COUNT DE MONEY lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FOUR	FIVE	TEN
<b>\$50.00</b>	<b>\$100</b>	<b>\$500</b>			
FIFTY	ONE HUN	FIVE HUN			



(5) Determination of Prizewinners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$50.00, \$100, and \$500. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a COUNT DE MONEY lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a " " symbol in the play area shall entitle the claimant to a prize of \$25.00.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 559 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF		NUMBER OF WINNERS IN 39 POOLS OF 180,000 TICKETS PER POOL
		1 IN		
\$1	\$1	10.00		702,000
\$2	\$2	15.00		468,000
\$4	\$4	25.00		280,800
\$5	\$5	100.00		70,200
\$10	\$10	30.00		234,000
\$25 "PUMPKIN"	\$25	150.00		46,800
\$50	\$50	300.00		23,400
\$100	\$100	4,000.00		1,755
\$500	\$500	21,937.50		320
		280,800.00		25

(7) The estimated overall odds of winning some prize in Instant Game Number 559 are 1 in 3.84 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.

(8) For reorders of Instant Game Number 559, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a COUNT DE MONEY lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(10) Payment of prizes for COUNT DE MONEY lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding 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 9-15-04.

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

EFFECTIVE DATE: September 15, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 502, PINK PANTHER™  
 RULE NO.: 53ER04-53  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 502, "PINK PANTHER™," 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: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-53 Instant Game Number 502, PINK PANTHER™.

(1) Name of Game. Instant Game Number 502, "PINK PANTHER™".

(2) Price. PINK PANTHER™ lottery tickets sell for \$2.00 per ticket.

(3) PINK PANTHER™ 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 PINK PANTHER™ lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any PINK PANTHER™ lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b> ONE	<b>2</b> THO	<b>3</b> THREE	<b>4</b> FOUR	<b>5</b> FIVE	<b>6</b> SIX	<b>7</b> SEVEN	<b>8</b> EIGHT	<b>9</b> NINE	<b>10</b> TEN
<b>11</b> ELEVN	<b>12</b> THELV	<b>13</b> THRTN	<b>14</b> FORTN	<b>15</b> FIFTN	<b>16</b> SIXTN	<b>17</b> SVNTN	<b>18</b> EGHTN	<b>19</b> NINTN	

(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b> TICKET	<b>\$1.00</b> ONE	<b>\$2.00</b> TWO	<b>\$5.00</b> FIVE	<b>\$10.00</b> TEN
<b>\$25.00</b> THY FIVE	<b>\$50.00</b> FIFTY	<b>\$100</b> ONE HUN	<b>\$1,000</b> ONE THO	<b>\$10,000</b> TEN THO

(7) The "BONUS PLAY" play symbols and play symbol captions are:



(8) The legends are as follows:

YOUR NUMBERS    PRIZE    WINNING NUMBERS    BONUS PLAY

(9) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to eight sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a PINK PANTHER™ lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



(b) A ticket having a " " symbol in the "BONUS PLAY" play area shall be entitled to a prize of \$25.00.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 502 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2 TICKET	1 IN 10.00	756,000
\$2	\$2	25.00	302,400
\$2 x 2	\$4	25.00	302,400
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	37.50	201,600
\$1 + (\$2 x 2) + \$5	\$10	75.00	100,800
(\$1 x 6) + (\$2 x 2)	\$10	75.00	100,800
\$10	\$10	150.00	50,400
\$25 "BONUS PLAY: (MAGNIFYING GLASS)"	\$25	100.00	75,600
(\$5 x 2) + (\$10 x 4)	\$50	1,800.00	4,200
\$10 x 5	\$50	1,800.00	4,200
\$50	\$50	1,800.00	4,200
(\$10 x 5) + (\$25 x 2)	\$100	45,000.00	168
(\$25 x 2) + \$50	\$100	45,000.00	168
\$100	\$100	45,000.00	168
\$25 x 8	\$200	252,000.00	30
\$1,000	\$1,000	378,000.00	20
\$10,000	\$10,000	1,890,000.00	4

(11) The estimated overall odds of winning some prize in Instant Game Number 502 are 1 in 3.59. 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.

(12) For reorders of Instant Game Number 502, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing a PINK PANTHER™ lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(14) Payment of prizes for PINK PANTHER™ lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding 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 9-15-04.

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

EFFECTIVE DATE: September 15, 2004

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Waiver of Charges, Fees and/or Penalties      RULE NO.: 53ER04-54

For Retailers – Hurricane Ivan  
SUMMARY OF THE RULE: The emergency rule sets forth the provisions for the waiver of certain retailer charges, fees and/or penalties set forth in Florida Lottery rules in response to damage and loss sustained by Florida Lottery retailers from Hurricane Ivan.



THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-54 Waiver of Charges, Fees and/or Penalties for Retailers – Hurricane Ivan.

(1) Notwithstanding Florida Lottery Rules 53ER01-3 Retailer Application and Fee Schedule, 53ER01-77 Electronic Funds Transfer Delinquencies, 53ER02-5 On-line Retailer Responsibilities, and 53ER02-41 Lost, Stolen or Damaged Instant Lottery Tickets, Florida Administrative Code, this emergency rule sets forth provisions for the waiver of certain retailer charges, fees and/or penalties set forth in the above-referenced rules in response to damage and loss sustained by Florida Lottery retailers from Hurricane Ivan.

(2) Data Line Weekly Service Charge.

(a) The weekly service charge of \$10.00 set forth in Rule 53ER02-5, Florida Administrative Code, shall be waived prospectively for on-line retailers meeting the following criteria:

1. The retailer's business is located in one of the following sixteen (16) counties of Florida that have been declared disaster areas as of September 17, 2004:

Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington; or

2. The retailer's business is located in a county that is declared a disaster area on or after September 17, 2004; and

3. The retailer has the type of on-line terminal for which a \$10.00 weekly service charge is assessed; and

4. The retailer's sales status is "non-selling" as determined by an on-line retailer sales status report generated through the Lottery's gaming system each week on Saturday.

(b) The service charge waiver set forth in this subsection shall remain in effect until such time as the retailer regains its selling status, or this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence, whichever occurs first, except as provided in paragraph (2)(c) below.

(c) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's non-selling status is for reasons not attributable to Hurricane Ivan, in which case the weekly service charge will be assessed in the regular manner.

(3) Non-Sufficient Funds Penalty.

(a) Except as provided in paragraph (3)(d) below, a penalty for Non-Sufficient Funds as set forth in Rule 53ER01-77, Florida Administrative Code, shall be waived

provided the retailer (instant-only or on-line) meets the criteria set forth in subparagraphs (2)(a)1. or 2., or as provided in paragraph (3)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination for retailers requesting a waiver of the Non-Sufficient Funds penalty who are not located in the disaster area. (Example: the retailer is able to conduct business activities but is unable to make a bank deposit due to complication associated with the bank's location in the disaster area.)

(c) Except as provided in paragraph (3)(d) below, the penalty waiver set forth in this subsection shall remain in effect until such time as this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

(d) The Florida Lottery reserves the right to make a case-by-case determination as to whether a Non-Sufficient Funds penalty assessed to a retailer shall be waived. (Example: the retailer is located within the disaster area but its Non-Sufficient Funds occurrence is for reasons not attributable to Hurricane Ivan.)

(4) Lost, Stolen or Damaged Instant Lottery Ticket Service Fees.

(a) Inactive Books.

1. The service fee for books of instant tickets reported as lost, stolen, or damaged as set forth in Rule 53ER02-41, Florida Administrative Code, that were in received status as of September 13, 2004 shall be waived provided the retailer (instant-only or on-line) meets the criteria set forth in subparagraph (2)(a)1. or 2., except as provided in subparagraph (4)(a)2. below.

2. The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's reporting of inactive lost, stolen, or damaged books is for reasons not attributable to Hurricane Ivan, in which case the service fee will be assessed in the regular manner.

(b) Active Books. Charges for books of instant tickets placed in an active status on or before September 13, 2004 and subsequently reported as lost, stolen, or damaged will be determined by the Lottery on a case-by-case basis for retailers meeting the criteria set forth in subparagraph (2)(a)1. or 2.

(c) The fee waiver set forth in this subsection shall remain in effect until such time this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

(5) Retailer Application Fee- Change of Location.

(a) The \$10.00 fee for retailers that apply to change a location as set forth in Rule 53ER01-3, Florida Administrative Code, shall be waived provided the retailer (instant-only or on-line) meets the criteria set forth in subparagraph (2)(a)1. or 2., except as provided in paragraph (5)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's change in location is for reasons not attributable to Hurricane Ivan, in which case the fee will be assessed in the regular manner.

(c) The fee waiver set forth in this subsection shall remain in effect until such time this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

Specific Authority 24.105(9)(j), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(j), 24.112(1) FS. History—New 9-17-04.

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

EFFECTIVE DATE: September 17, 2004

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

RULE TITLE: Emergency Closures Within the Kissimmee River 68DER04-3  
 STATEMENT OF THE SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: Recent rains from Hurricanes Charley and Frances have caused severe flooding along a portion of the Kissimmee River. The river has overflowed its banks in many places and expanded into the flood plain. Objects previously well above the water and objects previously on dry land have become wholly or partially submerged, creating hazards to navigation. These objects include, without limitation, dwellings, electrical and telephone wires, utility poles, trees and stumps, docks and wharfs, boathouses, and sheds. The turbulent and muddy water has caused boats to allide dangerously upon submerged objects without warning.

This flooded condition has created an immediate danger to vessels transiting the area. The turbulent flow and high waters have made boating conditions extremely dangerous in the vicinity of the structures and the high water makes navigation of the river almost impossible.

The operation of any vessels, other than by emergency or law enforcement vessels, will continue to create an immediate danger to property engulfed by the floodwaters or adjacent to the swollen river; as well as continue to increase the damage caused by the floodwaters and will damage property that is marginally above the floodwaters.

Vessel operation and swimming, diving, or wading, other than by emergency or law enforcement vessels and personnel, is also hazardous. The hazardous currents and dangerous water levels present an immediate danger to persons along or near the river. The flood now submerges the accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death. Under these conditions, closing of this portion of the Kissimmee River to all vessels and to all persons, either in vessels or swimming, diving, or wading, is necessary to protect public safety.

STATEMENT OF THE AGENCY'S REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is general concurrence from Polk, Osceola, and Highlands Counties, the Florida Fish and Wildlife Conservation Commission Field Office in Lakeland, Florida, and the Boating and Waterways Section, that enactment of a No Entry Area along a portion of the Kissimmee River, as a means to protect against continued flooding of businesses, submersion of docks and seawalls, environmental damage including erosion, degradation of water quality, introduction of pollutants into the river system, and the undermining of trees and other vegetation is warranted for the protection of public safety. This emergency rulemaking is being coordinated with the United States Coast Guard, the Army Corps of Engineers, and the South Florida Water Management District. The emergency rule will be forwarded to the United States Coast Guard Seventh District for publication in their weekly Local Notice to Mariners. The boating public will be notified by publication in the local notice, by marine VHF radio broadcast of the Coast Guard's local notice, by personal contact from law enforcement officers, and by signs posted at boat ramps and other access points to the boating restricted areas.

Because the water levels on the Kissimmee River are in constant flux, varying in response to wind direction, wind speed, and accumulated rainfall, the danger to life and property is such that normal rulemaking procedures would not adequately protect the public from the anticipated harm. The procedures used in this emergency rulemaking action are therefore fair under the circumstances.

SUMMARY OF THE RULE: This action establishes a No Entry Area the Kissimmee River, shoreline to shoreline, from State Road 60 at the S-65 lock structure to S-65-C lock structures, approximately twenty-one (21) miles south of State Road 60. This closure will be in effect until the South Florida Water Management District reopens the boat lock structures at S-65, S-65A and S-65C lock structures to vessel traffic. The South Florida Water Management District will forward a notice of this reopening to the United States Coast Guard Seventh District for publication in the local notice to mariners.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ms. Tara Alford, Boating and Waterways Section, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE EMERGENCY RULE IS:

68DER04-3 Emergency Closures Within the Kissimmee River

(1) For the purpose of the emergency closure of the Kissimmee River and adjacent waters from shoreline to shoreline in the Kissimmee River flood plain, the following Boating Restricted Area is established as a No Entry Area:

(a) In the Kissimmee River, from State Road 60, at the S-65 boat lock structure, the S-65A boat lock structure, to the S-65-C lock structure, approximately twenty-one (21) miles south of State Road 60.

(b) As provided in subparagraph 68D-23.103(2)(b)6., F.A.C., all vessels and all persons, either in vessels or swimming, diving, or wading, are prohibited from entering a No Entry Area.

(2) As provided in Section 327.70, F.S. this emergency rule shall be enforced by the Division of Law Enforcement of the Fish and Wildlife Conservation Commission and its officers, the sheriffs of the various counties through which these waters flow and their respective deputies, and any other duly constituted law enforcement officers.

(3) Any person failing to comply with the provision of this emergency rule shall be guilty of a noncriminal infraction, punishable as provided in Section 327.73, F.S.

(4) Provided, however, that this emergency rule shall not apply to the South Florida Water Management District, its agents or contractors, or any other emergency response governmental entities, their agents or contractors, authorized by the Director of the Division of Emergency Management to enter the Boating Restricted Area.

(5) This emergency rule takes effect immediately upon being filed with the Department of State and will continue in effect:

(a) Until the Executive Director of the Agency finds that the flooding conditions have sufficiently abated so that the restrictions are no longer justified; or

(b) Until South Florida Water Management District reopens the boat lock structures at S-65, S-65A and S-65C lock structures to vessel traffic and the United States Coast Guard Seventh District has published a notice of this reopening in the local notice to mariners; or

(b) Until 90 days have elapsed.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 9-17-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 17, 2004

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

RULE TITLE: Requirements Relating to Public Adjusting

RULE NO.: 69BER04-15

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Financial Services hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare: This emergency rule is necessitated by the damage which resulted in Florida from Hurricane Ivan, which impacted the Gulf Coast as a category 4 hurricane with sustained winds up to 135 miles per hour. The eye made land fall just west of the western Florida line, bringing hurricane force winds to much of the Florida Panhandle. The hurricane also produced tornados that destroyed and damaged structures in the Florida Panhandle. The Governor of Florida has declared a state of emergency (Executive Order # 04-206). There was extensive damage in the Pensacola area, which was hit by the strong northeast quadrant of the storm as it made landfall. Damage estimates are not yet available but the storm will clearly result in a large number of property insurance claims.

Excessive adjusting fees are a source of injury to the public health, safety, and welfare by substantially impairing the financial ability of insureds to effectuate repairs to damaged property in a timely fashion, to commence or complete repairs, or to make proper and adequate repairs meeting building code requirements. In order for complete rebuilding to occur, insurance proceeds cannot be eroded by unreasonable public adjuster fees. As a result, there is a need to limit the fees imposed by public adjusters to a reasonable level. This rule limits fees charged by public adjusters to 10 per cent of the policy proceeds.

The rule provisions relating to required contract terms, and other ethical requirements, are reasonable and necessary based on the department's experience with public adjuster abuses after prior hurricanes.

The Legislature recognized, in Section 626.8698, F.S., that the interest of the public demands that public adjusters be prohibited from "soliciting or otherwise taking advantage of a person who is vulnerable, emotional or otherwise upset as a result of trauma, accident or similar occurrence..." Hurricane Frances has placed a great number of people in a state of vulnerability. The emotional stress of claimants may lead them to make imprudent decisions in the context of contracting with public adjusters.

In consideration of the emergency conditions currently existing, and given the Department's responsibility to protect the public interest, including insureds, and implement the Insurance Code, an emergency rule is necessary.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Department of Financial Services believes that adopting an emergency rule is the fairest method to protect the public because the nature of the anticipated destruction caused by Hurricane Ivan, including disruption of communication and transportation, requires an immediate response. The conditions anticipated from Hurricane Frances will require the Department to exercise its authority to provide protection from the conduct of unscrupulous public adjusters now. The provisions of this rule provide needed guidance to public adjusters. A Department bulletin addressed to all licensed public insurance adjusters would reach them, but would not be legally binding. A permanent rule would not have the flexibility and immediacy to protect the public welfare.

**SUMMARY OF THE RULE:** This emergency rule adopts emergency ethical standards to be applied to claims resulting from Hurricane Ivan. The rule limits public adjuster commissions to a maximum 10% of insurance proceeds regardless of whether the risk is residential or commercial. The rule also prohibits public adjusters from requiring, demanding, or accepting payments prior to settlement of a claim. The rule requires certain standards for public adjuster contracts to reduce risk of deception. The rule also establishes ethical standards to avoid incompetence, conflict of interest, or deception. The rule also establishes a 14-day rescission period for public adjuster contracts. Additionally the rule prohibits public adjusters from entering into a contract to adjust a residential property claim that has been declared a total loss, unless the public adjuster services can reasonably be expected to benefit the claimant.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Jerry Whitmore, Chief, Bureau of Investigation, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-5601

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

69BER04-15 Requirements Relating to Public Adjusting.

(1) General provisions.

(a) This emergency rule sets forth specific limits on public adjuster commissions and provides other ethical standards to protect insureds under stress due to loss.

(b) The provisions of this emergency rule are intended to supplement the requirements for conduct of public adjusting and ethical requirements placed on public adjusting as set forth in Rules 69B-220.051 and 69B-220.201, Florida Administrative Code, as promulgated pursuant to applicable law. These provisions are intended to provide needed guidance

to public adjusters and assure ethical public adjusting claims practices under the specific circumstances caused by the impact of Hurricane Ivan.

(c) This rule applies only to losses occurring as a result of Hurricane Ivan.

(d) This rule applies for 90 days from the date filed with the Secretary of State, Bureau of Administrative Code.

(e) The provisions of this rule are ethical requirements binding upon public adjusters, in addition to those requirements established in Rule Chapter 69B-220, Florida Administrative Code.

