

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

## DEPARTMENT OF EDUCATION

### Florida School for the Deaf and the Blind

RULE TITLE: Campus/Security Police Department  
RULE NO.: 6D-12.002

PURPOSE AND EFFECT: This rule establishes the guidelines for the Campus Security/Police Department of the Florida School for the Deaf and the Blind and shows that the Policies and Procedures Manual of the Department have been revised.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Campus Security/Police Policies and Procedures Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(8)(f) FS.

Due to hurricane Jeanne the Rule Development Workshop scheduled for September 25, 2004 was cancelled.

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

TIME AND DATE: 9:00 a.m., October 23, 2004

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

## DEPARTMENT OF EDUCATION

### Florida School for the Deaf and the Blind

RULE TITLE: Human Resource Management and Development  
RULE NO.: 6D-16.002

PURPOSE AND EFFECT: This rule establishes the guidelines for the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Human Resource Management and Development Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(4)(f)5. FS.

Due to hurricane Jeanne the Rule Development Workshop scheduled for September 25, 2004 was cancelled.

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

TIME AND DATE: 9:00 a.m., October 23, 2004

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF PRELIMINARY DRAFT, IF AVAILABLE, IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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: Use of Inmates in Public Works  
RULE NO.: 33-601.202

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for conducting criminal history background checks on prospective non-department supervisors of inmate work crews, and to specify the types of inmates who may only be supervised by department personnel.

SUBJECT AREA TO BE ADDRESSED: Use of inmates in public works.  
SPECIFIC AUTHORITY: 944.09, 946.40(1) FS.  
LAW IMPLEMENTED: 944.09, 944.10(7), 946.002, 946.40(1) 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:

- 33-601.202 Use of Inmates in Public Works.
- (1) through (3) No change.
- (4) Inmates in the following categories shall be supervised by Department of Corrections employees only:
  - (a) Those who are classified as close or medium custody;
  - (b) through (5) No change.

(6) For each person not an employee of the Department of Corrections, who is to supervise inmates under this rule, the ~~assistant warden or designee contracting body or organization shall conduct complete a National Crime Information Center/Florida Crime Information Center (NCIC/FCIC) system criminal history background check. The contracting body or organization shall submit, in writing, a report stating that such person has not been convicted of a crime, or if convicted, the date and nature of the crime and the disposition of the criminal charges. The report shall also include a statement from the contracting body or organization that the person is capable of supervising inmates.~~

(7) through (9) No change.

Specific Authority 944.09, 946.40(1) FS. Law Implemented 944.09, 944.10(7), 946.002, 946.40(1) FS. History--New 6-20-84, Formerly 33-3.17, Amended 2-27-86, 10-31-86, 1-28-98, 8-13-98, Formerly 33-3.017, Amended 2-7-02,

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

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

RULE TITLE: Guidance and Minimum Levels for Lakes  
RULE NO.: 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.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Crescent Lake, Horse Lake, Lake Pretty, Lake Taylor, Lake Wimauma in Hillsborough County, Florida, and Middle Lake in Pasco County, Florida.

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, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 6:30 p.m., Thursday, October 28, 2004

PLACE: District's Tampa Service Office, 7601 U.S. Highway 301, N., Tampa, FL 33637

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

WHAT: Public workshop on proposed minimum and guidance levels for Crescent Lake, Horse Lake, Lake Pretty, Lake Taylor, Lake Wimauma in Hillsborough County, Florida, and Middle Lake in Pasco County, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource

Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Certificate of Need Application Projects  
RULE NO.: 59C-1.004

Subject to Batch and Expedited Review  
PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines the projects subject to certificate of need (CON) batch and expedited review. The rule incorporates statutory changes to these two types of CON reviews, clarifies who may submit an application for expedited CON review and clarifies what the 30-mile radius is for an inactively licensed nursing home. A preliminary draft of the rule amendments is included in this Notice.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that outlines two types of certificate of need review.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.036(1),(2) FS.

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

TIME AND DATE: 2:00 p.m. Eastern Standard Time, October 18, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.004 Certificate of Need Application Projects Subject to Batch and Expedited Review.

(1) Projects Subject to a Comparative Review. ~~Unless subject to expedited review under subsection 408.036(2), F.S., and subsection (2) of this rule, or exempted under subsection 408.036(3), F.S., and Rule 59C-1.005, F.A.C.,~~ the following projects are subject to comparative review and the batching cycle procedures specified in Rule 59C-1.008, F.A.C., and will be reviewed in accordance with procedures set forth in subsection 59C-1.010(3), F.A.C.:

(a) The addition of beds in community nursing homes or intermediate care facilities for the developmentally disabled (ICF/DD), by new construction or alteration unless exempt pursuant to paragraph 408.036(3)(s), F.S.

(b) The new construction or establishment of additional health care facilities, including a replacement health care facility when the proposed project site is not located on the same site or within one mile of ~~as~~ the existing health care facility, if the number of beds in each licensed bed category will not increase and unless exempt pursuant to paragraph 408.036(3)(p), F.S.

(c) The conversion from one type of health care facility to another, including the conversion of a general hospital, a specialty hospital, or a long-term care hospital.

(d) An increase in the total licensed bed capacity for comprehensive rehabilitation unless exempt under paragraph 408.036(3)(i), F.S. of a health care facility.

(e) The establishment of a hospice or hospice inpatient facility, except as provided in Section 408.043, F.S.

(f) The establishment of inpatient tertiary health services by a health care facility, ~~or a substantial change in such services.~~

(g) An increase in the number of beds for acute care, in a hospital that is located in a low-growth county as defined in paragraph 408.036(3)(g), F.S. specialty burn units, neonatal intensive care units, comprehensive rehabilitation, mental health services, hospital-based distinct part skilled nursing units, nursing home care, or at a long term care hospital.

(h) ~~The establishment of tertiary health services.~~

(2) Projects Subject to Expedited Review. Unless reviewable under (1) above or exempted under subsection 408.036(3), F.S., the following projects are subject to expedited review, and will be reviewed in accordance with procedures set forth in subsection 59C-1.010(4), F.A.C.:

(a) Sheltered nursing home beds.

(b) ~~Replacement of a health care facility at a site different from the existing facility, provided the site is located in the same district and within a 1 mile radius of the existing facility.~~

(c) ~~Research, education and training programs.~~

(d) ~~Shared services contracts or projects.~~

(b)(e) Transfer of a certificate of need except that when an existing hospital is acquired by a purchaser, all certificates of need issued to the hospital which are not yet operational shall be acquired by the purchaser, without need for a transfer.

(f) ~~Conversion of hospital beds licensed for mental health services, a distinct part skilled nursing unit, or general acute care, as described in s. 408.036(2)(f), F.S.~~

(c) Replacement of a nursing home within the same district, if the proposed project site is located within a geographic area that contains at least 65 percent of the facility's current residents and is within a 30-mile radius of the replaced nursing home.

1. In the case of nursing homes with inactive licenses, the facility address shall be considered the geographic area containing at least 65 percent of the facility's current residents.

2. The nursing home license holder is the only entity that may submit the application to replace the nursing home, pursuant to paragraph 59C-1.008(1)(h), F.A.C.

(d) Relocation of a portion of the nursing home's licensed beds to a facility within the same district, if the relocation is within a 30-mile radius of the existing facility and the total number of nursing home beds in the district does not increase.

1. Applications submitted under this paragraph may be accepted from entities other than the license holder. When that is the case, the entity submitting the application must provide a notarized letter from an individual listed as owner of the entity which hold the nursing home license as identified in agency licensure records that indicates that he or she is in agreement with the proposal and certifies that beds will be delicensed at the licensed nursing home should the CON be awarded to the non-licensed applicant.

2. The relocation of beds under this paragraph may not represent more than 65 percent of the number of community beds at the licensed facility.

Specific Authority 408.034(6)(5), 408.15(8) FS. Law Implemented 408.036(1),(2) FS. History--New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, Formerly 10-5.04, Amended 11-24-86, 11-17-87, 1-31-91, 1-1-92, Formerly 10-5.004, Amended 9-9-92, 1-9-95, 11-4-97, 12-12-00, 11-12-01, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Project Specific Certificate of Need  
 Application Procedures

RULE NO.: 59C-1.0085

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The agency is proposing to amend the rule currently used to describe certain types of applications including transfer, shared service, and mental health conversions. The amended rule removes requirement for hospitals to submit transfer applications, for expedited shared service applications, clarifies conversion requires for mental health services located at the same facility and amends the minimum fee required for application submission. A preliminary draft of the rule is included in this Notice.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.  
 LAW IMPLEMENTED: 408.033, 408.034, 408.035, 408.036, 408.037(2), 408.038, 408.039, 408.042 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: 2:00 p.m. Eastern Standard Time, October 18, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.0085 Project Specific Certificate of Need Application Procedures.

In addition to the requirements set forth in Rule 59C-1.008, F.A.C., the following requirements apply to the projects described below:

(1) No change.

(a) An application to transfer a certificate of need is subject to an expedited review, as specified in Section 408.036(2)(a)(e), F.S., except that when an existing hospital is acquired by a purchaser, all certificates of need issued to the hospital which are not yet operational shall be acquired by the purchaser, without need for a transfer.

(b) No change.

(c) The application fee for transfer of a certificate of need is \$10,000 ~~5,000~~ provided there is no increase in the project cost approved for the certificate of need that is being transferred. The filing fee for a transfer involving an increase in the project cost shall be calculated based on the amount of increase in accordance with Section 408.038, F.S., and paragraph 59C-1.008(3)(a), F.A.C.

(d) A transfer application is required if the intended licensee or operator for approved nursing home beds in a combined certificate of need, as authorized by an exemption under Section 408.036(3)(g)(4), F.S., will be an entity other than the holder of any of the uncombined certificates of need.

(e) A transfer application is required if the intended licensee or operator for the approved nursing home beds included in a component or components of a divided certificate of need, as authorized by an exemption under Section 408.036(3)(h)(m), F.S., will be an entity other than the holder of the undivided certificate of need.

(f) through (h) No change.

(2) Conversion of licensed mental health ~~hospital~~ beds. As provided in Section 408.036(5)(c)(2)(f), F.S., notification to the agency an expedited review is applicable for hospital projects proposing to increase the licensed capacity of acute care beds or the licensed capacity of a category of mental health services beds through conversion of other mental health specified beds at the same hospital.

(a) Mental health beds include adult and child/adolescent psychiatric beds and adult and child/adolescent substance abuse beds. Conversion under this subsection may not establish a new licensed bed category at the hospital.

(b) Licensed acute care bed capacity may be increased under this subsection through:

~~1. Conversion of beds in one or more of the categories of licensed mental health services beds; or~~

~~2. Conversion of distinct part skilled nursing unit (SNU) beds:~~

~~(e) Licensed bed capacity in a category of mental health services beds may be increased under this subsection through:~~

~~1. Conversion of beds in one or more of the other categories of licensed mental health services beds; or~~

~~2. Conversion of acute care beds.~~

~~(b)(d) Conversions under this subsection shall not increase the total licensed bed capacity of the hospital.~~

~~(e) Beds added by conversion under this subsection must be licensed and operational for at least 12 months before the hospital may apply for additional conversion affecting beds of the same type.~~

(3) Shared service arrangement. Any application for a project involving a shared service arrangement is subject to a comparative review when the health service being proposed requires a Certificate of Need to implement and is not currently provided by any of the applicants, or an expedited review when the health service being proposed is currently provided by one of the applicants. Proposals for a shared service arrangement must be limited to hospitals located in the same service planning area, as defined by the agency and applicable for the service being proposed.

~~(a) The following factors are considered when reviewing applications for shared services where none of the applicants are currently authorized to provide the service:~~

~~(a)1-~~ Each applicant jointly applying for a new health service must be a party to a formal written legal agreement.

~~(b)2-~~ Certificate of Need approval for the shared service will authorize the applicants to provide the new health service as specified in the original application.

~~(c)3-~~ Certificate of Need approval for the shared service shall not be construed as entitling each applicant to independently offer the new health service. Authority for any party to offer the service exists only as long as the parties participate in the provision of the shared service.