(2) Definitions.

(a) "Public Adjuster" is defined for purposes of this rule as defined in Section 626.854, Florida Statutes.

(b) "Public Adjusting" is the activity described in Section 626.854, Florida Statutes.

(3) Limits on Commissions.

(a) As to any one insured or claimant, no public adjuster shall charge, agree to, or accept as compensation or reimbursement any payment, commission, fee, or other thing of value equal to more than ten percent of any insurance settlement or proceeds.

(b) No public adjuster shall require, demand, or accept any fee, retainer, compensation, deposit, or other thing of value, prior to settlement of the claim.

(4) Required Contract Terms. Public adjusters shall ensure that all contracts for their services are in writing, and contain the following terms:

(a) The contract shall legibly state the full name as specified in Department records of the public adjuster signing the contract.

(b) The contract shall be signed by the public adjuster who solicited the contract. If the public adjuster is licensed by the Department as an emergency public adjuster, the contract shall show the public adjuster's:

1. Permanent home address and home phone number;

2. Permanent home state business address and phone number; and

3. Florida Department license number.

(c) The contract shall show:

1. The insured's full name and street address;

2. Address of loss;

3. A brief description of the loss;

4. The insured's insurance company name and policy number, if available.

(d) The contract shall show the date the contract with the public adjuster was actually signed by the insured or claimant.

(e) 1. The full compensation to the public adjuster shall be stated in the contract.

2. If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified.

3. Any costs to be reimbursed to the public adjuster out of the proceeds shall be specified by type, with dollar estimates set forth in the contract.

4. Compensation provisions in a public adjusting contract shall not be redacted in any copy of the contract provided to an insurer. Such a redaction shall constitute an omission of material fact in violation of Section 626.9541(1)(e)2., Florida Statutes.

(5) General Ethical Requirements. Public Adjusters shall adhere to the following requirements:

(a) An adjuster shall not undertake the adjustment of any claim concerning which the adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the adjuster's current expertise.

(b)1. No person shall, as a public adjuster, represent any person or entity whose claim the adjuster has previously adjusted while acting as an adjuster representing any insurer or independent adjusting firm.

2. No person shall, as a company or independent adjuster, represent him or herself or any insurer or independent adjusting firm against any person or entity that the adjuster previously represented as a public adjuster.

(c)1. A public adjuster shall not represent or imply to any client or potential client that insurers, company adjusters, or independent adjusters routinely attempt to, or do in fact, deprive claimants of their full rights under an insurance policy.

2. No insurer, independent adjuster, or company adjuster shall represent or imply to any claimant that public adjusters are unscrupulous, or that engaging a public adjuster will delay or have other adverse effect upon the settlement of a claim.

(d)1. No public adjuster, while so licensed in the Department's records, may represent or act as a company adjuster, independent adjuster, or general lines agent.

2. No independent adjuster or company adjuster, while so licensed in the Department's records, may represent or act as a public adjuster.

(e)1. A public adjuster's contract with a client shall be revocable or cancelable by the insured or claimant, without penalty or obligation, for at least 14 business days after the contract is entered into.

2. The public adjuster shall disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period.

3. If the insured elects to cancel the contract, prompt notice shall be provided to the adjuster.

4. Nothing in the provision shall be construed to prevent an insured from pursuing any civil remedy after the 14 day cancellation period.

(f) A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.

(g) A public adjuster shall ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.

(6) Total Loss Claims. No public adjuster shall knowingly enter into a contract to adjust a residential property claim subsequent to an insurer declaring the property a total loss, unless the services to be provided by the public adjuster can reasonably be expected to result in the claimant obtaining an insurance settlement, net of the adjuster's compensation, in excess of what the insured claimant would have obtained without the services of the public adjuster.

Specific Authority 624.308, 626.878, 626.9611 FS. Law Implemented 624.307(1), 624.307, 626.611, 626.621, 626.865(2), 626.8698, 626.878, 626.9541(1)(e),(i) FS. History—New 9-17-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 17, 2004

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Insurance Agents and Agency Services

RULE TITLE:

RULE NO.:

Continuing Education Compliance

Period Extension

69BER04-16

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: The Department of Financial Services hereby states that the following circumstances constitute an immediate danger to the public health, safety, or welfare: The 2004 hurricane season has been particularly destructive for Florida. Substantial damage in southwest and central Florida was caused by Hurricane Charley, which hit the Punta Gorda and Port Charlotte area on August 13, 2004 as a category 4 hurricane with sustained winds up to 145 miles per hour. Hurricane Charley crossed northeast through the center of the state exiting near Daytona Beach. In a 10-mile wide path extending from the southwest coast there was widespread major damage to homes, loss of personal belongings and corresponding temporary loss of employment.

Additional damage was caused by Hurricane Frances, which hit the east coast of Florida coast on September 4, 2004 as a category 2 hurricane, and slowly crossed the peninsula. Hurricane Frances, though less intense than Charley, caused damage over a much wider area of the state.

On September 16, category 4 Hurricane Ivan caused massive damage in the Florida Panhandle. Hurricane Ivan impacted the Gulf Coast as a category 4 hurricane with sustained winds up to 130 miles per hour. The eye made land fall just west of the western Florida line, bringing hurricane force winds to much of the Florida Panhandle. The hurricane also produced tornados that destroyed and damaged structures in the Florida

Panhandle. There was extensive damage in the Pensacola area, which was hit by the strong northeast quadrant of the storm as it made landfall.

The Governor of Florida declared states of emergency as a result of each of the hurricanes.

Insured losses have been estimated at \$6.8 billion for Charley and at \$4 to \$5 billion for Frances. Preliminary damage estimates for Hurricane Ivan are \$4 to \$10 billion.

Because of these hurricanes many insurance agents have been very busy serving insureds by helping insurers process claims. Some agents and other licensees have had to deal with losses and mitigation of damage to their own property. These demands on their time have made it unusually difficult to meet the timeframes for completing continuing education requirements pursuant to Sections 626.2815 and 648.385, Florida Statutes.

Sections 626.2815(3)(i) and 648.385(2)(c), Florida Statutes, authorize extension of the time during which the continuing education requirements must be completed, upon a showing of good cause. The Department has found that, in the interest of public welfare, within the context of the existing emergency situation, insurance agents should not be distracted from claims processing activities, by the need to meet an imminent continuing education compliance date. Therefore, this emergency rule is being adopted to extend the compliance periods.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Department of Financial Services believes that adopting an emergency rule is the fairest method to protect the public because the nature and extent of the destruction caused by hurricanes of the 2004 hurricane season. A Department bulletin addressed to all licensed insurance agents would reach them, but would not be legally binding. A permanent rule would not have the flexibility and immediacy to protect the public welfare. The department could grant extensions of the compliance periods, upon petition, on an individual basis, but this would be cumbersome and time-consuming, and thus defeat the purpose of the rule.

In consideration of the emergency conditions currently existing, and given the Department's responsibility to protect the public interest, and implement the Insurance Code, an emergency rule is necessary.

**SUMMARY OF THE RULE:** This emergency rule extends continuing education requirement compliance periods that would have ended in August, September, October, or November 2004, to December 31, 2004.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Audrey Huggins, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE FULL TEXT OF THE EMERGENCY RULE IS:

69BER04-16 Continuing Education Compliance Period Extension.

(1) This rule applies only to persons subject to the continuing education requirements of Sections 626.2815 and 648.385, Florida Statutes, as to the requirements imposed by that section.

(2) The Florida Department of Financial Services finds that the devastation brought to this state by multiple hurricane strikes in the 2004 hurricane season constitutes good cause shown under Sections 626.2815(3)(i) and 648.385, Florida Statutes. Therefore, the department hereby grants a blanket extension of all continuing education compliance periods, which pursuant to Sections 626.2815 and 648.385, Florida Statutes, would have ended within the time period from August 1, to November 30, 2004. Those deadlines are extended to 5:00 p.m., EST on December 31, 2004.

(3) Continuing education compliance periods which, pursuant to Sections 626.2815 and 648.385, Florida Statutes, end after November 30, 2004, are not changed by this rule.

(4) The compliance period subsequent to the extended compliance period shall be measured from the date the prior compliance period would have ended had the period not been extended by this rule.

(5) Continuing Education hours applied to the extended compliance period cannot also be applied to the subsequent compliance period.

Specific Authority 624.308 FS. Law Implemented 624.307, 626.2815(3)(i), 648.385(2)(c) FS. History—New 9-21-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 21, 2004

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

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

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

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s petition for waiver from subsections 25-4.066(2) and (3), F.A.C., which addresses Availability of Service; paragraphs 25-4.070(3)(a),(b) and subsection (5), F.A.C., which addresses Customer Trouble Reports; paragraphs 25-4.073(1)(a),(c), and (d), F.A.C., which addresses Answering Times; subsection 25-4.0770(2), F.A.C., which addresses Customer Appointments; subsection 25-4.040(5), F.A.C., which addresses Telephone Directoris and Directory Assistance; paragraphs 25-22.032(4)(b) and (6)(b), F.A.C., Customer Complaints; and Rule 25-4.111, F.A.C., which addresses Customer Complaints and Service Requests, Florida Administrative Code, filed June 30, 2004, in Docket No. 040659-RL was approved by the Commission by Order No. PSC-04-0793-PAA-TL, issued August 12, 2004, consummated by Order No. PSC-04-0874-CO-TL, issued September 9, 2004. The rules address Availability of Service, Answering Times, Customer Appointments, Customer Complaints, Service Requests, Telephone Directories and Directory Assistance. 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 FAW on July 23, 2004.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that St. Maarten at Silver Shells Condominium Association, Inc.'s petition for waiver of paragraph 25-6.049(5)(a), Florida Administrative Code, filed on October 8, 2003, in Docket No. 030974-EU was approved by the Commission at its December 16, 2003, Agenda Conference. Order No. PSC-03-1472-PAA-EU, issued December 30, 2003, memorialized the decision. The rule provides that individual electric metering by the utility company shall be required for each separate occupancy unit of new condominiums for which construction commenced after January 1, 1981.

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 FAW on October 31, 2004.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage, <http://www.floridapsc.com>.

**WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-168 DAO-ROW), on September 8, 2004, to Watergate Condominium Association, Inc. The petition for waiver was received by the SFWMD on July 9, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 30, on July 23, 2004. No public comment was received. This Order provides a waiver for existing trees, guardrail, fencing, lights and parking to remain within the west right of way of C-10, located immediately north of Taft Street, Broward County, S9/T51S/R42E. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank and within the District's 100-foot long designated equipment staging areas located at all bridges and pile-supported crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the District has no land-based access along this reach of canal for operation and maintenance activities and access is impractical due to the difference in elevation of the Taft Street Bridge and also due to the large open channel connection at the site. Further, no routine canal maintenance (spraying for aquatic weed control) is performed because C-10 is a saltwater canal. Therefore, the existing facilities will not interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Watergate Condominium Association, Inc., from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299, e-mail: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2004-169 DAO-ROW), on September 8, 2004, to Marilyn Cahn. The petition for waiver was received by the SFWMD on May 13, 2003. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 29, No. 21, on May 23, 2003. No public comment was received. This Order provides a waiver for existing landscaping, a portion of a wooden deck, buried electrical service, and light posts within the north right of way of C-10S at the rear of 3050 North 34th Street, Hollywood, Broward County, S5/T51S/R42E. Specifically, the Order grants a waiver from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which govern the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the District has no land-based access along this reach of canal for operation and maintenance activities and no routine canal maintenance (spraying of the lake for aquatics) is performed because C-10 is a saltwater canal; and 2) the Order granting a waiver from the subject rule would prevent Marilyn Cahn from suffering a substantial hardship and a violation of the principles of fairness.

A copy of the Order can be obtained from: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6299, e-mail: jsluth@sfwmd.gov.

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

The Bureau of Elevator Safety hereby gives notice that it has issued an Order Granting Variance Request on September 2, 2004 in response to a petition filed on June 16, 2004, by Tim Hawthorne of Otis Elevator regarding The Oceans Grand Condominium (VW 2004-061), seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

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 it has issued an Order on the Petition for Variance filed by Lee Rigby of Vertical Assessment Associates on behalf of The Villas at Hammock Beach, Palm Coast (Petition VW 2004-067).

The Bureau's Orders, filed on September 15, 2004, denied the petition for variance. The variance was denied because the Department determined that the petitioner failed to meet its burden of demonstrating that the safeguards provided by the rule requirement are otherwise met by failing to provide safe egress from the second floor lobby should fire or some other catastrophic event make the lower lobby inaccessible.

A copy of the Notice 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 it has issued an Order Granting Variance Request in response to a petition filed on June 24, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of Tioga Town Center (VW 2004-069) and Rivers Edge Condominiums (VW 2004-068), seeking a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b and 212.1, of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room, to use 9.5-mm governor rope metal sheaves and drums lined with nonmetallic groove materials, sheaves with a minimum pitch diameter 40 times the diameter of the rope and to use aramid non-metallic ropes.

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.

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The Bureau of Elevator Safety hereby gives notice that it has issued an Order Granting Variance Request in response to a petition filed on July 2, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of Marina Village, Building A (VW 2004-075) and Heart of Palm Beach Hotel (VW 2004-050), seeking a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b and 212.1, of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room, to use 9.5-mm governor rope metal sheaves and drums lined with nonmetallic groove materials, sheaves with a minimum pitch diameter 40 times the diameter of the rope and to use aramid non-metallic ropes.

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.

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NOTICE IS HEREBY GIVEN that on September 15, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: The Leon Collins Public Library (Petition VW 2004-115).

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 September 15, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from Kenin Lynes of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: 5525 Gray Street Office Building (Petition VW 2004-116).

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 September 15, 2004, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 100.3a and 101.6 and ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, Florida Administrative Code which prohibits locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc, requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: La Bellasara Condominium, Sarasota (Petition VW 2004-118).

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 September 17, 2004, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(2)(a), Florida Administrative Code from Pongo's Place located in South Daytona. The above F.A.C. states that public access to toilet facilities shall not be permitted through food preparation, storage, or warewashing areas. They are requesting a variance to not add an additional bathroom facility for customer access, instead escort patrons to the bathroom.

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

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

The Bureau of Elevator Safety hereby gives notice that it has issued an Order Granting Variance Request in response to a petition filed on June 18, 2004, by Tim Hawthorne of Otis Elevator regarding The Harbor Point Condominium, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

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 it has issued an Order Granting Variance Request on September 2, 2004, in response to a petition filed on June 9, 2004 by Tim Hawthorne of Otis Elevator regarding The Jackson Condominium, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

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.

**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 September 21, 2004, on behalf of Lucero Rodriguez, M.D., seeking a waiver or variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE. Comments on this petition should be filed with 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 Department of Health gives notice that it has granted a petition, which was filed on June 16, 2003, by Jack Reed on behalf of Positive Impact Waste Solutions, Inc. The order granting the waiver was filed September 13, 2004. The Petitioner sought a permanent waiver of paragraph 64E-16.007(2)(e), F.A.C., pertaining to the requirement for periodic efficacy testing in a specified manner for an alternative biomedical waste treatment process. For notice of receipt of the petition see Florida Administrative Weekly, Vol. 30, No. 32, August 6, 2004. The basis of the approval is an unnecessary hardship to Positive Impact Waste Solution, Inc. for compliance with the specified manner of periodic efficacy testing set forth in paragraph 64E-16.007(2)(e), F.A.C. Based on the physical design and operation of their treatment unit, the specified manner for periodic efficacy testing is not feasible. Positive Impact Waste Solution, Inc. has offered an alternative method for periodic efficacy testing, which the department has determined meets the intent of paragraph 64E-16.007(2)(e), F.A.C.

For a copy of the order granting the petition, contact: Richard McNelis, Department of Health, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on September 15, 2004, Florida Housing Finance Corporation received a Petition for Waiver of Rule 67-48, F.A.C., the section .002(111) from Catholic Charities Housing, requesting a waiver of rule governing the availability of infrastructure.

A copy of the Petition can be obtained from: Sherry Green, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF STATE**

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

DATE AND TIME: Wednesday, October 20, 2004, 11:00 a.m.  
PLACE: Cypress Plantation, 18681 S. W. Connors Hwy., Port Mayaca-Canal Point, Florida 33438-9526

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Southeast Florida Regional Preservation Office, Florida Division of Historical Resources, FDOS, 231 S. W. 2nd Avenue, Fort Lauderdale, Florida 33301.

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 Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance, (954)467-4990.

The **Florida Historical Commission** announces public meetings to which all persons are invited. (The meeting scheduled for September 20-23, 2004 was cancelled.)

DATE AND TIME: November 15, 2004, 1:00 p.m.  
PLACE: Florida Heritage Hall, 500 South Bronough Street, Tallahassee, Florida 32399-0259

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Florida Historical Commission.

DATES AND TIME: November 16-18, 2004, 9:00 a.m.  
PLACE: Florida Heritage Hall, 500 South Bronough Street, Tallahassee, Florida 32399-0259

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and ranking of Special Category grant applications.

A copy of the agenda may be obtained by writing: Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6360.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure 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 are asked to contact the Division office by the 10th day of November 2004, if you need an accommodation. Accommodations can be arranged through Allison McCarthy, ADA Coordinator, Historical and Cultural Programs, (850)245-6300, Fax (850)245-6437, e-mail: amccarthy@dos.state.fl.us.

**DEPARTMENT OF LEGAL AFFAIRS**

The Florida **Commission on the Status of Women** will hold telephone conference calls to which all interested persons are invited to participate.

COMMITTEE: Legislative Committee

DATE AND TIME: October 12, 2004, 10:00 a.m.

COMMITTEE: Annual Report Committee

DATE AND TIME: October 13, 2004, 10:00 a.m.