~~(d)4-~~ Any of the parties providing a shared service may seek to dissolve the arrangement upon notice to the agency consistent with Section 408.036(5)(3)(4), F.S. If termination of the agreement occurs, all parties to the original shared service give up their rights to provide the service.

~~(e)5-~~ Parties seeking to provide the service independently in the future must submit applications in the next applicable review cycle and compete for the service with all other applicants.

~~(f)6-~~ All applicable statutory and rule criteria are met.

~~(b) The following factors are considered when reviewing applications for shared services when one of the applicants has the service:~~

~~1. A shared services contract occurs when two or more providers enter into a contractual arrangement to jointly offer an existing or approved health care service. A shared services contract must be written and legal in nature. These include legal partnerships, contractual agreements, recognition of the provision of a shared service by a governmental payor, or a similar documented arrangement.~~

~~a. Each of the parties to the shared services contract must contribute something to the agreement including but not limited to facilities, equipment, patients, management or funding.~~

~~b. For the duration of a shared services contract, none of the entities involved has the right or authority to offer the service in the absence of the contractual arrangement except the entity which originally was authorized to provide the service.~~

~~e. A shared services contract is not transferrable. New parties to the original agreement constitute a new contract and require a new Certificate of Need.~~

~~d. A shared services contract may encompass any existing or approved health care service. The following items will be evaluated in reviewing shared services contracts:~~

~~(I) The demonstrated savings in capital equipment and related expenditures;~~

~~(II) The health system impact of sharing services, including effects on access and availability, continuity and quality of care; and,~~

~~(III) Other applicable statutory review criteria.~~

~~e. A shared services arrangement may be terminated upon notice to the agency consistent with section 408.036(3)(1), F.S. If termination of the agreement occurs, the entity(ies) authorized to provide the service prior to the contract retains the right to continue the service. All other parties to the contract who seek to provide the service in their own right must request the service as a new health service and are subject to full Certificate of Need review as a new health service.~~

~~(4) No change.~~

~~(5) Reestablishment of an inpatient health service regulated under this Chapter. Reestablishment of a health service which was not offered continuously at a health care facility for the 12-month period prior to the proposed reestablishment is a substantial change in health services, and requires a certificate of need.~~

Specific Authority 408.034(6), 408.15(8) FS. Law Implemented 408.034(2),408.036(2), 408.037(2), 408.042 FS. History--New 1-31-91, Formerly 10-5.0085, Amended 10-18-95, 10-8-97, 12-12-00,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Certificate of Need Application Review Procedures  
RULE NO.: 59C-1.010

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The agency is proposing to amend the rule currently used to describe the time frames and the certificate of need (CON) application process. The amended rule removes requirements for CON filing with Local Health Councils and clarifies what is required for applicants to certify that they will license and operate a health care facility or hospice. A preliminary draft of the rule amendments is included in this Notice.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033, 408.035, 408.036(1) 408.037, 408.038, 408.039 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: 2:00 p.m. Eastern Standard Time, October 18, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.010 Certificate of Need Application Review Procedures.

(1) No change.

(2) General Provisions.

(a) Applications subject to comparative or expedited review shall be submitted to the agency ~~and the Local Health Council~~ on AHCA Form CON-1, as referenced in paragraph 59C-1.008(1)(f), F.A.C.

(b) Applications for projects involving an existing health care facility shall be filed by the current license holder as listed on the current agency license in effect at the time of the applicant omission deadline specified in subparagraph (3)(a)3. or (4)(d)3. of this rule, or the application shall be withdrawn from consideration. Applications submitted by corporations required to have filed incorporation papers or foreign corporation papers in order to do business in Florida must be able to do business in Florida prior to notifying the Agency of its intentions in a comparative review cycle or by the time it files an expedited applicaiton, if the project is subject to expedited review.

(c) No change.

(3) No change.

(a) No change.

1. through 2. No change.

3. If an applicant does not provide the specific additional information required by statute and rule in writing to the agency within 21 calendar days of the receipt of the agency's request, the application shall be deemed withdrawn from consideration. The applicant's response must be received by the agency no later than 5 p.m. local time on or before the omissions due date promulgated under paragraph 59C-1.008(1)(g), F.A.C. ~~The Local Health Council must receive a copy of the additional information bearing a postmark or shipping date that is no later than the omissions due date.~~

(b) The agency shall deem the application complete or withdrawn within 7 calendar days of the receipt of the requested information. Subsequent to an application being deemed complete or withdrawn by the agency, no further application information or amendment will be accepted by the agency.

(c) through (d) No change.

(4) No change.

(a) through (d) No change.

1. through 2. No change.

3. If an applicant does not provide the specific additional information required by statute and rule in writing to the agency within 21 calendar days of the receipt of the agency's request, the application shall be deemed withdrawn from consideration. ~~The Local Health Council must receive a copy of the additional information bearing a postmark or shipping date that is no later than the omissions due date.~~

(e) through (g) No change.

(5) through (7) No change.

Specific Authority 408.034(5), 408.15(8) FS. Law Implemented 408.033(1), 408.036(2), 408.039(3)(4) FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 12-23-82, Formerly 10-5.10, Amended 11-24-86, 11-17-87, 3-23-88, 8-28-88, 1-31-91, 7-1-92, 7-14-92, Formerly 10-5.010, Amended 10-8-97, 12-12-00, 4-2-01, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Dental Services  
 RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update January 2005 to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in the rule the January 2005 update to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The handbook revisions include an updated fee schedule effective January 2005, program policy addressing the restoration of dental services to adult Medicaid recipients age 21 and over, and clarifications in orthodontic policies.

SUBJECT AREA TO BE ADDRESSED: Dental Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

TIME AND DATE: 10:00 a.m., October 26, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Cerasoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, updated January 2005 ~~January 2004~~, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, \_\_\_\_\_.

**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 Osteopathic Medicine**

RULE TITLE: Continuing Education Requirements  
 RULE NO.: 64B15-13.002

for Reactivation  
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify continuing education requirements for those who are reactivating licensure.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for reactivation.

SPECIFIC AUTHORITY: 459.009(1) FS.

LAW IMPLEMENTED: 459.009(1) 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 King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Standards of Practice for Surgery  
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address a process to be undertaken by the surgical/procedure team for the purpose of properly identifying the patient, procedure and correct site for the procedure prior to commencing any surgery/procedure.

SUBJECT AREA TO BE ADDRESSED: Implementation of a procedure for the proper identification of the patient, procedure, and correct site for the procedure, prior to commencing any surgery/procedure.

SPECIFIC AUTHORITY: 459.005, 459.015(1)(z) FS.

LAW IMPLEMENTED: 459.015(1)(x),(z),(aa) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.006 Standards of Practice for Surgery.

The Board of Osteopathic Medicine interprets the standard of care requirement of Section 459.015(1)(x), F.S., and the delegation of duties restrictions of Section 459.015(1)(aa), F.S., with regard to surgery as follows:

(1) The ultimate responsibility for diagnosing medical and surgical problems is that of the licensed allopathic or osteopathic physician who is to perform the surgery. In addition, it is the responsibility of the operating surgeon or an equivalently trained allopathic or osteopathic physician

practicing within a Board approved postgraduate training program to explain the procedure to and obtain the informed consent of the patient. It is not necessary, however, that the operating surgeon obtain or witness the signature of the patient on the written form evidencing informed consent.

(2) This rule is intended to prevent wrong site, wrong side, wrong patient and wrong surgeries/procedures by requiring the team to pause prior to the initiation of the surgery/procedure to confirm the side, site, patient identity, and surgery/procedure.

(a) Definition of Surgery/Procedure. As used herein, "surgery/procedure" means the incision or curettage of tissue or an organ, insertion of natural or artificial implants, electro-convulsive therapy, and endoscopic procedure. Minor surgeries/procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient are exempt from the following requirements.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the surgical team has been gathered in the operating room and immediately prior to the initiation of any surgical procedure, the surgical team will pause and the operating physician will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The notes of the procedure shall specifically reflect when this confirmation procedure was completed and which personnel on the surgical team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, Florida Statutes, and shall be in addition to any other requirements that may be required by the office or facility.

(2) through (4) renumbered (3) through (5) No change.

Specific Authority 459.005, 459.015(1)(z) FS. Law Implemented 459.015(1)(x),(z),(aa) ~~459.331(1)(x),(aa)~~ FS. History--New 10-16-01, Amended \_\_\_\_\_

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Physician Practice Standard Regarding Do Not Resuscitate (DNR) Orders  
 RULE NO.: 64B15-14.010

PURPOSE AND EFFECT: The Board proposes the development of a rule to address proper physician practice with regard to DNR orders.

SUBJECT AREA TO BE ADDRESSED: Appropriate practice by physicians with regard to DNR orders.

SPECIFIC AUTHORITY: 459.015 (1)(z) FS.  
 LAW IMPLEMENTED: 459.015 (1)(z) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-14.010 Physician Practice Standard Regarding Do Not Resuscitate (DNR) Orders.

Resuscitation may be withheld or withdrawn from a patient by a treating physician licensed pursuant to Chapter 459, F.S., if evidence of an order not to resuscitate by the patient's physician is presented to the treating physician. An order not to resuscitate, to be valid, must be on the form as set forth in Section 401.45, F.S. The form must be signed by the patient's physician and by the patient, or, if the patient is incapacitated, the patient's health care surrogate, or proxy as provided in Chapter 765, F.S.; court appointed guardian as provided in Chapter 744, F.S.; or attorney in fact under a durable power of attorney as provided in Chapter 709, F.S. The court appointed guardian or attorney in fact must have been delegated authority to make health care decisions on behalf of the patient.

Specific Authority 459.015(1)(z) FS. Law Implemented 459.015(1)(z) FS. History--New

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Procedures	67-21.0035
Federal Set-Aside	67-21.004
Public Policy Criteria Requirements and Qualified Resident Programs	67-21.0041
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators or Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009

Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Non-Credit Enhanced Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with Other Affordable Housing Finance Programs	67-21.015
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for Section 501(c)(3) Entities	67-21.019

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, Florida Statutes. SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2005 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 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: 1:30 p.m., October 27, 2004

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEBSITE WWW.FLORIDAHOUSING.ORG.



**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Fees	67-48.007
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale, Refinancing or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
Housing Credits General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025
Housing Credit Underwriting Procedures	67-48.026
Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030
Termination of Extended Use Agreement and Disposition of Housing Credit Developments	67-48.031

**PURPOSE AND EFFECT:** The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the

Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2005 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation’s 2004 Qualified Allocation Plan (QAP).

**SPECIFIC AUTHORITY:** 420.507 FS.

**LAW IMPLEMENTED:** 420.5087, 420.5089, 420.5099 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:** 1:30 p.m., October 27, 2004

**PLACE:** Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Stephen P. Auger, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING’S WEBSITE WWW.FLORIDAHOUSING.ORG.**

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Insurance Agents and Agency Services**

**RULE TITLE:** Curriculum Standards for Special Designation **RULE NO.:** 69B-211.320

**PURPOSE AND EFFECT:** The rule adds Professional Claims Adjuster (PCA) as a special designation for curriculum standards as established by the rule.

**SUBJECT AREA TO BE ADDRESSED:** Addition of Professional Claim Adjuster or a special designation for curriculum standards pursuant to Section 626.221, F.S.

**SPECIFIC AUTHORITY:** 626.221 FS.

**LAW IMPLEMENTED:** 626.221 FS.

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

**TIME AND DATE:** 9:30 a.m., October 28, 2004

PLACE: Room 116, Larson Building, 200 East Gaines Street, 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: 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Financial Services establishes the following curriculum standards:

- (1) No change.
- (2) For designation as an Accredited Claims Adjuster (ACA) or Professional Claims Adjuster (PCA), the requirement is at least 40 course hours:
  - (a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History--New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES  
Division of Insurance Agents and Agency Services**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Continuing Education	69B-228
RULE TITLES:	RULE NOS.:
Purpose	69B-228.010
Scope	69B-228.020
Definitions	69B-228.030
Instructors and Supervising Instructors	69B-228.060
Course Approval; Requirements; Guidelines	69B-228.080
Licensee Compliance; Requirements;	
Penalties for Non-Compliance	69B-228.220

PURPOSE AND EFFECT: This rule amends the continuing education requirements for adjusters by expanding the scope of the rule to apply to all insurance adjusters rather than just to workers' compensation adjusters. The rule also adds membership in the Florida Bar with 2-year experience as a means of qualifying as a continuing education instructor.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for insurance adjusters.