COMMITTEE: Finance and Budget Committee

DATE AND TIME: October 14, 2004, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **State Fair Authority** announces a meeting of the \*Agricultural Committee to which all interested persons are invited to participate.

DATE AND TIME: Monday, October 25, 2004, 9:00 a.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agricultural plans for the year.

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680, (813)627-4221, as soon as possible.

\* Newly Formed Committee

The Florida **State Fair Authority** announces a meeting of the Nominating Committee to which all interested persons are invited to participate.

DATE AND TIME: Monday, October 25, 2004, 10:00 a.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: The nomination of officers for the Authority.

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680, (813)627-4221, as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Finance Committee to which all interested persons are invited to participate.

DATE AND TIME: Monday, October 25, 2004, 11:00 a.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business of the Finance Committee.

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680, (813)627-4221, as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Marketing Committee to which all interested persons are invited to participate.

DATE AND TIME: Monday, October 25, 2004, 11:00 a.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business of the Marketing Committee.

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680, (813)627-4221, as soon as possible.

The Florida **State Fair Authority** announces a meeting of the Long Range Planning Committee to which all interested persons are invited to participate.

DATE AND TIME: Monday, October 25, 2004, 11:00 a.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old Business of the Long Range Planning Committee.

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680, (813)627-4221, as soon as possible.

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The Florida **State Fair Authority** announces a meeting of the Board to which all interested persons are invited to participate.

DATE AND TIME: Monday, October 25, 2004, 1:00 p.m.

PLACE: Bob Thomas Equestrian Center, Horse Pavilion, Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Reports; Midway Update; Old and New Business.

AGENDA: A copy of the agenda may be obtained by contacting: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact: Ms. Frances Ayala, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680, (813)627-4221, as soon as possible.

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The **Endangered Plant Advisory Council** announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, October 20, 2004, 1:00 p.m. – 5:00 p.m.

PLACE: Division of Plant Industry, Doyle Conner Builder, 1911 S. W. 34 Street, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items: 1. Welcoming and Opening Remarks.; 2. Approval of Agenda (Additions, Changes); 3. Review and Approve Minutes of Last Meeting; 4. Evaluate and Rank Grant Proposals for Fiscal Year 2005 – 2006; 5. New Plant Listings for Regulated Plant Index; 6. Comments or Concerns from Interested Parties; 7. Election of Officers; 8. Schedule Next Meeting; 9. Adjourn.

If you need special accommodation in order to attend this meeting because of a disability, please let us know by October 11, 2004.

A copy of the agenda may be obtained by writing: Mr. Danny Phelps, Secretary, Endangered Plant Advisory Council, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, (352)372-3505.

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## DEPARTMENT OF EDUCATION

The **Florida Atlantic University**, Board of Trustees announces a conference call meeting to which all persons are invited:

DATE AND TIME: Friday, October 8, 2004, 9:00 a.m.

PLACE: Please call Joanne Elsner, (561)297-4030, for call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Planning/Academic and Student Affairs Joint Committee Meeting.

A copy of the agenda and call-in phone number may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling (561)297-2130 (TDD).

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The **Florida Atlantic University**, Board of Trustees announces a conference call meeting to which all persons are invited:

DATE AND TIMES: Wednesday, October 27, 2004, 10:00 – Audit and Finance Committee; 1:00 p.m. – Personnel and Compensation

PLACE: Please call Joanne Elsner, (561)297-4030, for call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Audit and Finance Committee; Personnel and Compensation.

A copy of the agenda and call-in phone number may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Ms. Paula Behul at (561) 297-3004. If you are hearing or speech impaired, please contact the agency by calling (561)297-2130 (TDD).

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The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 10, 2004, 10:00 a.m.

PLACE: Florida Atlantic University, Davie Campus, 2919 College Avenue, Davie, FL 33314

PUBLIC COMMENT: A public comment segment is scheduled immediately following the board meeting. Public comment will be taken on items on the board agenda.

Presenters will be required to complete a public comment request card prior to the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-4030.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling (561)297-2130 (TDD).

The Florida **Department of Education** announces the following public meeting of the DOE/General Managers of the Florida Public Broadcasting Network, to which all persons are invited:

DATE AND TIME: Tuesday, October 12, 2004, 8:30 a.m.

PLACE: WEDU-TV, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business related to the administrative services provided by the Department of Education to the Public Broadcasting stations in Florida.

FOR ADDITIONAL INFORMATION, CONTACT: Ashley Roseborough, (850)245-0516, email: Ashley.Roseborough@fldoe.org

The **Florida Alliance for Assistive Services and Technology**, Inc. Board of Directors announces a public meeting to which all persons are invited to attend:

DATE AND TIME: Friday, October 15, 2003, 8:30 a.m. – 5:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specifically on the agenda. Time will be set aside to solicit input from the public concerning assistive technology needs and services.

If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. B., Tallahassee, FL 32303, (850)487-3278.

If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FFAST, Inc. at the above address at least 14 working days in advance of the meeting.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meetings, the person will need a record of the proceedings. Additionally, the Board of Directors conduct committee teleconferences, at the call of the committee Chairs, to accomplish the goals and objectives of the committees between

full Board meetings. If you would like to present information to a FFAST committee, attend a committee teleconference, or require reasonable telecommunication accommodations due to a disability, please contact the FFAST, Inc. office in writing at the above address.

The Rehabilitation Council for the Blind, and The Florida **Division of Blind Services** announces the following meeting:

DATES AND TIMES: October 22, 2004, 8:30 a.m. – 5:00 p.m.; October 23, 2004, 8:30 a.m. – 12:00 noon

PLACE: Embassy Suites Miami Int'l Airport, 3974 N. W. South River Drive, Miami, Florida 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the council.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 7201 N. 9th Avenue, Suite A-11, Pensacola, FL 32504, (850)484-5030, or through the Florida Telephone Relay system 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

The **Florida Rehabilitation Council** announces the following conference call/meeting:

EVALUATION – Conference Call

DATE AND TIME: October 7, 2004, 12:00 Noon – 1:00 p.m.

QUALITY ASSURANCE – Conference Call

DATE AND TIME: October 11, 2004, 10:00 a.m. – 12:00 Noon

PLANNING – Meeting

DATE AND TIME: October 11, 2004, 9:00 a.m. – 5:00 p.m.

COORDINATION – Conference Call

DATE AND TIME: October 21, 2004, 10:00 a.m. – 11:00 a.m.

EXECUTIVE – Conference Call

DATE AND TIME: October 26, 2004, 10:00 a.m. – 12:00 Noon

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be

notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council for the Blind** announces the following Public Forum to which all interested individuals are invited to attend.

DATE AND TIME: Thursday, October 21, 2004, 4:00 p.m. – 6:00 p.m.

PLACE: Embassy Suites, Miami International Airport, 3974 N. W. South River Drive, Miami, Florida 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

CONTACT: Phyllis Dill, The Division of Blind Services, 7201 North 9th Avenue, Suite A-11, Pensacola, FL 32504, (850)484-5030, Florida Telephone Relay System, 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

**DEPARTMENT OF TRANSPORTATION**

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 14, 2004, 8:30 a.m.

PLACE: Department of Transportation, Suwannee Room (Second Floor), Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call: Rosa Seabrooks, (850)245-7914.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

NOTE: This is a change in the location of the meeting from the Lafayette Room to the Suwannee Room. A previous notice was published in Vol. 30, No. 38, Florida Administrative Weekly, dated September 17, 2004.

The **Florida Ports Financing Professional Services Committee** announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: October 12, 2004, 2:00 p.m. – 5:00 p.m.

PLACE: Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise: Toy Keller, (850)222-8028.

The **Florida Seaport Transportation and Economic Development Council** announces a workshop in which all interested persons are invited to participate.

DATE AND TIME: October 13, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Senate Offices, Room 117, Knott Building, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise: Toy Keller, (850)222-8028.

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The **Florida Ports Financing Committee** announces a meeting in which all interested persons are invited to participate.

DATE AND TIME: October 13, 2004, 4:00 p.m. – 6:00 p.m.

PLACE: Senate Offices, Room 117, Knott Building, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise: Toy Keller, (850)222-8028.

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The **Florida Seaport Transportation and Economic Development Council** announces a workshop in which all interested persons are invited to participate.

DATE AND TIME: October 14, 2004, 9:30 a.m. – 4:00 p.m.

PLACE: Senate Offices, Room 117, Knott Building, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person

may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise: Toy Keller, (850)222-8028.

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

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

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#### **STATE BOARD OF ADMINISTRATION**

The **State Board of Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 20, 2004, 9:00 a.m. – conclusion

PLACE: Hermitage Room, Plaza Level, Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Audit Committee.

A copy of the agenda may be obtained by writing: Keeta M. Ray, State Board of Administration, 1801 Hermitage Boulevard, Suite 600, Tallahassee, FL 32308, (850)413-1248.

In compliance with the Americans with Disability Act, anyone needing special accommodations should call Dorothy Westwood, (850)488-4406, at least five (5) days prior to the meeting.

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#### **DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public workshop to which all interested persons are invited.

DATE AND TIME: October 5, 2004, 2:00 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is designed to inform the Florida Citrus Commission on the background and current status of the commercialization process for abscission compounds. The importance of an abscission agent to the Florida citrus industry and a review of projected timelines and costs for the registration process will also be discussed.

A copy of the agenda may be obtained by contacting: Robin Bryant, (863)295-5950.

In accordance with the American 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 Bill Jones at the above address or by telephone, (863)499-2500.

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, October 12, 2004, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review progress of research in relation to the Harvesting Program.

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, (863)499-2500.

#### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 27, 2004, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 040817-EI – Petition for determination of need for Hines 4 power plant in Polk County by Progress Energy Florida, Inc.

DATE AND TIME: October 18, 2004, 9:30 a.m.

PLACE: Commission Hearing Room, Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 19, 2004, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

The agenda and recommendations are also accessible on the PSC Homepage, <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any



person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: October 19, 2004, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this 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 prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

The Florida **Public Service Commission** will consider at its October 19, 2004, Agenda Conference, Docket No. 041086-EI, Application of Florida Power & Light Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, to issue and sell, and/or exchange any combination of the long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$4.5 billion during calendar year 2005. In addition, the Company seeks permission to issue and sell short-term securities during the calendar years 2005 and 2006 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at the time of any such sale will not exceed 25% of the Company's gross revenues during the preceding twelve months of operation.

DATE AND TIME: Tuesday, October 19, 2004, the Agenda Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 041086-EI.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For additional information, please contact: Katherine Fleming, Office of General Counsel, (850)413-6218.

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 040001-EI – Fuel and purchased power cost recover clause with generating performance incentive factor.

Docket No. 040002-EG – Energy conservation cost recovery clause.

Docket No. 040003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 040004-GU – Natural gas conservation cost recovery.

Docket No. 040007-EI – Environmental cost recovery clause.

DATE AND TIME: October 25, 2004, 9:30 a.m. (EDT)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 040001-EI – Fuel and purchased power cost recover clause with generating performance incentive factor.

Docket No. 040002-EG – Energy conservation cost recovery clause.

Docket No. 040003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 040004-GU – Natural gas conservation cost recovery.

Docket No. 040007-EI – Environmental cost recovery clause.

DATES AND TIME: November 8-10, 2004, 9:30 a.m. (EST) (The starting times for November 9-10, 2004, will be announced at the conclusion of the hearing on November 8-9, 2004, respectively. The hearing may be adjourned early if all testimony is concluded.)

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2005 through December 2005.
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2004 through December 2004.
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2003 through December 2003, which are to be based on actual data for that period.
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2005 through December 2005.
5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2003 through December 2003.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2005 through December 2005.
7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2004 through December 2004.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2003 through December 2003, which are to be based on actual data for that period.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2005 through December 2005.
10. Determination of Conservation Actual/Estimated Amounts for certain investor-owned electric and gas utilities for the period January 2005 through December 2005.
11. Determination of the Final Conservation True-Up Amounts for the period January 2004 through December 2004.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2005 through December 2005.
13. Determination of Estimated Purchase Gas True-Up Amounts for the period January 2004 through December 2004.
14. Determination of the Final Purchased Gas True-Up Amounts for the period January 2003 through December 2003.
13. Determination of Estimated Purchase Gas True-Up Amounts for the period January 2004 through December 2004.
15. Determination of the Projected Environmental Cost Recovery Factors for the period January 2005 through December 2005.
16. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2004 through December 2004.
17. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2003 through December 2003, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. 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 prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2004, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

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The **Office of Film and Entertainment** and the **Florida Film Advisory Council** will convene in a quarterly meeting. This is a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 12, 2004, 12:00 Noon – 4:00 p.m.

PLACE: Cummer Museum of Art and Gardens, 829 Riverside Avenue, Jacksonville, FL 32204, (904)356-6857

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general administrative matters of the Advisory Council.

A copy of the agenda may be obtained by writing: Kasey Hoy, Executive Assistant, The Office of Film & Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001, (850)410-4765.

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

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

**REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Council**, Ad Hoc Committee on Policies, Priorities and Procedures announces the following public meeting to which all persons are invited:

DATE AND TIME: Wednesday, October 20, 2004, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is established to examine how the Council can transform and conduct business to help meet new challenges.

A copy of the Ad Hoc Committee Charge agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Wednesday, October 20, 2004, 9:00 a.m. – 10:15 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Wednesday, October 20, 2004, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Charlotte Neupauer, (352)732-1315.

The **Withlacoochee Regional Planning Council** announces a meeting of its Executive Committee.

DATE AND TIME: Thursday, October 21, 2004, 6:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administrative matters of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, October 21, 2004, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council including the Regional Report and Recommendations for the Tri-County Villages DRI Substantial Deviation.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2004, 2:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to discuss regional issues impacting South Florida including transportation.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2740 East Oakland Park Boulevard, Suite 206, Fort Lauderdale, Florida 33306.

The Regional Business Alliance is comprised of business leaders from Monroe, Miami-Dade, Broward, Palm Beach and Martin Counties, including members of the South Florida Regional Planning Council and South Florida Regional Transportation Authority.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

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The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: October 15, 2004, 9:30 a.m.

PLACE: The Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

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The District II, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2004, 10:00 a.m. (Eastern Time), 9:00 a.m. (Central Time)

PLACE: Tallahassee Fire Department – Training Division Classroom, 2964 Municipal Way, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, FL 32424, (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will 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.

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### COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, October 14, 2004, 8:00 a.m.

PLACE: Burns Building Auditorium, Department of Transportation, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 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: Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

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### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: October 12, 2004, 9:00 a.m.

PLACE: Bradford County Commission Room, Starke, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed conveyance of 5,200 acres +/- in Columbia County, Florida, to the U.S. Forest Service. This property was acquired using PCS Wetlands Mitigation Funds. Also, the proposed acquisition of the James A. Dykes/Blue Sink Boat Ramp Addition, 1 acre +/- located in Suwannee County.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following Projects and Land Committee Meetings/Tours which may be conducted by means of or in conjunction with communications technology. All persons are invited.

DATE AND TIMES: Thursday, October 7, 2004, Reception – 2:30 p.m.; Meeting – 3:00 p.m.

PLACE: Nassau County Building, 86026 Pages Dairy Rd., Yulee, FL 32097

Projects and Land Committee Business Meeting

DATE AND TIME: Friday, October 8, 2004, 8:00 a.m.

PLACE: White Oak Conservation Center, 3823 Owens Rd., Yulee, FL 32097 and tour of Conservation Center and St. Marys River tour.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Meeting discussing District Programs and Projects; Business meeting to consider Governing Board Project and Lands Committee agenda items. Tours to visit relevant projects and properties.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429; call Sonia Blake, Water Resources Department, (386)312-2330.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, October 12, 2004, 8:45 a.m., St. Johns River Water Management District Office, Highway 100, West, Palatka, Florida.

In the event of a declared emergency or emergency conditions, all or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

The **St. Johns River Water Management District** announces the following public meetings and hearings. All persons are invited.

PUBLIC HEARING TO APPROVE FLORIDA FOREVER WORK PLAN ANNUAL UPDATE

DATE AND TIME: Tuesday, October 12, 2004, 1:00 p.m. (immediately following Governing Board/Regulatory agenda items)

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public testimony concerning the District's Florida Forever Work Plan Annual Update for the acquisition and management of lands funded by the Florida Forever Trust Fund pursuant to Sections 373.139(3) and 373.199(7), Florida Statutes.

NOTE: Additional information may be obtained at the SJRWMD website ([www.sjrwmd.com](http://www.sjrwmd.com)) or by writing: SJRWMD, 4049 Reid Street, Palatka, Florida 32177.

One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

The Second Meeting of the **SJRWMD**, Alternative Water Supply Construction Cost Sharing Advisory Committee (Committee) has been rescheduled from September 29, 2004.

DATE AND TIME: Wednesday, October 13, 2004, 9:00 a.m. – 1:00 p.m.

PLACE: SJRWMD Altamonte Springs Service Center, 975 Keller Rd., Altamonte Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is being held to determine the final application ranking and formulate a recommendation to the SJRWMD Governing Board for which projects to fund and how much money to allocate to each of them. Applicants may not provide any new information to the Committee at this meeting unless requested by the Committee.

Please call Cheryl Keel, (386)329-4239, for further information.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

COASTAL RIVERS BASIN BOARD MEETING/WORKSHOP

DATE AND TIME: Tuesday, October 5, 2004, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business and annual planning workshop.

**NORTHWEST HILLSBOROUGH BASIN BOARD MEETING/WORKSHOP**

DATE AND TIME: Tuesday, October 12, 2004, 9:00 a.m.  
 PLACE: Temple Terrace City Hall, 11250 56th Street, North, Temple Terrace, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business and annual planning workshop.

**PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING/WORKSHOP**

DATE AND TIME: Wednesday, October 13, 2004, 9:00 a.m.  
 PLACE: Clearwater City Hall, 112 South Osceola Avenue, Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business and annual planning workshop.

**HILLSBOROUGH RIVER BASIN BOARD MEETING/WORKSHOP**

DATE AND TIME: Thursday, October 14, 2004, 9:00 a.m.  
 PLACE: Temple Terrace City Hall, 11250 56th Street, North, Temple Terrace, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business and annual planning workshop.

**ALAFIA RIVER BASIN BOARD MEETING/WORKSHOP**

DATE AND TIME: Friday, October 15, 2004, 9:30 a.m.  
 PLACE: Temple Terrace City Hall, 11250 56th Street, North, Temple Terrace, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business and annual planning workshop.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

**INDUSTRIAL ADVISORY COMMITTEE**

DATE AND TIME: Tuesday, October 5, 2004, 9:00 a.m.  
 PLACE: Department of Environmental Protection Office, 3804 Coconut Palm Drive, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community and Legislative Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting to which all interested persons are invited:

**CITRUS COUNTY TSALA-AOPKA CHAIN OF LAKES TASK FORCE OF THE CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL**

DATE AND TIME: Monday, October 11, 2004, 5:00 p.m.  
 PLACE: Lecanto Government Building, 3600 West Sovereign Path, Suite 226, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Task Force business.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida), or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public hearing to which all persons are invited:

DATE AND TIME: October 13, 2004, during a regular meeting of the South Florida Water Management District Governing Board, which begins at 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule 40E-4.091, F.A.C., which incorporates by reference the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – September 2003" (B.O.R.), to revise Section 4.2.8 to reflect that Figure 4.4-1 shall be used for purposes of performing a cumulative impact analysis.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing may contact Garrett Wallace, Acting District Clerk, at least two business days in advance to make appropriate arrangements, (561)682-6371.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

NOTICE OF NEW LOCATION – The Florida **Commission for the Transportation Disadvantaged** announces a Subcontracted Transportation Provider Training to which all persons are invited.

DATE AND TIME: Tuesday, October 5, 2004, 10:00 a.m. – completion

PLACE: Embassy Suites Jacksonville, 9300 Baymeadows Road, Jacksonville, Florida, (904)731-3555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide training for Medicaid Non-Emergency Transportation Program subcontracted providers.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700, 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

NOTICE OF NEW LOCATION – The Florida **Commission for the Transportation Disadvantaged** announces a Rate Workshop to which all persons are invited.

DATE AND TIME: Wednesday, October 6, 2004, 9:00 a.m.

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, FL 32819, (407)996-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain public input on the rate process.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700, 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

NOTICE OF NEW LOCATION – The Florida **Commission for the Transportation Disadvantaged** announces a Subcontracted Transportation Provider Training to which all persons are invited.

DATE AND TIME: Wednesday, October 6, 2004, 1:00 p.m. – completion

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, FL 32819, (407)996-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide training for Medicaid Non-Emergency Transportation Program subcontracted providers.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb,

Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700, 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

**REGIONAL UTILITY AUTHORITIES**

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, October 18, 2004, 9:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at [www.tampabaywater.org](http://www.tampabaywater.org).

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Wednesday, October 20, 2004, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christopher Sullivan, (850)414-5421, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 7, 2004, 9:00 a.m.

PLACE: Agency for Health Care Administration, 400 West Robinson Street, South Tower, Room A, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: A community stakeholder meeting will be held to discuss the implementation of the Prepaid Mental Health Plan. The Agency will meet with providers and consumers in Area Seven to answer questions, hear concerns, and obtain recommendations.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Deborah McNamara, (850)414-0633, at least five calendar days prior to the meeting.

For additional information contact: Deborah McNamara, Agency for Health Care Administration, 2727 Mahan Drive, MS 20, Tallahassee, FL 32308, (850)414-0633, e-mail: [mcnamard@fdhc.state.fl.us](mailto:mcnamard@fdhc.state.fl.us)

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 8, 2004, 9:00 a.m.

PLACE: Hospice of the Florida Suncoast, 2675 Tampa Road, Palm Harbor, FL 34684

GENERAL SUBJECT MATTER TO BE CONSIDERED: A community stakeholder meeting will be held to discuss the implementation of the Prepaid Mental Health Plan. The Agency will meet with providers and consumers in Area Five to answer questions, hear concerns, and obtain recommendations.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Deborah McNamara, (850)414-0633, at least five calendar days prior to the meeting.

For additional information contact: Deborah McNamara, Agency for Health Care Administration, 2727 Mahan Drive, MS 20, Tallahassee, FL 32308, (850)414-0633, e-mail: [mcnamard@fdhc.state.fl.us](mailto:mcnamard@fdhc.state.fl.us)

**DEPARTMENT OF MANAGEMENT SERVICES**

State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 27, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Capital Circle Office Center, Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, (850)922-2680, e-mail: [Elaine.womble@myflorida.com](mailto:Elaine.womble@myflorida.com).

The Real Choice Partnership Project of the Americans with Disabilities Act Working Group, which is administered by the **Department of Management Services** announces a meeting of the Consumer Task Force and a joint Public Hearing with the Governor’s Blue Ribbon Task Force on Transition to which all interested persons are invited.

MEETING

DATES AND TIMES: October 11, 2004, 1:00 p.m. – 4:00 p.m.; October 12, 2004, 9:00 a.m. – 12:00 Noon

JOINT PUBLIC HEARING

DATE AND TIME: October 11, 2004, 6:00 p.m. – 8:00 p.m.

PLACE: Marriott West Palm Beach, 1001 Okeechobee Boulevard, West Palm Beach, Florida 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: To facilitate the mission of the Real Choice Partnership Grant Project and the Governor’s Blue Ribbon Task Force on Transition.

A copy of the Consumer Task Force meeting agenda may be obtained by writing or calling: Americans with Disabilities Act Working Group, Building 4050 Esplanade Way, Ste. 160K, Tallahassee, Florida 32399-0950, (850)922-4103 (Voice), (850)922-4103 (TTY).

Should you require accommodations or materials in alternative formats, please contact: Stacia Woolverton, (850)922-4103 (Voice) or (850)922-4103 (TTY).

For additional information on the Governor’s Blue Ribbon Task Force, please log onto: [www.dcf.state.fl.us/apd/blue/index.shtml](http://www.dcf.state.fl.us/apd/blue/index.shtml).

The **Florida Black Business Support Corporation** announces its teleconference meetings, for the next quarter, of its Loan Investment Committee to which all interested persons are invited.

DATES AND TIME: Thursday, October 14, 2004; Thursday, November 11, 2004; Thursday, December 9, 2004, 10:00 a.m.

PLACE: Teleconference – Call (850)487-4850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider financing requests, receive reports relating to loan and investment activities, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure



that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meetings, please notify the FBBSC office, (850)487-4850, at least seven (7) days prior to the meetings.

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

The Florida **Electrical Contractors' Licensing Board** now announces re-scheduled Official Board Meetings to which all interested persons are invited.

DATE AND TIME: November 18, 2004, 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (portions closed to the public)

DATE AND TIME: November 18, 2004, 10:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

DATE AND TIME: November 19, 2004, 9:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Northwood Center, Board Conference Room, Tallahassee, FL 32399-0771, (850)487-8304

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she 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 to be based. For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, Electrical Contractors' Licensing Board at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call Gregory Spence using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD)

The **Department of Business and Professional Regulation**, Board of Employee Leasing Companies, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2004, 8:30 a.m. or soon thereafter

PLACE: Sheraton Suites, Tampa Airport, 4400 W. Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Board Office, (850)922-5012. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Department of Business and Professional Regulation**, Board of Employee Leasing Companies announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 17, 2004, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference. To connect, dial (850)410-0968, Suncom 210-0968

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office at (850)922-5012. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 15, 2004, 8:30 a.m. or soon thereafter

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Blvd., Key West, Florida 33040, (305)293-1818

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office at (850)922-5012. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

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The Florida **Board of Professional Engineers** announces a meeting of the Legislative Committee to which all persons are invited:

DATE AND TIME: Wednesday, October 20, 2004, 9:00 a.m. – conclusion

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such

purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul Martin, (850)521-0500.

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The Florida **Board of Professional Engineers** announces a meeting of the Rules Committee to which all persons are invited:

DATE AND TIME: Wednesday, October 20, 2004, 1:00 p.m. – conclusion

PLACE: 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Committee.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul Martin, (850)521-0500.

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The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees to which all persons are invited:

DATE AND TIME: Wednesday, November 17, 2004, 8:30 a.m. – conclusion

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul Martin, (850)521-0500.

The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, November 18, 2004, 8:30 a.m. – conclusion

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul Martin, (850)521-0500.

The **Board of Professional Surveyors and Mappers** announces a Notice of Change. The Probation Review Committee, Continuing Education Committee, Application Review Committee, Minimum Technical Standards Rules Workshop, and a General Business Meeting noticed in the Florida Administrative Weekly September 10, 2004 has been changed.

The Board of Professional Surveyors and Mappers announces a Probation Review Committee, Continuing Education Committee, Application Review Committee, Minimum Technical Standards Rule Workshop, and General Business Meeting. All interested parties are invited to attend at the address listed below.

DATES AND TIMES: October 12, 2004, 8:30 a.m., Continuing Education Committee meeting followed by a Application Review Committee meeting, followed by a Minimum Technical Standards Rules Workshop followed by a General Business Meeting if time allows; October 13, 2004, 8:00 a.m., Probation Review Committee meeting followed by a General Business meeting

PLACE: The Renaissance Resort at World Golf Village, 500 South Legacy Trail, St. Augustine, Florida 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756, (850)487-1395.

Persons decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Monday, October 4, 2004.

NOTICE OF RESCHEDULED HEARING – The **Florida Real Estate Commission** hereby gives notice that the public hearing regarding a Education Foundation Taskforce meeting, which was scheduled for September 13, 2004, as published in the Florida Administrative Weekly, Vol. 30, No. 35, Section VI, on August 27, 2004, is rescheduled as follows:

DATE AND TIME: October 18, 2004, 9:00 a.m.

PLACE: Conference Meeting Room 901, North Tower, Zora Neale Hurston Building, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss education issues relating to real estate licensees and applicants.

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. and 4:00 p.m.), at least five calendar days prior to the workshop. If you are hearing or speech impaired, please call the Florida Real Estate Commission using the Florida Dual Party Relay System, 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

NOTICE OF RESCHEDULED MEETING – The **Florida Real Estate Commission** hereby gives notice that the public hearing regarding a taskforce meeting, which was scheduled for September 13, 2004, as published in the Florida Administrative Weekly, Vol. 30, No. 35, Section VI, on August 27, 2004, is rescheduled as follows:

DATE AND TIME: October 18, 2004, 3:00 p.m.

PLACE: Conference Meeting Room 901, North Tower, Zora Neale Hurston Building, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss legislative issues relating to the practice of real estate.

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. and 4:00 p.m.), at least five calendar days prior to the workshop. If you are hearing or speech impaired, please call the Florida Real Estate Commission using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

NOTICE OF RESCHEDULED RULE DEVELOPMENT WORKSHOP – The **Department of Business And Professional Regulation, Florida Real Estate Commission** gives notice that the rule development workshop regarding Rule 61J2-1.011, F.A.C., License Fees and Examination Fees, which was scheduled for September 14, 2004, as published in the Florida Administrative Weekly, Vol. 30, No. 35, Section I, on August 27, 2004, has been rescheduled as follows:

DATE AND TIME: October 19, 2004, 8:30 a.m. or soonest thereafter

PLACE: Conference Meeting Room 901, North Tower, Zora Neale Hurston Building, 400 West Robinson Street, Orlando, Florida 32801

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, October 19, 2004, 8:30 a.m.; reconvening Wednesday, October 20, 2004, 8:30 a.m.

PLACE: Division of Real Estate; Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: October 20, 2004, 3:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, October 15, 2004, 8:30 a.m.

PLACE: The Renaissance Hotel, 4200 West Columbus Drive, Tampa, FL 33607, (813)877-9200

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, 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/chiro/chiro\\_home.html](http://www.doh.state.fl.us/mqa/chiro/chiro_home.html).

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The **Department of Health, Board of Dentistry** announces an official business 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: October 13, 2004, 12:15 p.m. – 2:00 p.m.

PLACE: Telephone Number 1(866)248-0556 (Room# 6001204) \*This is a Toll Free Number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board of Dentistry.

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, 1(800)955-8771.

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The Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited:

DATES AND TIME: Thursday, October 28, 2004; Friday October 29, 2004, 9:00 a.m. or shortly thereafter

PLACE: The Holiday Inn Select, 13051 Bell Tower Drive, Ft. Myers, FL 33907, (239)482-2900

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Medicine**, Credentials Committee, announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2004, 8:00 a.m. or soon thereafter

PLACE: The Clarion Hotel, 2101 Dixie Clipper Rd., Jacksonville, FL 32218, (904)741-1997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Board of Nursing**, Certified Nursing Assistant Council will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: October 13, 2004, 10:30 a.m.

PLACE: Adams's Mark, 225 Coast Line Drive, East, Jacksonville, FL 32202

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board Office using the Dual Party Relay System, 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: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Pharmacy**, Rules Committee announces a meeting to which all persons are invited.

DATE AND TIME: October 17, 2004, 1:00 p.m.

PLACE: Ramada Inn and Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32303, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to conduct general business.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Danna Droz, 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)245-4614, 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, 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: October 18-19, 2004, 8:00 a.m.

PLACE: Ramada Inn and Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32303, (850)386-1027

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: Danna Droz, 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, 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.

This is to announce the rescheduled September 8, 2004 variance meeting of the **Public Swimming and Bathing Facilities Advisory Review Board** members. This meeting is open to the public.

DATE AND TIME: Wednesday, October 13, 2004, 9:30 a.m. – 3:00 p.m.

PLACE: Conference Room A, S. Tower, Hurston Building, 1st Floor, 400 West Robinson Street, Orlando, FL 32801, (407)317-7172

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these meetings will be for the board to make recommendations to the department for agency action on variance requests, rule and policy development, and other technical review problems.

The person to be contacted regarding these meetings or agendas is: Mr. Robert S. Pryor, Environmental Engineering, Dept. of Health, Bureau of Water Programs, 4052 Bald Cypress Way, Bin #C22, Tallahassee, FL 32399-1742, (850)245-4444, Ext. 2369.

#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

Executive Committee:

DATE AND TIME: October 13, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Clem C. Benton Bldg., Room 335, 337 N. US Hwy. #1, Ft. Pierce, FL 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15, announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

DATE AND TIME: October 22, 2004, 8:30 a.m. – 10:30 a.m.

PLACE: Department of Health, 5150 N. W. Milner Drive, Port St. Lucie, FL 34983

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Children and Family Services**, District 13 announces a meeting for public hearing regarding the application for redesignation as a Baker Act Receiving Facility and Crisis Stabilization Unit for adults and children by LifeStream Behavioral Center, to which all persons are invited.

DATE AND TIME: Wednesday, October 13, 2004, 8:30 a.m. – 10:30 a.m.

PLACE: Department of Children and Family Services, 1601 West Gulf Atlantic Highway, Room 1111, Wildwood, FL 34785

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide participation, complaints, and comments regarding the application for redesignation by LifeStream Behavioral Center.

Written comments may be sent in advance to: Ronald Graham 1601 West Gulf Atlantic Highway, Wildwood, FL 34785.

Persons needing special accommodations to participate in this proceeding should contact the department no later than October 8, 2004, (352)330-2177, Ext 6273.

#### DEPARTMENT OF FINANCIAL SERVICES

The **Enterprise Resource Planning Integration Task Force** (ERPI TF), of the Florida Financial Management Information System (FFMIS) Coordinating Council announces the following public meeting to which all persons are invited:

Task Force Meeting

DATE AND TIME: October 21, 2004, 10:00 a.m.

PLACE: CFO Conference Room, PL 12, Capitol Building, Tallahassee, Florida (Please Note: The above date, time and place of the meeting are tentative. It may be necessary to reschedule this meeting and additional interim meetings of the Task Force may be required. Please check the following website for changes: <http://erpitf.fldfs.com/>)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to approve the ERPI TF Quarterly Report FY 2004-2005.

Information regarding scheduled times and dates can be sent to: Don Northam, Staff Director, ERPI TF, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0352, (850)413-2822, Fax (850)488-7265, e-mail: [northamd@dfs.state.fl.us](mailto:northamd@dfs.state.fl.us)

The **Department of Financial Services** announces the rescheduling of a public meeting scheduled for October 13, 2004, to which all persons are invited:

DATE AND TIME: November 8, 2004, 11:00 a.m. – 3:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting relates to the reorganization of regulation of the Cemetery/Funeral Industry as effected by Senate Bill 528, enacted in the 2004 session of the Florida Legislature. More specifically, this meeting is for the purpose of receiving suggestions and input regarding the need for and content of a so-called “glitch bill” regarding the reorganization, which glitch bill might be filed for consideration in the 2005 session of the Florida Legislature.

All interested persons are invited to attend, and provide input, if desired. To assist the Department in most effectively planning and conducting the meeting, persons desiring to make a statement are requested to email the contact person shown herein, at the earliest possible time, and in no event later than 10 days before the meeting, reference this meeting, and provide your name, where and how we may contact you, who you will represent if you represent a group, and the estimated length of your remarks. Interested persons who wish to be on the Department’s email contact list for updates regarding this meeting should email the contact person named herein, referencing in your email the November 8th public meeting regarding the glitch bill, state that you desire to be on the Department’s contact list, and provide your name and email address. Also, persons who have or will have written materials they wish to submit or have considered, including specific proposed bill language, are invited and urged to submit same to the contact person named herein at least 10 days in advance of the meeting, and the Department will undertake (subject to technical and volume constraints) to distribute them by email to all persons on the Department’s contact list regarding this meeting.