SPECIFIC AUTHORITY: 624.308, 648.26 FS.

LAW IMPLEMENTED: 624.307(1), 616.221(2)(d), 626.2815, 626.611, 626.621, 626.681, 626.691, 626.869(5), 648.385 FS.

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

TIME AND DATE: 9:30 a.m., October 28, 2004

PLACE: Room 116, Larson Building, 200 East Gaines Street, 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: 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-228.010 Purpose.

The purpose of this rule chapter is to establish requirements and standards for continuing education courses and records for persons:

- (1) No change.
- (2) Licensed to adjust insurance ~~workers' compensation~~ claims in this state; and
- (3) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.2816, 626.2816(2), 626.869(5) FS. History--New 8-17-93, Amended 4-29-01, \_\_\_\_\_.

69B-228.020 Scope.

- (1) This rule chapter shall apply to:
  - (a) No change.
  - (b) All licensed adjusters ~~who engage in adjusting workers' compensation claims;~~
  - (c) through (d) No change.
- (2) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501, 626.2815, 626.869(5), 648.385 FS. History--New 8-17-93, Amended 4-29-01, \_\_\_\_\_.

69B-228.030 Definitions.

For purposes of these rules, the following definitions shall apply:

- (1)(a) ~~"Adjusting workers' compensation claims" means any of the following activities in connection with a workers' compensation claim:~~
  1. ~~Direct contact with the injured worker;~~
  2. ~~Preparing or signing reports;~~
  3. ~~Investigating;~~

~~4. Determining compensability, payment of medical bills, requiring medical examinations, or similar activity;~~

~~5. Supervising the adjuster who is in direct contact, signs reports, investigates and determines compensability; or~~

~~6. Reviewing or exercising any control of a workers' compensation claim.~~

~~(b) The term does not include:~~

~~1. Any activities for which adjuster licensure is not required; or~~

~~2. An all lines adjuster who handles only federal benefits under federal jurisdiction issued as an exclusive federal policy.~~

~~(2) through (9) renumbered (1) through (8) No change.~~

~~(9)(10) "Course" shall mean any of the following which have been approved by the Department for the purpose of complying with continuing education requirements:~~

~~(a) Any class or seminar for:~~

~~1. through 2. No change.~~

~~3. Adjusters who handle workers' compensation claims,~~

~~4. through 5. No change.~~

~~(b) Any self-study program for:~~

~~1. No change.~~

~~2. Limited surety agents, or~~

~~3. Professional bail bond agents, or~~

~~4. Adjusters.~~

~~(11) through (45) renumbered (10) through (44) No change.~~

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.2816(2),(3), 626.869(5), 648.26, 648.386 FS. History--New 8-17-93, Amended 4-11-94, 4-29-01, \_\_\_\_\_.

69B-228.060 Instructors and Supervising Instructors.

(1) Continuing Education Courses. Instruction in continuing education courses shall be provided by instructors who possess the following qualifications:

(a) For agent, and customer representative, and adjuster courses, at least 2 of the following:

1. through 5. No change.

6. Membership in the Florida Bar Association with minimum of 2 years of law practice or counsel in the subject area being taught.

~~(b) For workers' compensation adjuster courses, at least 2 of the following:~~

~~1. A minimum of 5 years of substantially full time working experience in the subject matter being taught.~~

~~2. Completion of a course, with a minimum of 40 hours of instruction, designed to provide instruction regarding training techniques or methods of instructing adults as certified by a nationally recognized course provider whose purpose is to review, evaluate, and rate such courses.~~

~~3. A professional designation from a recognized industry association in the line of business of the subject being taught.~~

~~4. Membership in the Florida Bar Association with minimum of two years of law practice or counsel in the subject area being taught.~~

~~5. A degree from an accredited school in the subject matter being taught.~~

~~(b)(e) No change.~~

~~(2) through (8) No change.~~

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20)(c), 626.2815, 626.869(5), 648.386 FS. History--New 8-17-93, Amended 4-11-94, 2-28-95, 4-29-01, \_\_\_\_\_.

69B-228.080 Course Approval; Requirements; Guidelines.

(1) through (2) No change.

(3) The following are not eligible course topics or courses for continuing education:

(a) through (d) No change.

(d) Courses which are primarily intended to impart knowledge of specific products of specific companies, if the use of the products relates to the sales promotion or marketing of one or more of the products discussed;

~~(e) Self-study courses for adjusters who handle workers' compensation claims.~~

~~(4) through (6) No change.~~

~~(7)(a) No change.~~

~~(b) Courses for adjusters who handle workers' compensation claims will not be approved for more than 24 hours of credit per course regardless of total class hours, or number of consecutive sessions in a seminar, or volume of text required for self-study.~~

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

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

~~(10) Seminar Courses; Supplemental Requirements.~~

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

~~(e) A resume shall be filed with the course application for each speaker of a session or workshop of an agent, customer representative, workers' compensation adjuster, or bail bond course application for the seminar study method. If the speakers change for each offering, new speaker resumes shall be sent to the Department to be filed in the course application file.~~

~~(f) For agent, customer representative, and workers' compensation adjuster seminar courses, if only speakers are used to present the material, the school official shall qualify as an instructor and shall file a Certification of Instructor Form.~~

~~(g) through (h) No change.~~

~~(11) through (13) No change.~~

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20), 626.2815, 626.869(5), 648.386 FS. History--New 8-17-93, Amended 4-11-94, 2-28-95, 4-29-01, \_\_\_\_\_.

69B-228.220 Licensee Compliance; Requirements; Penalties for Non-Compliance.