This November 8, 2004 meeting is in lieu of a meeting originally scheduled for October 13, 2004. The re-scheduling is due to the impact of the recent hurricanes, which have disrupted and delayed the planning and preparation efforts of some industry representatives who desire to participate in the meeting.

For more information contact: Diana Evans, Larson Building, 5th Floor, Tallahassee, FL 32399-0333, e-mail: evansD1@dfs.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any persons requiring special accommodations due to a disability or physical impairment should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

**PALM BEACH COMMUNITY COLLEGE**

The Region XII, **Training Council and Assessment Center**, Board of Directors announces a public meeting to which all interested persons are invited:

DATE AND TIME: Tuesday, October 5, 2004, 10:00 a.m.

PLACE: Palm Beach Community College, Criminal Justice Room 101, 4200 Congress Avenue, Lake Worth, FL 33461

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: FDLE/CJSTC updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary, Criminal Justice Institute, Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)868-3403.

**FLORIDA INSURANCE GUARANTY ASSOCIATION**

The **Florida Insurance Guaranty Association** announces an Audit Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: October 5, 2004, 9:00 a.m. – 12:00 Noon (Eastern Time) or as soon as business has been concluded

PLACE: Hyatt Regency Airport Hotel, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Audit Committee of the Florida Insurance Guaranty Association will meet to discuss the Department of Financial Services’ Operational Audit Report of the Florida Insurance Guaranty Association and other general audit issues of the committee.

A copy of the agenda may be obtained by contacting: Mr. Blaine Pinney, (904)398-1238.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Mr. Anthony Grippa, (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: 1(800)955-1339 (TDD).

The **Florida Insurance Guaranty Association** announces an Investment Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: October 5, 2004, 1:30 a.m. – 4:30 p.m. (Eastern Time) or as soon as business has been concluded

PLACE: Hyatt Regency Airport Hotel, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Investment Committee of the Florida Insurance Guaranty Association will meet to discuss investment issues of the Association.

A copy of the agenda may be obtained by contacting: Mr. Blaine Pinney, (904)398-1238.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Mr. Anthony Grippa, (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: 1(800)955-1339 (TDD).

**SCRIPPS FLORIDA FUNDING CORPORATION INVESTMENT COMMITTEE**

The Board of Directors of the **Scripps Florida Funding Corporation Investment Committee** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Wednesday, October 6, 2004, 11:30 a.m. – 12:00 Noon

PLACE: Teleconference 1(877)242-6519, Conference ID# 1040740, Leader: Jennie Hopkins

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference call will be to review the quarterly investment report from The State Board of Administration.

The date, time and/or place are subject to change. Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/ottd/index.html> for meeting date, time, place and materials.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact: jennie.hopkins@myflorida.com, at least 48 hours in advance of the meeting.



**FLORIDA SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all interested parties are invited:

BOARD OF GOVERNORS' QUARTERLY MEETING

DATE AND TIME: Thursday, October 7, 2004, 9:00 a.m.

PLACE: Marriott Doral Golf Resort and Spa, 4400 N. W. 87th Avenue, Miami, FL 33178

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 301.

**SPACE COAST WORLD TRADE COUNCIL**

The **Space Coast World Trade Council** will hold its 8th Annual Fall Regulatory Review to which all persons are invited.

DATES AND TIME: October 12-14, 2004, 7:30 a.m. – 5:00 p.m.

PLACE: Rialto Hilton, Melbourne, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED. The conference will focus on a broad range of import and export regulatory and compliance matters. The Regulatory Review includes workshops and sessions on import and export basics, product classifications, compliance program development and license and export automation, to name just a few. This is the perfect way to meet annual training requirements.

Registration: Council members – \$300; Non-members – \$375; US Government rate – \$300. Half-day introductory import and export classes on the 14th are \$45.00 each. There will be a significant luncheon keynote speaker on Wednesday, September 15th. The luncheon is open to the public at a cost of \$35.00 for non-Review attendees. Registration is required for the luncheon. Payment may be made at the door and VISA, MasterCard, and American Express will be accepted. Register on-line at [www.spacecoastworldtradecouncil.org](http://www.spacecoastworldtradecouncil.org), or contact: Sandy Pfrimmer, (321)242-4978 or (321)433-5571.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: October 13, 2004, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

**FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION**

The **Florida Local Government Finance Commission** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Friday, October 15, 2004, 10:30 a.m.

PLACE: 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Commission relating to its statewide pooled commercial paper program.

**FLORIDA MUNICIPAL PENSION TRUST FUND**

The **Florida Municipal Pension Trust Fund** announces a public meeting to which all persons are invited:

DATE AND TIME: Saturday, October 16, 2004, 10:00 a.m.

PLACE: Marriott World Center, 8701 World Center Drive, Orlando, Florida, 32821, (407)239-4200

A joint meeting of the Florida Municipal Pension Trust Fund and the Florida Municipal Investment Trust will be held Saturday, October 16, 2004, at the same location.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Florida Municipal Pension Trust Fund to discuss general business of the Trust.

A copy of the meeting agenda may be obtained by contacting Jeannie Garner, Director of Financial Services, Florida League of Cities, Inc., Post Office Box 1757, Tallahassee, Florida 32302-1757, 1(800)616-1513, Ext. 277.

**CRIMINAL JUSTICE STANDARDS AND TRAINING**

The **Criminal Justice Standards and Training**, Region X Council announces a meeting to which all interested persons are invited.

DATE AND TIME: November 23, 2004, 9:30 a.m. (replaces meeting scheduled for August 18, 2004, cancelled due to Hurricane Charley)

PLACE: S. W. FL. Public Service Academy, 3800 Michigan Avenue, Fort Myers, FL 33916

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda: Pledge; Intro. of guests; Minutes of previous meeting; Old Business; Election of new members; Academy reports/classes/expenses for Sarasota Academy and for the S.W. FL. Public Service Academy; Classes offered for the first two quarters of FY 2004-05 for Sarasota Academy and for the S.W. FL. Public Service Academy; Proposed 2005-06 Budgets; Other items of interest for the good of the order; Adjournment.

**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on September 20, 2004, from Unincorporated Palm Beach County, Building Division, regarding whether an interpretation of Section 1816.1.7, Florida Building Code, requires a signed contract for a minimum of five years.

It has been assigned the number DCA04-DEC-188.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**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, issued a declaratory statement In Re: Petition for Declaratory Statement, Victoria Village H Condominium Association, Jack Mendelson, Petitioner. Docket Number 2004011033.

It is declared that a unit owner cannot have access to secret ballots cast by the directors of a condominium master association in its election of officers under Section 718.111(1)(b), Florida Statutes, in order to independently verify the vote.

A copy of the Declaratory Statement, Docket Number 2004011033, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement In Re: Petition for Declaratory Statement, Edna Panzini, Petitioner, Greenway Village Association #1, Inc. Docket Number 2004013080.

It is declared that Greenway Village Condominium No. 1 Association, Inc. may assess unit owners for common expenses instead of applying excess funds in the common surplus under Section 718.116(10), Florida Statutes (2003), as a credit against the assessment.

A copy of the Declaratory Statement, Docket Number 2004013080, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a denial of petition for declaratory statement In Re: Petition for Declaratory Statement, James E. Olsen, Petitioner, The Village Condominium Association, Inc Docket Number 2004013027.

Petition is denied because the parties are litigating the issues.

A copy of the Order Denying the Petition for Declaratory Statement, Docket Number 2004013027, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that the Board of Optometry has received a Petition for Declaratory Statement, which was filed on August 27, 2004, by Victoria V. Haines, O.D. Petitioner seeks a declaratory statement of the interpretation of Rule 64B13-3.008, F.A.C. More specifically, Petitioner is asking the Board if a lease agreement she is contemplating is permitted by the cited Board rule.

The Board will address this Petition at its next meeting.

A copy of the Petition for Declaratory Statement may be obtained by writing: Joe Baker, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

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:**

Jack Richer and J. D. Raymond, as Trustees and Winewood Park, Ltd. vs. Department of Management Services; Case No.: 04-3131RX; Rule Nos.: 60H-1, 60H-2

Calder Race Course, Inc. vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 04-3026RX; 61D-7.021

Florida Chiropractic Association, Inc. and Marc H. Kalmanson, d/b/a Holistic Healthcare Consultants, Inc. vs. Department of Health, Division of Medical Quality Assurance; Case No.: 04-3172RP; Rule Nos.: 64B-5.001, 64B-5.002

James H. Busch vs. Department of Financial Services, Bureau of Fire Standards and Training; Case No.: 04-3045RP; 69A-62

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Southpoint Health Care Associates, LLC, d/b/a Southpoint Nursing and Rehabilitation Center vs. Agency for Health Care Administration; Case No.: 04-0628RU; Voluntarily Dismissed

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

REQUEST FOR BID

The University of Florida, Purchasing Division will receive sealed bids for the following two projects:

05L-215, W/O #811141, Weil Chiller Plant – Mechanical, estimated budget: \$850,000 to \$900,000 to be opened October 13, 2004, at 2:00 p.m. Local Time. Scope of work: The work includes providing for replacement of pumps, piping and related equipment as required to upgrade the Weil Chiller Plant and installation of a 1700 ton Owner-Direct-Purchased chiller.

05L-216, W/O #811145, Weil Chiller Plant – Electrical, estimated budget: \$350,000 to \$400,000 to be opened October 13, 2004, at 2:30 p.m. Local Time. Scope of work: The work includes providing for replacement of medium voltage electrical equipment including transformers, switches, cable, starters and all related devices to support the upgrade of the Weil Chiller Plant, including a new 1700 ton chiller.

Specifications and Plans are available for both projects at Moses & Associates, Inc., 2209 N. W. 40th Terrace, Suite A, Gainesville, FL 32605, Telephone (352)372-1911. A Mandatory Pre-Bid Meeting will be held for both October 13, 2004, at 2:00 p.m. in the Physical Plant Division, Architecture/Engineering Conference Room, Building 700, Radio Road, Gainesville, FL. Mandatory Pre-Qualification documentation shall be received for both projects October 20, 2004 by the close of business. All questions should be directed to Moses & Associates, Inc., (352)372-1911. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Moses & Associates, (352)372-1911 within three (3) days of the event.

NOTICE TO CONSTRUCTION MANAGEMENT FIRMS  
OFFICE OF FACILITIES DESIGN AND CONSTRUCTION  
Duval County Public Schools  
Request for Qualifications (RFQ)  
FOR

Construction Management Services

The Office of Facilities Design and Construction announces that Construction Management services are required for the following project:

Project Number: M-88850

Project Title: Districtwide HVAC at First Coast High School No. 265

Project Location: 590 Duval Station Road, Jacksonville, Florida 32218

RFQ's ARE DUE ON OR BEFORE NOVEMBER 2, 2004  
AND WILL BE ACCEPTED UNTIL 4:30 P.M.

The selected Construction Manager will provide preconstruction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase.

Scope of Work: Replacement of HVAC system in various campus buildings, associated re-piping, and replace EMCS. As an alternate, should funds become available, the Duval County Public Schools may expand the scope of this project to include Engineering Services for a duplicate HVAC Project at Mandarin High School No. 260, if in the best interest of the District. Election of this alternate is at the sole discretion of the District. Budgeted not to exceed \$1.5 million construction budget.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including but not limited to experience and ability, financial capability, record keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control ability, qualifications of firm's personnel, staff and consultants, and distance from the construction site.

To receive application information and instruction booklet or for additional information contact the Project Manager listed below or visit [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities).

Applications are to be sent to:

Facilities Design and Construction  
1701 Prudential Drive, 5th Floor  
Jacksonville, FL 32207-8182

PROJECT MANAGER: Gary Stengl  
PHONE NO.: (904)390-2279  
MBE GOALS: 15% Overall

Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Forms and Standards, then under General Documents, Selection of Construction Manager.

**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."

**EXPRESSWAY AUTHORITIES**

NOTICE OF INVITATION TO BID  
MDX PROJECT NO. 40012

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a Landscape Contractor or General Contractor ("Bidder") for the procurement and installation of Orange Geigers and shrubs within State Road (SR) 836, (the "Project") between N. W. 45th Avenue and N. W. 57th Avenue. The Work for the Project consists of, but is not limited to, providing all labor, materials, equipment and incidentals including maintenance of traffic schemes necessary for the installation of Orange Geigers and shrubs.

The MDX System is comprised of State Road (SR) 112, SR 836, SR 874, SR 878 and SR 924.

Sealed Bids will be received at the MDX Headquarters Building, located at 3790 N. W. 21st Street, Miami, Florida 33142 ("MDX Headquarters Building"), until 2:00 p.m., Tuesday, October 26, 2004. In order to submit a Bid, a Bidder must be prequalified by the State of Florida Department of Transportation (FDOT) in accordance with Rule Chapter 14-22, Florida Administrative Code, or provide proof of successful completion of at least 3 FDOT or Miami-Dade County projects of similar size and scope, including the re-creation of native habitats within the last 5 years on the bid submittal date. A Bidder that is not prequalified in accordance with Rule Chapter 14-22, Florida Administrative Code, or experienced as detailed above on the date of the Bids submittal shall be declared "NON RESPONSIVE" and the Bid will be REJECTED.

Copies of the Plans, Specifications and the Bid Blank book will be available on Monday, September 27, 2004 after 2:00 p.m. at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami. The cost of these documents is \$25.00 per set. Make checks payable to the Miami-Dade Expressway Authority. No refunds will be made for the above charges for any of the documents.

The Contract time for this Project is set for Seventy Five (75) calendar days from the date a Notice to Proceed is issued.

MDX has scheduled a Mandatory Pre-Bid Conference to discuss the Project with interested Bidders on Wednesday, September 29, 2004, 10:00 a.m. at the MDX Headquarters Building located at 3790 N. W. 21st Street, Miami. Please be advised that attendance at this meeting is Mandatory. Any Bidder not attending the Mandatory Pre-Bid Conference will be declared "Non-Responsive".

If you have any questions regarding this notice, or would like additional information, please contact:

Ms. Helen M. Cordero  
MDX Procurement Officer  
Ph. (305)637-3277  
Fax (305)637-3281  
E-mail: [hcordero@mdx-way.com](mailto:hcordero@mdx-way.com)

All sealed Bids must be received by MDX at 3790 N. W. 21st Street, Miami, Florida 33142, no later than 2:00 p.m., Tuesday, October 26, 2004.

**EQUAL EMPLOYMENT OPPORTUNITIES:** The Miami-Dade Expressway Authority prohibits discrimination on the basis of race, color, sex, age, national origin, religion, and disability or handicap in accordance with the Provisions of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq., the Florida Civil Rights Act of 1992, as amended, § 760.10 et seq., Fla. Stat., and other Federal and state discrimination statutes. MDX notifies all Firms and individuals that it requires and encourages equal employment opportunities for minorities and women.

MDX strongly supports disadvantaged, small, minority and women owned businesses having full opportunity to submit Proposals in response to this RFQ and commits that Proposers will not be discriminated against on the basis of sex, race, color, national origin, religion or disability, or other protected status. The overall goal of MDX is to obtain an M/WBE and/or DBE participation of twenty-five percent (25%) for the aggregate of its projects ("Overall Participation Goal"). However, compliance with the Overall Participation Goal is not a prerequisite for the Project, nor does it count towards either the Small Business Goal or the SBE Bonus.

**SMALL BUSINESS ENTERPRISES PROGRAM:**

In accordance with MDX Small Business Participation Policy (copy of this policy may be obtained from MDX website), a 15% Small Business Participation is required for the Project. MDX will also be awarding SBE Bonus to Bidders that exceed the required SBE participation. Complete details of this requirement will be included in the Bid Blank.

**MDX RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS RECEIVED**

**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."

**SCHOOL READINESS COALITION**

Notice of Request for Proposals

Title: REQUEST FOR PROPOSALS FOR CHILD CARE RESOURCE AND REFERRAL SERVICES

Purpose: The School Readiness Coalitions in Alachua, Putnam and Dixie/Gilchrist/Levy Counties are issuing a consolidated solicitation for responses for Child Care Resource and Referral service as part of the support infrastructure for school readiness services in their respective service delivery areas. The responder will coordinate and arrange for Child Care Resource and Referral Services in accordance with each of the three

approved Coalition plans and the system requirements of the central child care resource and referral network of the Florida Partnership for School Readiness (Partnership) or other oversight state agency, as Florida law provides.

The Request for Proposals will be available for distribution by October 8, 2004, with the successful respondent's contract to begin January 1, 2005. Deadline for all proposals will be on November 3, 2004. Contract Award Notice will be posted December 11, 2004. Please contact PWD Solutions, Inc., 140 South Beach Street, Suite 202, Daytona Beach, FL 32114, [cmiles@pwdinc.org](mailto:cmiles@pwdinc.org), (386)267-0511 Fax, for more information.

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

**PUBLIC NOTICE**

The Division of Historical Resources announces that it is soliciting applications for State and Federal grant-in-aid assistance for historic preservation projects.

The deadline for filing applications is December 15, 2004 and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m. that day or clearly postmarked or show evidence of submission to an express mail service on or before that date.

Further information may be obtained from the Grants and Education Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or call (850)245-6333.

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA04-OR-189

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND DEVELOPMENT REGULATIONS ADOPTED BY ORDINANCE NO. 2004-15

**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.052(9), Fla. Stat. (2003), 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 the City of Marathon is a local government within the Florida Keys Area.

2. On July 16, 2004, the Department received for review City of Marathon Ordinance No. 2004-15 that was adopted by the City of Marathon Board of City Commissioners on July 13, 2004 ("Ord. 2004-15"). Ord. 2004-15 extends the previous moratorium on accepting certain ROGO applications that propose development in high quality natural areas until certain comprehensive plan and LDR policies are adopted or one year, whichever date is earlier.

3. Ord. 2004-15 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 2004-15 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2004-15 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.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

9. Ord. 2004-15 is not inconsistent with the remaining Principles. Ord. 2004-15 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2004-15 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.

Valerie J. Hubbard, Director  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT

REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 22nd day of September, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable John Bartus, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

Cindy Ecklund, City Clerk  
City of Marathon  
10045-55 Overseas Highway  
Marathon, Florida 33050

Mike Puto  
Acting City Manager  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John Herin, Esq.  
Stearns Weaver Miller Weissler  
Alhadeff & Sitterson, P.A.  
Suite 2200 Museum Tower  
150 West Flagler Street  
Miami, Florida 33130

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Mazda Motor of America, Inc., d/b/a Mazda North American Operations, intends to allow the establishment of Duval Motors of the Avenues, Inc., d/b/a Duval Mazda at the Avenues, as a dealership for the sale of Mazda automobiles, at US Highway 1-Phillips Highway, Parcel "A", Part of the Northwest 1/4 of the Northeast 1/4 of Section 12, Township 4 South, Range 27 East, Duval County, Florida, Located 1.0 miles South of I-95 and 0.6 tenths of one mile North of Highway 9-A (Duval County), Florida, on or after November 30, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Duval Motors of the Avenues, Inc., d/b/a Duval Mazda at the Avenues are dealer operator: David C. Hodges, Jr., 701 Riverside Park Place, Suite 310, Jacksonville, Florida 32204; principal investor(s): David C. Hodges, Jr., 701 Riverside Park Place, Suite 310, Jacksonville, Florida 32204; Walter A. McRae, Jr., 701 Riverside Park Place, Suite 310, Jacksonville, Florida 32204; Henry H. Graham, Jr., 701 Riverside Park Place, Suite 310, Jacksonville, Florida 32204; William A. Long, 701 Riverside Park Place, Suite 310, Jacksonville, Florida 32204; Lawrence M. Matheny, Jr., 701 Riverside Park Place, Suite 310, Jacksonville, Florida 32204; Scott P. Keith, 701 Riverside Park Place, Suite 310, Jacksonville, Florida 32204; Bruce D. Ivey, 701 Riverside Park Place, Suite 310, Jacksonville, Florida 32204; R. Glynn Wimberly, 701 Riverside Park Place, Suite 310, Jacksonville, Florida 32204.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Greg Smith, Regional Operations Manager, Mazda North American Operations, Southeast Region, 8313 Baycenter, Jacksonville, Florida 32256.

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.

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Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of Williamson Saturn of Miami Lakes, Inc., d/b/a HUMMER of Miami Lakes as a dealership for the sale of HUMMER motor vehicles, from its present location at 6200 N. W. 167th Street, Miami Lakes, Florida 33014, to a proposed location at Northeast corner of the intersection at Pines Blvd and Hiatus Road, Pembroke Pines (Broward), Florida, on or after October 19, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Williamson Saturn of Miami Lakes, Inc., d/b/a HUMMER of Miami Lakes are dealer operator: George E. Williamson II, 6200 N. W. 167th Street, Miami Lakes, Florida 33014; principal investor(s): George E. Williamson II, 6200 167th Street, Miami Lakes, Florida 33014; Motors Holding Division 100 Renaissance Center, Detroit, Michigan 48265-1000.

The notice indicates intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: William A. Affeidt, General Motors Corporation, MC 482-A07-C66, 100 Renaissance Center, Detroit, Michigan 48265-1000.

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 relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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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, Ford Motor Company, Lincoln Mercury Division, intends to allow the establishment of Martell Lincoln Mercury, Inc., as a dealership for the sale and servicing of Lincoln and Mercury vehicles, at 9000 N. W. 12th Street, Miami, Florida 33126, on or after March 31, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Martell Lincoln Mercury, Inc are dealer operator: Henry Manell, 600 Grapetree Drive, Suite 78 South, Key Biscayne, Florida 33149; principal investor(s): Henry Manell, 600 Grapetree Drive, Suite 78 South, Key Biscayne, Florida 33149.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.



Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Gary Olsson, Retail Development Manager, 151 Southhall Lane, Suite 160, Maitland, Florida 32751.

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.

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#### 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, Daimler Chrysler Motors Company, LLC., intends to allow the establishment of Napleton's North Palm Auto Park, Inc., d/b/a Napleton's Northlake Chrysler Jeep Dodge, as a dealership for the sale of Dodge Motor Vehicles, at 3703 Northlake Boulevard, Lake Park, (Plam Beach County) Florida 33403, on or after September 1, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Napleton's North Palm Auto Park, Inc., d/b/a Napleton's Northlake Chrysler Jeep Dodge is dealer operator: Edward F. Napleton, 3703 Northlake Boulevard, Lake Park, Florida 33403; principal investor(s): Edward F. Napleton, as a trustee under the Edward F. Napleton Revocable Self Declaration of Trust dated October 1, 1992, 3703 Northlake Boulevard, Lake Park, Florida 33403.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: G. E. Nevers, Dealer Network Development Manager, DaimlerChrysler Motors Company, LLC, 10300 Boggy Creek Road, Orlando, Florida 32824.

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.

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#### Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of Williamson Saturn of Miami Lakes, Inc., d/b/a Saturn of Miami Lakes as a dealership for the sale of Saturn automobiles, from its present location at 6200 N. W. 167 Street, Miami Lakes, Florida 33014, to a proposed location at 300 S. University Drive, Pembroke Pines (Broward), Florida 33025, on or after October 18, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Williamson Saturn of Miami Lakes, Inc., Saturn of Miami Lakes are dealer operator: Louis Vera; principal investor(s): George E. Williamson II, 6200 N.W. 167th Street, Miami Lakes, Florida 33014; Motors Holding Division, 100 Renaissance Center, Detroit, Michigan 48266-1000. The notice indicates intent to relocate the franchise 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, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Andrew Hagan, Franchise Manager, Saturn Corporation, 100 Renaissance Center, Post Office Box 100, Detroit, Michigan 48265.

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 relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**DEPARTMENT OF HEALTH**

On September 15, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Harriet Kazakowitz, D.C., license number CH 6271. 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.

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On September 15, 2004, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Ellen Todd, D.H., license number DH 6800. 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.

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On September 15, 2004 John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Grace M. Valente, M.D. license number ME 73992. This Emergency Restriction 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.

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On September 20, 2004, John O. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Kelly Susan Matthews, R.N., license number RN 9173801. 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.

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**FISH AND WILDLIFE CONSERVATION  
COMMISSION**

The Florida Fish and Wildlife Commission, Division of Law Enforcement, hereby gives notice of its intent to release seized watercraft in FWC Case No.: 04-0035. The subject watercraft is a 2003 Ocean Runner, 27SF, Hull ID# BPR270021203. The watercraft will be released to Odalys Martinez, as demanded by her counsel, Alex Hanna. Release is anticipated as occurring on October 25, 2004. Any party objecting to said release should notify Elise Matthes or Captain Alan Richard in the Legal Office, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

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**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN BY THE DEPARTMENT OF FINANCIAL SERVICES. The following carrier, pursuant to Section 627.6475(6)(c), F.S., has elected to become "risk-assuming": Continental General Insurance Company. Public comments will be received until October 22, 2004. Comments may be addressed to Larry Daniels, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0327, (850)922-3152, Ext. 5026.

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NOTICE IS HEREBY GIVEN BY THE DEPARTMENT OF FINANCIAL SERVICES. The following carrier, pursuant to Section 627.6475(6)(c), F.S., has elected to become "risk-assuming": Universal Health Care, Inc. Public comments will be received until October 22, 2004. Comments may be addressed to Larry Daniels, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0327, (850)922-3152, Ext. 5026.

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NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, 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, pursuant to provisions specified in Chapter 3C-105, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 22, 2004:

APPLICATION TO MERGE

Constituent Institutions: Lawyers Credit Union, Miami 33130, and University Credit Union, Miami 33143

Resulting Institution: University Credit Union

With Title: University Credit Union

Received: September 13, 2004

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at [http://www.dbf.state.fl.us/banking/cu\\_expansion.html](http://www.dbf.state.fl.us/banking/cu_expansion.html).

Name and Address of Applicant: City County Credit Union of Fort Lauderdale, 1982 North State Road 7, Margate, Florida 33063

Expansion Includes: Geographic

Received: September 14, 2004

Name and Address of Applicant: State Employees Credit Union, Post Office Box 2927, Jacksonville, Florida 32232-0056

Expansion Includes: Geographic

Received: September 9, 2004

Name and Address of Applicant: Omni Community Credit Union, Post Office Box 23045, Jacksonville, Florida 32241

Expansion Includes: Geographic

Received: September 20, 2004

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN September 13, 2004  
 and September 17, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF REVENUE**

12-13.004	9/14/04	10/4/04	30/23	
<b>Corporate, Estate and Intangible Tax</b>				
12C-1.044	9/14/04	10/4/04	30/20	30/30

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CORRECTIONS**

33-302.106	9/15/04	10/5/04	30/33	
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**COMMISSION ON ETHICS**

34-7.010	9/14/04	1/1/05	30/32	
34-13.210	9/17/04	10/7/04	30/32	
34-13.214	9/17/04	10/7/04	30/32	
34-13.270	9/17/04	10/7/04	30/32	
34-13.320	9/17/04	10/7/04	30/32	
34-13.400	9/17/04	10/7/04	30/32	
34-13.410	9/17/04	10/7/04	30/32	
34-13.420	9/17/04	10/7/04	30/32	
34-13.500	9/17/04	10/7/04	30/32	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

60A-1.002	9/13/04	10/3/04	30/14	30/27
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

61G6-12.0015	9/13/04	10/3/04	30/33	
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61G6-12.0016	9/13/04	10/3/04	30/33	
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**Board of Professional Geologists**

61G16-8.001	9/13/04	10/3/04	30/26	30/34
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-204.800	9/17/04	10/1/04	30/32	
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**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

64B-6.001	9/15/04	10/5/04	30/28	
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64B-6.002	9/15/04	10/5/04	30/28	
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64B-6.003	9/15/04	10/5/04	30/28	
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**Board of Psychology**

64B19-17.0035	9/15/04	10/5/04	30/32	
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Section XIV  
List of Rules Affected

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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INSURANCE

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w - Signifies Withdrawal of Proposed Rule(s)
- c - Rule Challenge Filed
- v - Rule Declared Valid
- x - Rule Declared Invalid
- d - Rule Challenge Dismissed
- dw - Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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STATE

1B-2.011	30/37		
1B-24.002	26/43		
1S-2.015	30/25	30/27	
		30/37	
		30/40	
1S-2.030		28/13	30/37
	30/25	30/27	30/37
1S-5.001	30/22	30/36	

LEGAL AFFAIRS

2A-8.005	30/26		30/33
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BANKING AND FINANCE

3C-560.103	30/22	30/37	30/37
3C-560.707	30/22	30/37	30/37
3C-560.805	30/22	30/37	30/37
3C-560.902	30/22	30/37	30/37
3C-560.903	30/22	30/37	30/37
3C-560.904	30/22	30/37	30/37
3C-560.908	30/22	30/37	30/37
3D-40.205	30/34	30/37	
3D-40.225	30/34	30/37	
3E-48.005	28/42		
3E-301.005	30/23	30/37	30/37
3F-5.0015	29/39	29/45	
3F-5.0035	29/39	29/45	
3F-5.004	29/39	29/45	
3F-5.006	29/39	29/45	
3F-5.008	29/39	29/45	

4-138.047	28/41		
4-149.203	29/52	30/3	
4-149.204	29/52	30/3	
4-149.205	29/52	30/3	
4-149.206	29/52	30/3	
4-149.207	29/52	30/3	
4-154.201	29/37	30/3	
4-154.202	29/37	29/42	
		30/3	
4-154.203	29/37	29/46	
		30/3	
4-154.204	29/37	30/3	
4-154.210	29/37	30/3	
4-154.525	29/16	29/25	
4-166.045	30/1	30/3	
4-176.013	29/36	30/3	
4-200.007	29/44	30/3	
4-211.031	27/44		
4-228.055	26/35		
4A-3.002	27/12		
4A-21.115	29/37	29/46	
4A-41.108	29/25		
4A-62.0001	29/44	29/46	
4A-62.001	29/44	29/46	
4A-62.002	29/44	29/46	
4A-62.003	29/44	29/46	
4A-62.006	29/44	29/46	
4A-62.007	29/44	29/46	
4A-62.020	29/44	29/46	
4A-62.021	29/44	29/46	
4A-62.022	29/44	29/46	
4A-62.023	29/44	29/46	
4A-62.030	29/44	29/46	
4A-62.031	29/44	29/46	
4A-62.032	29/44	29/46	
4A-62.033	29/44	29/46	
4A-62.034	29/44	29/46	
4A-62.035	29/44	29/46	
4A-62.036	29/44	29/46	
4A-62.040	29/44	29/46	
4A-62.041	29/44	29/46	
4A-62.042	29/44	29/46	
4A-62.043	29/44	29/46	
4A-62.044	29/44	29/46	
4A-62.045	29/44	29/46	
4C-6.003	29/38	30/29	
4C-40.0055	28/47		
4L-24.023 1	29/39	29/46	

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
AGRICULTURE AND CONSUMER SERVICES				6A-6.030281	30/7		30/38
5A-16.003	30/40				30/16c		
5A-16.004	30/40			6A-6.03029	30/7		30/38
5A-16.005	30/40				30/16c		
5B-58.001	27/29			6A-6.03032	30/7		30/38
	27/42	27/49	30/40w	6A-6.0331	30/7		30/38
5B-58.001(16)	27/50c				30/16c		
5CER04-3			30/36	6A-6.03311	30/7		30/38
5C-3.001	30/40				30/16c		
5C-3.002	30/40			6A-6.03312	30/7		30/38
5C-3.003	30/40				30/16c		
5C-3.004	30/40			6A-6.03313	30/7		30/38
5C-3.005	30/40				30/16c		
5C-3.007	30/40			6A-6.03314	30/7		30/38
5C-3.009	30/40				30/16c		
5C-3.011	30/40			6A-6.03315	30/29		
5C-3.012	30/40			6A-6.03411	30/7	30/13	
5C-21.002	30/40					30/36	
5C-21.010	30/40				30/16c		
5C-21.011	30/40			6A-6.080	16/30		
5C-21.012	30/40			6A-14.0061	30/20	30/27	30/33
5C-21.015	30/40			6A-14.076	30/29		30/38
5C-21.018	30/40			6C-7.0055	30/26		
5E-2.0042	30/15			6C3-8.001	Newspaper		30/33
5E-2.011	29/32			6C3-8.002	Newspaper		30/33
5E-4.003	30/34	30/40		6C3-8.003	Newspaper		30/33
5E-4.0041	30/34	30/40		6C3-8.004	Newspaper		30/33
5E-9.019	30/25		30/37	6C3-8.005	Newspaper		30/33
5E-9.021	30/25		30/37	6C3-8.006	Newspaper		30/33
5E-9.026	30/25	30/32	30/37	6C7-3.033	Newspaper		30/37
5E-9.027	30/25		30/37	6C8-4.018	Newspaper		30/34
5E-9.029	30/25		30/37	6C8-6.010	Newspaper		30/34
5E-9.032	30/25		30/37	6C8-7.030	Newspaper		30/34
5E-9.036	30/25		30/37	6C8-11.005	Newspaper		30/34
5FER04-2			30/25	6C10-7.001	Newspaper		30/39
5F-2.017	30/31		30/38	6C10-7.002	Newspaper		30/39
5K-4.020	30/35			6C10-7.003	Newspaper		30/39
5L-1.003	30/24		30/33	6C11-5.001	Newspaper		30/39
	30/32		30/39	6C11-5.002	Newspaper		30/39
5L-1.007	30/24		30/33	6C11-5.003	Newspaper		30/39
	30/32		30/39	6C11-6.003	Newspaper		30/39
5L-1.019	30/24		30/33	6E-1.0032	30/39		
5N-1.140	30/22		30/33	6E-2.002	30/39		
				6E-2.004	30/27		
				6E-2.0042	30/15		
				6E-2.0061	30/39		
				6E-3.002	28/43		
					30/34		
6A-1.094222	30/34	30/39		6L-1.001	28/12		
6A-6.030191	30/7	30/13	30/38	6L-1.002	28/12		
	30/16c			6L-1.004	28/12		
6A-6.0302	30/16c			6L-1.005	28/12		
6A-6.03020	30/7		30/38	6L-1.006	28/12		
	30/16c			6L-1.007	28/12		
6A-6.03028	30/7	30/13		6L-1.008	28/12		
		30/36					
	30/16c						
EDUCATION							



Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
6L-1.009	28/12						
6L-1.010	28/12						
6L-1.011	28/12						
6L-1.012	28/12						
6L-1.013	28/12						
6M-7.0055	30/26						
COMMUNITY AFFAIRS				LAW ENFORCEMENT			
9-1	30/36c			11B-14.001	30/36		
	30/36c			11B-14.002	30/36		
9BER04-1			30/39	11B-14.003	30/36		
9B-1.020	30/19		30/33	11B-14.005	30/36		
9B-3.047	30/13	30/26		11B-18.003	30/36		
9B-60.002	30/34			11B-18.004	30/36		
9B-60.003	30/34			11B-18.005	30/36		
9B-60.004	30/34			11B-18.0052	30/36		
9B-60.005	30/34			11B-18.0053	30/36		
9B-60.008	30/34			11B-18.0071	30/36		
9B-72.005	30/26			11B-18.008	30/36		
9B-72.010	30/26			11B-18.010	30/36		
9B-72.030	30/26			11B-20.001	30/39		
9B-72.040	30/26			11B-20.0012	30/39		
9B-72.045	30/26			11B-20.0013	30/39		
9B-72.050	30/26			11B-20.0014	30/39		
9B-72.060	30/26			11B-20.0016	30/39		
9B-72.070	30/26			11B-20.0017	30/39		
9B-72.080	30/26			11B-21.001	30/39		
9B-72.090	30/26			11B-21.002	30/39		
9B-72.100	30/26			11B-21.005	30/39		
9B-72.130	30/26			11B-21.0051	30/39		
9B-72.135	30/26			11B-21.018	30/39		
9B-72.160	30/26			11B-21.019	30/39		
9J-5.0055	18/40			11B-21.0011	30/39		
9K-7.001	30/36			11B-27.002	30/39		
9K-7.002	30/36			11B-27.0021	30/39		
9K-7.003	30/36			11B-27.00211	30/39		
9K-7.004	30/36			11B-27.00212	30/39		
9K-7.005	30/36			11B-27.00213	30/39		
9K-7.007	30/36			11B-27.0022	30/39		
9K-7.009	30/36			11B-27.00225	30/39		
9K-7.010	30/36			11B-27.003	30/39		
9K-7.011	30/36			11B-27.004	30/39		
9K-7.013	30/36			11B-27.005	30/39		
9K-8.004	30/36			11B-27.006	27/17		
9K-8.007	30/36			11B-27.013	30/39		
9K-8.011	28/13			11B-30.006	30/39		
	30/36			11B-30.0062	30/39		
9K-8.012	30/36			11B-30.0063	30/39		
9K-8.014	30/36			11B-30.007	30/39		
HEALTH AND REHABILITATIVE SERVICES				11B-30.0071	30/39		
10-5.011(1)(v)	15/46c			11B-30.008	30/39		
10M-9.026	22/1			11B-30.009	30/39		
10M-9.045	22/1			11B-30.011	30/39		
				11B-30.012	30/39		
				11B-30.014	19/40		
				11B-35.001	30/39		
				11B-35.0011	30/39		
				11B-35.002	30/39		
				11B-35.0021	30/39		
				11B-35.0023	30/39		
				11B-35.0024	30/39		
				11B-35.003	30/39		



Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
14-103.006	30/14			STATE BOARD OF ADMINISTRATION			
14-103.007	30/14			19-8.010	30/28		30/35
14-103.0071	30/14			19-8.029	30/28		30/35
14-103.008	30/14			19-10.001	30/28		
14-103.009	30/14			19-10.002	30/28		
14-103.0091	30/14			19-10.003	30/28		
14-103.010	30/14			19-11.002	30/28	30/36	
14-103.011	30/14			19-11.004	30/28	30/36	
14-111.001	30/15	30/27	30/33	19-11.005	30/28	30/36	
	NATURAL RESOURCES			19-11.006	30/28	30/36	
16P-1.001	30/25		30/33	19-11.007	30/28		
16P-1.002	30/25		30/33	19-12.007	30/28	30/40	
16P-1.003	30/25		30/33	19-13.001	30/28		
16P-1.004	30/25		30/33	19-13.002	30/28		
16P-1.006	30/25		30/33	19-13.003	30/28		
16P-2.001	30/25		30/33	19-13.004	30/28		
16P-2.002	30/25		30/33	19-14.001	30/28		
16P-2.003	30/25		30/33	19B-15.001	28/8		
16P-2.004	30/25		30/33	19B-15.002	28/8		
16P-2.005	30/25		30/33	19B-15.003	28/8		
16P-2.006	30/25		30/33	19B-15.004	28/8		
16P-2.007	30/25		30/33	19B-15.005	28/8		
16P-2.008	30/25		30/33	19B-15.006	28/8		
16P-2.009	30/25		30/33	19B-15.007	28/8		
16P-2.010	30/25		30/33	19B-15.008	28/8		
16P-2.011	30/25		30/33	19B-15.009	28/8		
16P-2.012	30/25		30/33	19B-15.010	28/8		
16P-2.013	30/25		30/33	19B-15.011	28/8		
16P-3.001	30/25		30/33	CITRUS			
16P-3.002	30/25		30/33	20-15.001	28/46	29/10	
16P-3.003	30/25		30/33	20-15.002	28/46		
16P-3.004	30/25		30/33	20-15.003	28/46	29/10	
16P-3.005	30/25		30/33	20-115.001	30/33		
16P-3.006	30/25		30/33	20-116.001	30/33		
	ENVIRONMENTAL REGULATION			20-116.002	30/33		
17-503.420	16/15			PROFESSIONAL REGULATION			
17-503.430	16/15			21M-49.002	19/6c		
17-503.500	16/15			21M-50.002	19/6c		
17-660.300	15/50	16/8		21M-50.003	19/6c		
17-671.100	15/32			21M-50.007	19/6c		
17-671.200	15/32			21M-50.009	19/6c		
17-671.300	15/32			FLORIDA PAROLE COMMISSION			
17-671.310	15/32			23-21.002	30/20		30/33
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25-4.083	30/19	30/31	30/36	33-32.021	19/5		
25-6.109(4)	30/29c			33-32.022	19/5		
25-22.0365	30/25		30/33	33-38.001	25/35	25/43	
25-24.490	30/19	30/31	30/36	33-38.003	25/35	25/43	
25-24.516	30/29		30/36	33-38.005	25/35	25/43	
25-24.630	30/29		30/36	33-38.006	25/35	25/43	
25-24.845	30/19		30/36	33-38.009	25/35	25/43	
25-30.457	30/32			33-38.010	25/35	25/43	
25-30.458	30/32			33-38.011	25/35	25/43	
EXECUTIVE OFFICE OF THE GOVERNOR				33-38.012	25/35	25/43	
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27E-4.002	20/11			33-204.001	30/33		
27E-4.003	20/11			33-204.002	30/36		
27E-4.004	20/11			33-204.003	30/36		
27E-4.005	20/11			33-204.004	30/33		
27E-4.006	20/11			33-204.005	30/36		
27E-4.007	20/11			33-204.111	27/29		
27E-4.008	20/11			33-208.507	26/16		
				33-210.101		28/40	30/38
					30/30		30/38
				33-210.102	30/30		30/38
				33-210.103	30/30		30/38
				33-210.104	30/22		30/36
				33-301.104	30/40		
28-18.210	30/29			33-301.105	30/40		
	30/36c			33-302.101	30/30		30/39
28-20	30/36c			33-302.103	30/39		
28-20.110	30/29			33-302.106	30/33		30/40
28-20.120	30/29			33-302.110	30/30	30/38	
				33-302.111	30/36		
				33-302.115	30/30		30/38
				33-601.100	30/25		30/36
29C-1.005	29/4			33-601.211	30/34		
29I-1.001	30/12			33-601.223	30/33	30/37	
29I-1.002	30/12			33-601.224	30/30		30/38
29I-1.003	30/12			33-601.226	30/30		30/37
29I-1.004	30/12			33-601.230	29/19		
29I-1.005	30/12			33-601.233	30/34		
29I-1.006	30/12			33-601.234	30/34		
29I-1.007	30/12			33-601.236	30/34		
29I-1.008	30/12			33-601.237	30/34		
29I-1.009	30/12			33-601.241	30/34		
29I-1.010	30/12			33-601.242	30/34		
				33-601.302	30/30		30/37
				33-601.314	30/33		
33-2.001	23/25			33-601.401	30/33		30/40w
33-3.0081	25/35	25/43		33-601.602	30/33	30/37	
33-3.0082	25/35	25/43		33-601.606	30/39		
33-3.0084	25/35	25/43		33-601.725	28/4	28/9	
33-3.0085	25/35	25/43			30/39		
33-3.015	21/43			33-601.738	26/48	27/38	
33-3.018	17/14			33-601.800	30/39		
33-8.0142	19/43						
33-22.003	17/12						

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33-602.112	30/36				25/3		
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		26/38	30/33	40D-6.011	30/33		
	30/9	30/20	30/33	40D-6.021	30/33		
		30/25	30/33	40D-6.031	30/33		
33-602.205	30/39			40D-6.041	30/33		
33-602.210	30/33	30/37		40D-6.051	30/33		
33-602.224	30/36			40D-6.091	30/33		
33-602.601	30/38			40D-6.101	30/33		
COMMISSION ON ETHICS				40D-6.201	30/33		
				40D-6.301	30/33		
34-7.010	30/32		30/40	40D-6.321	30/33		
34-13.210	30/32		30/40	40D-6.331	30/33		
34-13.214	30/32		30/40	40D-6.411	30/33		
34-13.270	30/32		30/40	40D-6.521	24/50		
34-13.320	30/32		30/40	40D-8.624	30/40		
34-13.400	30/32		30/40	40D-8.6240	23/38	24/48	
34-13.410	30/32		30/40	40D-45.341	19/42	20/3	
34-13.420	30/32		30/40	40D-116.002	29/52		
34-13.500	30/32		30/40	40D-602.221	28/47		
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				40E-1.607	19/43		
38E-106.401	24/1			40E-1.612	20/18	21/36	
38F-8.055	22/4			40E-1.614	20/18	21/36	
38I-60.200	20/7			40E-1.659		29/31	30/38
38K-1.0045	23/27				30/18	30/32	30/38
				40E-3.032	28/5		
WATER MANAGEMENT DISTRICTS				40E-3.0391	28/5		
				40E-4.091		29/31	30/40w
					29/50c		
40B-2.321	30/22	30/36			30/18		30/40w
40B-4.1010	30/22		30/37		30/30		
40B-4.1040	30/22	30/34		40E-7.523	28/39		
40B-4.1060	30/22		30/37	40E-7.532	28/39		
40B-4.1070	30/22		30/37	40E-7.639	22/23	22/37	
40B-4.1100	30/22		30/37	40E-20.651	29/17		
40B-4.1130	30/22		30/37	40E-63.223	27/2	27/9	
40B-4.1140	30/22		30/37	40E-601.314	26/9		
40B-4.2010		21/33	30/37	COMMISSION FOR THE TRANSPORTATION DISADVANTAGED			
	30/22		30/37				
40B-4.2020	30/22		30/37	41-2.011	30/25		
40B-4.2030	30/22	30/34		FLORIDA LAND AND WATER ADJUDICATORY COMMISSION			
40B-4.2040	30/22		30/37				
40B-4.3000	30/22		30/37	42UU-1.001	30/27		30/37
40B-4.3010	30/22	30/34		42UU-1.002	30/27		30/37
40B-4.3020	30/22		30/37	42UU-1.003	30/27		30/37
40B-4.3030	30/22	30/34		42VV-1.001	30/27		30/37
40B-4.3040	30/22		30/37	42VV-1.002	30/27		30/37
40C-1.101	27/52			42VV-1.003	30/27		30/37
40C-1.181	20/18			42WW-1.001	30/32		
40C-400.201	21/48	21/48		42WW-1.002	30/32		
40D-1.202	19/36	19/42		42WW-1.003	30/32		
40D-1.659	30/31		30/39				
40D-2.091	22/48						
40D-2.301	22/48						
40D-2.331	20/48						
40D-4.091	22/48						

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45A-2.001	21/49			59-1	29/8c		
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					30/10c		
46-15.002	21/35			59A-2.024	20/1		
46-21.007(1)	18/2			59A-3.170	21/20		
46-24.003	21/27			59A-3.180	21/3		
46-37.001	20/18			59A-3.2055	22/52	23/10	
46-37.002	20/18	20/25		59A-3.255	29/36	29/48	
46-37.003	20/18					30/3	
46-37.004	20/18	20/25			29/43c		
46-37.005	20/18			59A-7.020	20/25		
46-37.006	20/18	20/25		59A-11.0115	30/5		
46-42.003	20/35			59A-11.0125	30/28		
46-47.007	22/27			59A-12.020	26/32	26/36	
LOTTERY				59A-18.003	26/25		
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53ER04-29			30/23	59A-33.002	29/52		
53ER04-30			30/24	59A-33.003	29/52		
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53ER04-35			30/28	59A-33.008	29/52		
53ER04-36			30/29	59A-33.009	29/52		
53ER04-37			30/29	59A-33.010	29/52		
53ER04-38			30/29	59A-33.011	29/52		
53ER04-39			30/31	59A-33.012	29/52		
53ER04-40			30/31	59A-33.013	29/52		
53ER04-41			30/33	59A-33.014	29/52		
53ER04-42			30/33	59B-7.020	19/30		
53ER04-43			30/33	59B-7.021	19/30		
53ER04-44			30/35	59B-7.022	19/30		
53ER04-45			30/35	59B-7.023	19/30		
53ER04-46			30/36	59B-7.024	19/30		
53ER04-47			30/36	59B-7.025	19/30		
53ER04-48			30/38	59B-7.026	19/30		
53ER04-49			30/38	59B-7.027	19/30		
53ER04-50			30/38	59B-7.028	19/30		
53ER04-51			30/39	59B-7.029	19/30		
53ER04-52			30/40	59C-1.008	30/35		
53ER04-53			30/40	59C-1.021	30/35		
53ER04-54			30/40	59E-1.001	20/27		
53-17.001	30/38			59E-1.002	20/27		
53-17.002	30/38			59E-1.003	20/27		
53-19.0035	25/43			59E-1.004	20/27		
53-302.101	29/22			59E-1.005	20/27		
53-302.109	29/22			59E-1.006	20/27		
				59E-1.007	20/27		
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				59G-4.020	30/39		
55-11.005	30/32			59G-4.050	30/40		
55A-7.011	30/32			59G-4.055	21/39	21/45	
				59G-4.060	30/27		

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59G-4.160	30/33			60BB-4.401	30/29		
59G-4.170	30/36			60BB-4.500	30/29		
59G-4.200	30/24	30/31	30/39	60BB-4.501	30/29		
59G-4.340	30/27			60BB-4.502	30/29		
59G-6.010	30/32			60BB-4.503	30/29		
59G-6.020	30/32			60C-1.001	30/25	30/33	30/37w
59G-6.030	30/32			60C-1.002	30/25	30/33	30/37w
59G-6.040	30/36			60C-1.003	30/25	30/33	30/37w
59G-6.045	30/32			60C-1.004	30/25	30/33	30/37w
59G-6.090	30/36			60C-1.005	30/25	30/33	30/37w
59G-8.100	30/36			60C-1.006	30/25	30/33	30/37w
59G-8.200	29/30	29/42		60C-1.007	30/25	30/33	30/37w
		29/47		60C-1.008	30/25	30/33	30/37w
	30/6c			60C-2.001	30/25	30/33	30/37w
	30/9c			60C-2.003	30/25	30/33	30/37w
59G-9.070	30/9			60C-2.004	30/25	30/33	30/37w
59G-12.001	29/41			60C-2.005	30/25	30/33	30/37w
59G-12.002	29/41	29/48		60C-2.006	30/25	30/33	30/37w
59G-12.003	29/41			60C-2.007	30/25	30/33	30/37w
59G-12.004	29/41			60C-2.008	30/25	30/33	30/37w
59G-12.005	29/41	29/48		60C-2.009	30/25	30/33	30/37w
59G-208.101	27/4	27/16		60C-6.001	30/25	30/33	30/37w
59H-1.00352	26/3	26/17		60C-6.002	30/25	30/33	30/37w
59M-3.005	21/25			60C-6.004	30/25	30/33	30/37w
59O-2.002	22/34	24/49		60C-6.005	30/25	30/33	30/37w
59O-2.003	22/34	24/49		60C-6.006	30/25	30/33	30/37w
59O-3.002	22/34	24/49		60C-6.007	30/25	30/33	30/37w
59O-9.003	22/34	24/48		60C-6.008	30/25	30/33	30/37w
59Q-9.002	20/39			60C-6.009	30/25	30/33	30/37w
59R-62.010	21/5			60DD-3.001	30/12		30/40w
59R-62.040	21/5			60DD-3.002	30/12	30/22	30/40w
59T-11.013	23/22	23/35				30/28	30/40w
59T-14.004	23/22	23/35				30/34	30/40w
59T-15.002	23/22	23/35		60DD-3.003	30/12		30/40w
59T-16.001	23/22	23/35		60DD-3.004	30/12	30/22	30/40w
59T-16.002	23/22	23/35		60DD-3.005	30/12	30/34	30/40w
59U-11.019	20/51	21/7		60DD-4.001	30/25	30/33	
59U-14.002	23/24	23/35		60DD-4.002	30/25	30/33	
59V-3.007	20/34	20/48				30/36	
59Y-5.001	23/11			60DD-4.003	30/25	30/33	
				60DD-4.004	30/25	30/33	
				60DD-4.005	30/25	30/33	
				60DD-4.006	30/25	30/33	
				60DD-5.001	30/25	30/33	30/38
				60DD-5.002	30/25	30/33	30/38
				60DD-5.003	30/25	30/33	30/38
				60DD-5.004	30/25	30/33	30/38
				60DD-5.005	30/25	30/33	30/38
				60DD-6.001	30/25	30/33	
				60DD-6.002	30/25	30/33	
						30/36	
				60DD-6.003	30/25	30/33	
				60DD-6.004	30/25	30/33	
				60DD-6.005	30/25	30/33	
				60DD-6.006	30/25	30/33	
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60A-1.001	30/22	30/27	30/34				
60A-1.002	30/14	30/27	30/40				
		30/33	30/40				
60A-1.005	30/10	30/28	30/34				
60A-1.006	30/17	30/25	30/34				
60A-1.011	30/37						
60A-1.015	30/37						
60A-1.021	30/14	30/21	30/34				
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60A-1.031	30/32						
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60A-1.041	30/14	30/27	30/33				