(1) through (4) No change.

(5) Except as otherwise stated in this rule, credit shall be earned in the line of business for which the licensee is licensed.

(a) through (b) No change.

(c) Adjusters ~~who handle workers' compensation claims~~ shall earn credits in courses on adjusting workers' compensation subjects.

(d) through (t) No change.

(u) Persons who adjust ~~workers' compensation~~ claims who are also licensed as a life, health, property and casualty, industrial fire, surplus lines, or title agent, bail bond agent, or as a customer representative or limited customer representative shall earn, in addition to the hours required for the agent or customer representative license, the total required hours for:

1. through 2. No change.

(v) through (x) No change.

(y) Credits earned by adjusters to satisfy the requirements of 24 hours of credit shall be earned as follows:

1. No change.

2. Ten hours in ~~workers' compensation~~ law and policy;

3. Twelve hours in optional approved adjusting workers' compensation subjects or additional hours in ~~workers' compensation~~ law and policy, or ethics.

~~4. Workers' compensation law and policy courses shall cover the requirements for benefits as found in Florida Statutes or Florida Administrative Code.~~

~~(z)1. All lines adjusters who handle workers' compensation claims are required by Section 626.869, Florida Statutes, and this rule chapter to earn 24 hours of continuing education credit in Florida approved classroom courses.~~

~~2. Any adjuster to whom this rule applies who also holds an agent's license shall meet each requirement separately.~~

~~3. Credits shall not be credited to both requirements from the same course.~~

(aa) through (gg) renumbered (z) through (ff) No change.

(6) No change.

(7) Non-Resident Certification.

(a)~~1~~. Non-resident licensees who reside in a state that requires continuing education and that has a reciprocal agreement with Florida for continuing education may comply with Florida's continuing education requirement by meeting their home state's requirement and by submitting a properly completed Form DI4-463, Nonresident Agent Certification, rev. 7/97, which is adopted in Rule 69B-228.180, F.A.C., with supporting documentation attached as prescribed in the form.

~~(b)2~~. Non-resident licensees who do not reside in a state that requires continuing education or that does not have a reciprocal agreement with Florida, but who are licensed in another state that does have a continuing education requirement and a reciprocal agreement with Florida, may

comply with Florida's continuing education requirement by meeting that state's continuing education requirement and by submitting a properly completed Form DI4-463, Non-resident Agent Certification, rev. 7/97, which is adopted in Rule 69B-228.180, F.A.C., from that state with supporting documentation attached as prescribed in the form.

~~(b) Nonresident adjusters who handle workers' compensation claims shall complete the total required hours of credit in Florida approved classroom courses or seminars for workers' compensation adjusters.~~

(8) through (12) No change.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 616.221(2)(d), 626.2815, 626.611, 626.621, 626.681, 626.691, 626.869(5), 648.385 FS. History--New 8-17-93, Amended 4-11-94, 4-29-01, \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: \_\_\_\_\_ RULE NO.:

Marketing Communication Material and Marketing Guidelines

690-149.041

PURPOSE AND EFFECT: The purpose is to update new and renewal policies for the Basic and Standard Health policies. It changes the dates from 1995 to 2003 in order to comply with an Order, 69745-03-CO, issued on July 25, 2003.

SUBJECT AREA TO BE ADDRESSED: Basic and Standard Health policies.

SPECIFIC AUTHORITY: 626.9611, 627.6699(13)(i),(16) FS. LAW IMPLEMENTED: 626.9541(1)(b),(g)2.,(x)3., 627.6699(3)(g),(v),(5)(a),(7),(12)(c),(13)(b) 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: 1:30 p.m., October 26, 2004

PLACE: Room 116, Larson Building, 200 East Gaines Street, 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 Office at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

690-149.041 Marketing Communication Material and Marketing Guidelines.

(1) No change.

(2) Any insurer marketing small group health plans shall comply with the following guidelines:

(a) through (c) No change.

(d) New and renewal policies for the Basic and Standard policies issued on or after August 1, 2003, ~~May 1, 1995~~, must include the ~~1995~~ Basic and Standard Health Benefit Plans approved by Order 69745-03-CO signed by the Director on July 25, 2003, (~~OH-B2-95~~) pursuant to Section 627.6699(12), F.S., which is incorporated herein by reference and can be obtained from the Office's website at: [http://www.fldfs.com/companies/pdf/Small\\_Group\\_Order\\_7-25-03.pdf](http://www.fldfs.com/companies/pdf/Small_Group_Order_7-25-03.pdf) and benefit plans and schedule of benefits at: [http://www.fldfs.com/companies/lh\\_fr/is\\_LHFR\\_Small\\_Emp\\_Benefit\\_Plan.htm](http://www.fldfs.com/companies/lh_fr/is_LHFR_Small_Emp_Benefit_Plan.htm) ~~Bureau of Life and Health Forms and Rates.~~

(e) through (f) No change.

Specific Authority 626.9611, 627.6699(13)(i), (16) FS. Law Implemented 626.9541(1)(b),(g)2.,(x)3., 627.6699(3)(g),(v),(5)(a),(7),(12)(c),(13)(b) FS. History--New 3-1-93, Amended 11-7-93, 4-23-95, 8-4-02, 6-19-03, Formerly 4-149.041, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLES: RULE NOS.:  
 Categories of Reserves 690-154.203  
 Specific Minimum Standards for Morbidity,  
 Mortality and Interest 690-154.204

PURPOSE AND EFFECT: Make modifications to the established basis for determining adequacy of an insurers' health insurance reserves; especially related to long-term care individual policies.

SUBJECT AREA TO BE ADDRESSED: Companies licensed to write life and health insurance.

SPECIFIC AUTHORITY: 624.308(1), 625.121(14), 625.081 FS.

LAW IMPLEMENTED: 624.307(1), 625.081, 625.121 FS.

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

TIME AND DATE: 9:30 a.m., October 28, 2004

PLACE: Room 142, Larson Building, 200 East Gaines Street, 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 Office 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: Kerry Krantz, Bureau of Life and Health Solvency, Office of Insurance Regulation, E-mail: [krantzkr@dfs.state.fl.us](mailto:krantzkr@dfs.state.fl.us)

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLES: RULE NOS.:  
 Adoption of 2001 Commissioners Standard  
 Ordinary (CSO) Mortality Tables 690-162.201  
 Adoption of 2001 Commissioners Standard  
 Ordinary (CSO) Ultimate Mortality Tables  
 For Determining Reserve Liabilities  
 for Credit Life Insurance 690-162.202

PURPOSE AND EFFECT: These rules are being amended to provide for the adoption of the 2001 Commissioners Standard Ordinary Mortality Tables as provided in CS/CS SB 2038. It is proposed that these rules become effective January 1, 2005.

SUBJECT AREA TO BE ADDRESSED: Provide criteria for the use of the Standard Mortality Tables adopted by the NAIC.

SPECIFIC AUTHORITY: 624.308(1), 625.121, 627.476 FS.

LAW IMPLEMENTED: 624.307(1), 625.121, 627.476 FS.

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

TIME AND DATE: 10:00 a.m., October 27, 2004

PLACE: Room 142, Larson Building, 200 East Gaines Street, 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 Office 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, IF AVAILABLE, IS: Kerry Krantz, Bureau of Life and Health Solvency, Office of Insurance Regulation, E-mail: [krantzkr@dfs.state.fl.us](mailto:krantzkr@dfs.state.fl.us)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: RULE NO.:  
 Valuation of Life Insurance Policies 690-164.020

PURPOSE AND EFFECT: To implement the 2001 Standard Ordinary Mortality Tables into these rules applicable to the Valuation of Life Insurance Policies.

SUBJECT AREA TO BE ADDRESSED: Incorporating by reference the 2001 Standard Ordinary Mortality Tables adopted by the NAIC.

SPECIFIC AUTHORITY: 624.308(1), 625.121(5)(j) FS.

LAW IMPLEMENTED: 624.307(1), 625.121(5)(j) FS.

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

TIME AND DATE: 10:00 a.m., October 27, 2004

PLACE: Room 142, Larson Building, 200 East Gaines Street, 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 Office 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, IF AVAILABLE, IS: Kerry Krantz, Bureau of Life and Health Solvency, Office of Insurance Regulation, E-mail: krantz@dfs.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Standards

RULE TITLE: Standards  
RULE NO.: 5F-10.001

PURPOSE AND EFFECT: The purpose of Rule 5F-10.001, F.A.C., is to adopt the most recent version of the chemical and physical standards set forth in the American Society for Testing and Materials for antifreeze (engine coolant). The effect of each adoption is to maintain nationally recognized standards.

SUMMARY: Proposed Rule 5F-10.001, F.A.C., will adopt the most recent versions of the American Society for Testing and Materials' standards and specifications for antifreeze products in accordance with Section 501.921, Florida Statutes. The Department will use these standards and specifications when evaluating antifreeze products offered for registration with the Department or offered for sale to the public.

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: 570.07(23), 501.921 FS.

LAWS IMPLEMENTED: 501.913, 501.917, 501.921 FS.

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

TIME AND DATE: 10:00 a.m., Monday, November 1, 2004

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, (850)488-9740

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-10.001 Standards.

(1) The performance specifications and standards for glycol base antifreeze are hereby incorporated by reference: ASTM D 3306-0304, "Standard Specification for Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved September 10, 2003).

(2) The performance specifications and standards for recycled glycol base antifreeze are hereby incorporated by reference: ASTM D 6471-0399, "Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume % Minimum) for Automobile and Light Duty Service," (approved November 1, 2003) and ASTM D 6472-0300, "Standard Specification for Recycled Glycol Base Engine Coolant Concentrate for Automobile and Light Duty Service," (approved November 1, 2003).

Specific Authority 570.07(23), 501.921 FS. Law Implemented 501.913, 501.917, 501.921 FS. History--New 10-6-93, Amended 7-5-95, 12-9-98, 6-25-00, 10-22-01, 12-9-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Hamilton

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2004

### DEPARTMENT OF REVENUE

#### Property Tax Administration Program

RULE CHAPTER TITLE: Value Adjustment Board  
RULE CHAPTER NO.: 12D-10

RULE TITLES: Receipt of Taxpayer's Petition to be Acknowledged  
RULE NOS.: 12D-10.004

Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners  
12D-10.0044

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-10.004 and 12D-10.0044, F.A.C., is to implement the provisions of Chapter 2004-349, Laws of Florida, which changes the time frames for the clerk of court's notification of a scheduled hearing before the value adjustment board; changes the time frames for the exchange of evidence between the property appraiser and the petitioner; and, provides a requirement for rescheduling of hearings under certain circumstances.

SUMMARY: The proposed amendment to Rule 12D-10.004, F.A.C., changes the timeframe for the clerk of court to notify a petitioner of a scheduled value adjustment board hearing. The proposed amendments to Rule 12D-10.0044, F.A.C.: changes the timeframes for petitioners and property appraisers to exchange evidence to be presented at hearings; removes a timeframe computation provision; requires that a hearing be rescheduled if the property appraiser does not timely provide evidence; removes the provision allowing the petitioner to reschedule a hearing where the property appraiser does not timely provide evidence; and, makes other technical changes relating to the timeframe changes.

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

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

SPECIFIC AUTHORITY: 194.011(5), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS.

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

TIME AND DATE: 1:00 p.m., October 29, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallops@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-10.004 Receipt of Taxpayer's Petition to be Acknowledged.

(1) No change.

(2) The clerk of the board shall prepare a schedule of appearances before the board based on timely filed petitions. The clerk shall notify each petitioner of the scheduled time of appearance. The notice shall be in writing, and delivered by regular or certified U.S. mail or personal delivery so that the notice shall be received by the taxpayer no less than twenty-five (25) ~~(20)~~ calendar days prior to the day of such scheduled appearance. The clerk will have prima facie complied with the requirements of this section if the notice was deposited in the U.S. mail thirty (30) ~~twenty-five (25)~~ days prior to the day of such scheduled appearance.