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60DD-7.001	30/39			61B-36.003	29/17	29/46	
60DD-7.002	30/39			61B-39.001	22/33		
60DD-7.003	30/39			61B-39.002	22/33		
60DD-7.004	30/39			61B-80.101	30/40		
60DD-7.006	30/39			61B-80.102	30/40		
60DD-7.007	30/39			61B-80.103	30/40		
60DD-7.008	30/39			61B-80.104	30/40		
60DD-7.009	30/39			61B-80.105	30/40		
60DD-7.010	30/39			61B-80.106	30/40		
60DD-7.011	30/39			61B-80.107	30/40		
60DD-7.013	30/39			61B-80.108	30/40		
60DD-7.014	30/39			61B-80.109	30/40		
60H-1	30/40c			61B-80.110	30/40		
60H-2	30/40c			61B-80.111	30/40		
60L-39.002	30/39			61B-80.112	30/40		
60L-39.003	30/39			61B-80.113	30/40		
60L-39.005	30/39			61B-80.114	30/40		
60L-39.006	30/39			61B-80.115	30/40		
60T-25.001	18/41	18/44		61B-80.116	30/40		
60T-25.002	18/41	18/44		61B-80.117	30/40		
60Z-1.026	29/10			61B-80.118	30/40		
60Z-2.017	29/10			61B-80.119	30/40		
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61-20.0025	30/27			61B-80.121	30/40		
61-50.1405	30/12			61B-80.122	30/40		
61A-4.0271	22/47			61B-80.123	30/40		
61A-7.001	29/41	30/17		61B-81.001	30/40		
61A-7.002	29/41			61B-81.002	30/40		
61A-7.003	29/41	30/17		61B-81.003	30/40		
61A-7.004	29/41	30/17		61B-82.001	30/40		
61A-7.005	29/41			61B-82.002	30/40		
61A-7.006	29/41			61B-82.003	30/40		
61A-7.007	29/41			61B-82.004	30/40		
61A-7.008	29/41			61B-82.005	30/40		
61A-7.010	29/41			61B-82.006	30/40		
61A-7.011	29/41			61B-82.007	30/40		
61A-7.012	29/41			61B-82.007	30/40		
61A-7.013	29/41	30/17		61B-83.001	30/40		
61A-7.014	29/41	30/17		61B-83.002	30/40		
61A-7.015	29/41			61B-83.003	30/40		
61B-15.0012	30/21		30/34	61B-83.004	30/40		
61B-17.002	30/21		30/35	61C-1.002	22/23	22/36	
61B-17.005	30/21		30/35	61C-3.002	22/23	22/36	
61B-17.006	30/21		30/35	61C-5.001	26/24		
61B-30.004	20/19			61C-5.016	30/34		
61B-30.006	22/45			61C-76.0061	21/35		
61B-31.001	23/2			61C-76.0062	21/35		
61B-31.002	23/2			61DER04-2			30/39
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	30/21		30/38	61G4-15.002	27/23		
61D-7.015		22/35	30/38	61G4-15.005	30/6	30/8	
	30/21		30/38		30/15c		30/37d
61D-7.020		22/35	30/38	61G4-17.001	19/29		
	30/21		30/38	61G4-18.004	30/39		
61D-7.021		22/35	30/38	61G5-24.006	30/25	30/30	30/36
	30/21	30/32	30/38	61G6-5.001	29/5	29/7	
	30/40c			61G6-9.004	30/26		30/33
61D-7.022		22/35	30/38	61G6-12.0015	30/33		30/40
	30/21	30/32	30/38	61G6-12.0016	30/33		30/40
61D-7.023		22/35	30/38	61G7-5.001	30/23		30/36
	30/21		30/38	61G7-5.0011	30/23		30/36
61D-7.024	30/21		30/38	61G7-5.0012	30/23		30/36
61D-8.002		22/35	30/38	61G7-5.002	30/23		30/36
	30/21	30/32	30/38	61G7-5.003	30/23		30/36
61D-8.006	30/21		30/38	61G7-5.0031	30/23		30/36
61D-9.001		22/35	30/38	61G7-5.0032	30/23		30/36
	30/21	30/32	30/38	61G7-5.0033	30/23		30/36
61D-9.003		22/35	30/38	61G7-5.0034	30/23		30/36
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61D-9.004	30/21		30/38	61G7-6.001	30/16	30/25	30/33
61D-9.005	30/21		30/38			30/26	30/33
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61D-11.002(1)	30/36c			61G7-10.0011	30/39		
61D-11.005(2),(9)	30/36c			61G7-10.0013	30/39		
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61D-13.004	30/13	30/26	30/33	61G10-12.001	26/24		
61D-13.005	30/13	30/26	30/33	61G11-25.001	20/22		
61D-13.006	30/13	30/26	30/33	61G14-12.003	30/36		
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61F6-34.001	20/7			61G15-18.011	30/30		30/37
61F6-50.007	18/53	20/24		61G15-35.003	30/34		
61F9-6.0035	19/36			61G16-2.001	23/12		
61F9-6.011	19/36			61G16-3.001	30/39		
61F9-6.013	19/36			61G16-5.003	21/43	21/50	
61F14-3.016	19/36			61G16-8.001	30/26	30/34	30/40
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61G1-17.002	30/26		30/36			19/52	30/33
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61G2-3.005	21/33			61G17-9.007	29/39		
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61G2-4.001	21/29			61G18-16.003	26/29		
61G3-16.0091	27/11			61G18-16.0035	26/29		
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61J1-2.005	28/41	28/43		62-40.475	28/51		
	29/44			62-40.510	28/51		
61J1-3.001	28/41	28/43		62-40.520	28/51		
61J1-3.002	28/41	28/43		62-40.531	28/51		
61J1-4.001	30/37			62-40.540	28/51		
61J1-4.003	30/37			62-40.610	28/51		
61J1-4.005	28/41	28/43		62-204.800	30/32		30/40
	29/44	30/26		62-302.540	27/52		
61J1-4.240	27/45				29/12		
61J1-7.004	28/41	28/43		62-304.510	29/25		
61J1-7.005	28/41	28/43		62-304.700	29/43c		
61J2-2.027	30/35			62-312.122	24/18		
61J2-2.029	30/35			62-330.2001	26/9		
61J2-3.008	30/22			62-561.100	24/52		
61J2-3.009	30/22			62-610.814	24/52		
61J2-3.020	30/22			62-621.200	21/52		
61J2-5.018	29/44	30/8		62-730.050	23/7		
61J2-5.019	29/44	30/8		62-761.891	24/14		
61J2-5.020	29/44			62D-5.054	30/24		30/33
61J2-6.006	29/44			62D-5.056	30/24		30/33
61J2-14.012	29/44			62D-5.057	30/24		30/33
61J2-17.009	29/44			62D-5.058	30/24		30/33
61J2-17.012	28/3	28/17		62D-5.059	30/24		30/33
61J8-4.022	29/10			62N-36.004	21/43		
61K1ER04-1			30/24	62R-7.022	21/17		
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61M-1.003	30/35			62R-7.028	21/17		
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	29/13c			64B-5.001	30/30		
	29/13c				30/40c		
62-40.110	28/51			64B-5.002	30/30		
62-40.120	28/51				30/40c		
62-40.210	28/51			64B-6.001	30/28		30/40
62-40.310	28/51			64B-6.002	30/28		30/40
62-40.410	28/51			64B-6.003	30/28		30/40
62-40.411	28/51			64B-21.0015	27/39		
62-40.412	28/51			64B-21.004	27/39		
62-40.416	28/51			64B-21.006	27/39		
62-40.422	28/51			64B1-3.009	30/32		
62-40.425	28/51			64B1-4.001	30/6		30/36w
62-40.430	28/51				30/32		
62-40.431	28/51				30/36		
62-40.432	28/51			64B1-4.0011	30/32		
62-40.450	28/51			64B1-6.011	30/4		
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64B2-16.0075	30/37			64B12-8.021	30/26		30/33
64B2-16.010	30/37			64B12-8.022	30/26		30/33
64B2-16.011	30/37			64B12-8.023	30/26		30/33
64B3-2.001	23/51			64B12-10.004	30/33		
64B3-2.002	22/34	24/49		64B12-10.007	30/26		30/33
64B3-2.003	22/34	24/49		64B12-19.002	27/11		
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64B3-3.004	23/51			64B13-6.001		29/18	30/35
64B3-5.003		27/20	30/33		30/22		30/35
		27/21	30/33	64B13-11.001		28/49	30/35
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64B3-8.006	30/30				30/3	30/16	30/35
64B4-3.001	25/22			64B13-18.002	30/21	30/29	
64B4-4.005	30/29		30/36	64B14-4.200	30/36		
64B4-4.017	25/32			64B14-5.003	30/36		
64B4-4.018	25/32			64B14-7.001	30/36		
64B4-5.007	25/32			64B14-7.004	30/36		
64B4-6.0013	25/32			64B16-26.1001	30/33		
64B4-6.0045	25/32			64B16-26.1002	30/33		
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64B5-2.017	30/20	30/33		64B16-26.1021	30/33		
64B5-15.010	27/30			64B16-26.1022	30/33		
64B5-16.005	29/42			64B16-26.104	30/34		
64B5-16.006	29/42			64B16-26.200	30/39		
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64B6-1.016	28/52			64B16-26.2031	30/34		
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64B6-7.004	30/39			64B16-26.320	30/34		
64B6-55.004	27/41			64B16-26.400	30/34		
64B7-27.012	24/12			64B16-26.603	30/34		
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64B8-5.001	29/26	29/52		64B16-28.140	24/38		
64B8-8.001	30/26		30/33	64B16-28.141	30/36		
64B8-8.003	30/26		30/33	64B16-28.503	30/36		
64B8-9.003(2)	29/43c			64B16-28.606	30/36		
64B8-9.0091	30/40			64B16-28.871	29/43c		
64B8-9.0092	30/40				29/43c		
64B8-9.014	29/50c			64B17-3.003	30/37		
64B8-13.0045	27/48	28/16		64B19-17.0035	30/32		30/40
64B8-30.005	30/35			64B19-17.004	30/20	30/32	30/38
64B8-30.012	29/23c			64B19-18.006	30/21		30/39
64B8-51.002	30/30			64B19-18.007	30/21	30/33	30/39
64B8-52.004	30/18		30/33	64B20-2.002	25/45	26/30	
64B8-54.004	27/41			64B20-4.003	30/39		
64B8-304.700	29/43c			64B20-7.001	30/39		
64B9-3.007	25/9			64B20-7.007	30/39		
64B9-8.006	30/30			64B24-4.001	29/16	30/32	
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64B24-4.006	29/16	30/32				28/31	
64B24-4.007	29/16	30/32				28/41	
64B24-4.010	29/16			65A-1.702	30/38		
64B32-1.005	30/36			65A-1.707	30/37		
64B32-2.002	30/36			65A-1.712	30/26		30/39
64B32-3.004	30/36			65A-1.716	30/22		30/35
64B32-5.001	28/3	28/5		65A-4.213	25/32		
64B32-6.007	30/33			65A-4.215	30/24		30/38
64C-1.003	30/36c			65A-4.216	25/32		
64C-4.003	30/29			65A-15.0095	26/4		
64C-13.018	24/22			65C-20.008	30/17	30/28	30/37
64C-23.002	27/17			65C-20.009	30/17	30/28	30/37
64C-27.001	27/17			65C-20.010	30/17	30/28	30/37
64C-27.002	27/17			65C-20.011	30/17	30/28	30/37
64E-2.010	30/31	30/37		65C-20.012	30/17	30/28	30/37
64E-6.007	25/48			65C-20.013	30/17	30/28	30/37
64E-9	30/21c		30/37d	65C-21.001	23/20		
64E-9.007(16)(b)	30/10c			65C-22.001	30/17	30/28	30/37
64E-9.011(2)(g), (8)(c)	30/10c			65C-22.002	30/17	30/28	30/37
64E-18.002	30/40			65C-22.003		28/5	30/37
64E-18.003	30/40				30/17	30/28	30/37
64E-18.004	30/40			65C-22.004	30/17	30/28	30/37
64E-18.005	30/40			65C-22.005	30/17	30/28	30/37
64E-18.007	30/40			65C-22.006	30/17	30/28	30/37
64E-18.008	30/40			65C-22.007	29/9		
64E-18.0091	30/40				30/17	30/28	30/37
64E-18.010	30/40			65C-22.008	30/17	30/28	30/37
64E-25.001	30/18	30/27	30/33	65E-2.003	26/20	26/28	
64E-25.002	30/18	30/27	30/33	65E-14.001	30/28		
64E-25.003	30/18	30/27	30/33	65E-14.002	30/28		
64E-25.004	30/18		30/33	65E-14.021	30/28		
64E-25.005	30/18		30/33	65E-14.022	30/28		
64E-25.006	30/18		30/33	FLORIDA HOUSING FINANCE CORPORATION			
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64F-12.018	30/29		30/37	67ER04-3			30/37
64F-20.001	30/27		30/35	67ER04-4			30/37
64V-1.001	30/35			67ER04-5			30/37
64V-1.002	30/35			67ER04-6			30/37
64V-1.003	30/35			67ER04-7			30/38
64V-1.0032	30/35			67ER04-8			30/38
64V-1.006	30/35			67ER04-9			30/38
64V-1.0061	30/35			67ER04-10			30/38
64V-1.018	30/2			67ER04-11			30/38
64V-1.019	30/35			67ER04-12			30/38
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67-32.009	24/28			69A-62.0001	29/44	29/46	30/36
67-48.002	30/39					30/27	30/36
67-48.010	30/39			69A-62.001	29/44	29/46	
67-50.001	30/24	30/35		69A-62.002	29/44	29/46	
67-50.005	30/24	30/35		69A-62.003	29/44	29/46	30/36
67-50.010	30/24	30/35				30/27	30/36
67-50.020	30/24	30/35		69A-62.006	29/44	29/46	30/36
67-50.030	30/24	30/35				30/27	30/36
67-50.040	30/24	30/35		69A-62.007	29/44	29/46	30/36
67-50.050	30/24	30/35				30/27	30/36
67-50.060	30/24	30/35		69A-62.020	29/44	29/46	30/36
67-50.070	30/24	30/35				30/27	30/36
67-50.080	30/24	30/35		69A-62.021	29/44	29/46	30/36
67-50.090	30/24	30/35				30/27	30/36
67-50.100	30/24			69A-62.022	29/44	29/46	30/36
67-54.002	30/39					30/27	30/36
67-54.003	30/39			69A-62.023	29/44	29/46	30/36
67-54.004	30/39					30/27	30/36
67-54.005	30/39			69A-62.030	29/44	29/46	30/36
67-54.006	30/39					30/27	30/36
67-54.007	30/39			69A-62.031	29/44	29/46	30/36
67-54.008	30/39			69A-62.032	29/44	29/46	30/36
67-54.009	30/39			69A-62.033	29/44	29/46	30/36
67-54.010	30/39					30/27	30/36
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68A-23.005	30/1			69A-62.035	29/44	29/46	30/36
68A-24.003	28/17					30/27	30/36
68A-24.004	28/17			69A-62.036	29/44	29/46	30/36
68A-24.0055	30/1					30/27	30/36
68A-24.006	28/17			69A-62.040	29/44	29/46	30/36
	30/1			69A-62.041	29/44	29/46	30/36
68A-24.009	30/1			69A-62.042	29/44	29/46	30/36
68B-3.008	30/34			69A-62.043	29/44	29/46	30/36
68B-13.008	27/31	26/13		69A-62.044	29/44	29/46	30/36
68B-45.004	30/34			69A-62.045	29/44	29/46	30/36
68C-22.013	30/22			69BER04-4			30/35
68C-22.014	30/22			69BER04-13			30/38
68C-22.016	30/22			69BER04-14			30/39
68C-22.022	30/22			69BER04-15			30/40
68DER04-1			30/39	69BER04-16			30/40
68DER04-2			30/39	69C-6.003	29/38	30/29	30/34
68DER04-3			30/40	69IER04-1			30/29
				69IER04-2			30/29
				69IER04-3			30/29
FINANCIAL SERVICES				69I-20.001	30/37		
69-211.042	30/10c		30/37d	69I-20.0021	30/37		
69A-2.024	30/18	30/35		69I-20.0022	30/37		
69A-60.002	30/20			69I-20.0023	30/37		
69A-60.003	30/20			69I-20.0027	30/37		
69A-60.004	30/20			69I-20.030	30/37		
69A-60.005	30/20	30/39		69I-20.035	30/37		
69A-60.007	30/20	30/39		69I-20.036	30/37		
				69I-20.050	30/37		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
69I-20.071	30/37			69L-3.01945	30/37		
69I-20.072	30/37			69L-3.0195	30/37		
69I-20.073	30/37			69L-3.021	30/37		
69I-20.074	30/37			69L-3.0212	30/37		
69I-20.075	30/37			69L-3.0213	30/37		
69I-20.076	30/37			69L-3.0214	30/37		
69I-20.077	30/37			69L-3.025	30/37		
69I-20.078	30/37			69L-6.019	30/39		
69I-20.079	30/37			69M-1	29/52c		
69I-20.080	30/37			69OER04-5			30/36
69L-3.001	30/37			69OER04-7			30/36
69L-3.002	30/37			69OER04-9			30/37
69L-3.003	30/37			69O-137.001	30/28		
69L-3.0033	30/37			69O-138.001	30/28		
69L-3.0035	30/37			69O-149.0055	30/39		
69L-3.0036	30/37			69O-149.038	30/39		
69L-3.004	30/37			69O-170.013	30/14		
69L-3.0045	30/37			69O-170.013(7)	30/21c		
69L-3.0046	30/37			69O-186.003	30/18		30/37w
69L-3.0047	30/37			69O-186.005	30/18		30/37w
69L-3.0085	30/37			69O-186.016	30/18		30/37w
69L-3.0091	30/37			69O-191.0545	30/39		
69L-3.012	30/37			69V-560.103	30/22		30/37
69L-3.016	30/37			69V-560.707	30/22		30/37
69L-3.018	30/37			69V-560.805	30/22		30/37
69L-3.019	30/37			69V-560.902	30/22		30/37
69L-3.0191	30/37			69V-560.903	30/22		30/37
69L-3.01915	30/37			69V-560.904	30/22		30/37
69L-3.0192	30/37			69V-560.908	30/22		30/37
69L-3.01925	30/37			69W-301.005	30/23		30/37
69L-3.0193	30/37						
69L-3.0194	30/37						