(3) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 195.022, 200.069, 213.05 FS. History--New 10-12-76, Formerly 12D-10.04, Amended 1-11-94, 12-28-95, 12-31-98, 1-20-03, \_\_\_\_\_.

12D-10.0044 Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners.

(1) No change.

(2) Subsequent to the mailing or sending of the hearing notice, and at least 15 ~~ten (10)~~ days before the scheduled hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing.

(3) No later than 7 ~~five (5)~~ days before the hearing, if after the property appraiser receives the petitioner's documentation and if requested in writing by the petitioner, the property appraiser shall provide the petitioner with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk. In computing the five (5) day period prescribed in this subsection, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. See Rule 1090(a), Florida Rules of Civil Procedure, entitled Time.

(4)(a) If the taxpayer does not provide the information to the property appraiser at least 15 ~~ten (10)~~ days prior to the hearing pursuant to subsection (2), the property appraiser need not provide the information to the taxpayer pursuant to subsection (3).

(b) If the property appraiser does not provide the information within the time required by subsection (3), the hearing shall be rescheduled and at least five (5) calendar days

~~before the hearing, the taxpayer shall be entitled to reschedule the hearing. If the property appraiser provides the information within the time set forth in subsection (5) but less than five (5) calendar days before the hearing, the petitioner's submission of the information shall qualify as a written request for rescheduling as provided in subsection (9). In such circumstances, the clerk shall reschedule the hearing upon being so advised by the petitioner.~~

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

(c) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. If the ~~fifteenth tenth~~ day before a hearing is a Saturday, Sunday, or legal holiday, the information under subsection (2) shall be provided no later than the previous business day.

(6) through (7) No change.

~~(8) The information shall be in writing and may be delivered by regular or certified U.S. mail or personal delivery so that the information shall be received timely.~~

~~(8)(9)~~ The petitioner may reschedule the hearing one time by submitting a written request to the clerk of the board no less than 5 calendar days before the scheduled appearance.

~~(9)(10)~~ This rule provides procedures for information and evidence exchange between the petitioner and property appraiser, consistent with Section 194.032, F.S., subject to the provisions of Section 194.034(1)(d), F.S., and subsection 12D-10.003(4), F.A.C., relating to a request by a property appraiser for information from the petitioner in connection with a filed petition, which information need not be provided earlier than ~~fifteen (15) ten (10)~~ days prior to a scheduled hearing pursuant to subsections (2) and (5).

~~(10)(11)~~ The value adjustment board shall hold an organizational meeting and must make the uniform procedures available to petitioners. Such procedures shall be available a reasonable time following the organizational meeting and shall be available a reasonable time before the commencement of hearings in conformance with this rule. The Board shall be deemed to have complied if it causes petitioners to be notified in writing, along with or as part of the notice of hearing, of the existence and availability of its procedures and include notice as to the exchange of information contained in this rule. The Board is authorized to use other additional or alternative means of notification directed to the general public or specific taxpayers, as it may determine.

~~(11)(12)~~ Such procedures shall be available in time to permit parties to comply with them, and such procedures, and the provisions of this rule, shall apply to petitions heard on and after January 1, 2003.

Specific Authority 194.011(5), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034, 194.035, 195.022, 200.069, 213.05 FS. History--New 4-4-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004, Vol. 30, No. 33, pp. 3263-3264. Comments and questions were received during the workshop; however, no comments were received after the workshop.

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Tax Collectors Rules and Regulations	12D-13
RULE TITLES:	RULE NOS.:
Application for Obtaining Tax Deed by Holder of Tax Certificate; Fees	12D-13.060
Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees	12D-13.061
Lands Available for Taxes	12D-13.064

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-13.060, 12D-13.061 and 12D-13.064, F.A.C., is to implement the provisions of Chapter 2004-349, Laws of Florida, which provides a definition of contiguous property for property owner identification purposes in the tax deed application process; allows a tax collector to contract for higher liability limits than statutorily allowed for title searches or abstracts in the tax deed application process; and, provides that land escheats to the county free and clear of all taxes and liens and provides that an escheatment tax deed be issued.

SUMMARY: The proposed amendment to Rule 12D-13.060, F.A.C., provides the meaning of the term "contiguous" for purposes of identifying and certifying names of owners of contiguous properties who are required to be notified that a tax deed application has been filed. The proposed amendment to Rule 12D-13.061, F.A.C., provides that a tax collector is authorized to contract for higher liability limits with title search or abstract providers than allowed under Section 627.7843(3), F.S. The proposed amendment to Rule



12D-13.064, F.A.C., provides that property escheats to a county free and clear and provides for execution of an "escheatment" tax deed.

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

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

SPECIFIC AUTHORITY: 195.022, 195.027(1), 213.06(1) FS. LAW IMPLEMENTED: 125.411, 197.3632, 197.482, 197.502, 197.512, 197.522, 197.532, 197.542, 197.552, 197.562, 197.573, 197.582, 197.593, 197.602, 213.05 FS.

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

TIME AND DATE: 1:00 p.m., October 29, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallops@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-13.060 Application for Obtaining Tax Deed by Holder of Tax Certificate; Fees.

(1) through (3) No change.

(4) PROCEDURE AFTER APPLICATION IS MADE – ALL CERTIFICATES.

(a) through (b) No change.

(c) The tax collector shall also attach to the certification Form DR-513 a statement certifying the names and addresses of all persons the clerk is required by law to notify prior to the tax deed sale. (See Section 197.522, F.S.) The statement shall contain at a minimum the following names and addresses:

1. through 9. No change.

10. Any legal titleholder of record of property that is contiguous to the property described in the tax certificate, when the property described is either submerged land or common elements of a subdivision, if the address of the titleholder of contiguous property appears on the record of conveyance of the land to that legal titleholder. However, if the legal titleholder of property contiguous to the property

described in the tax certificate is the same as the person to whom the property described in the tax certificate was assessed on the tax roll for the year in which the property was last assessed, the notice may be mailed only to the address of the legal titleholder as it appears on the latest assessment roll. The term "contiguous" means touching, meeting, or joining at the surface or border, other than at a corner or a single point, and not separated by submerged lands. Submerged lands lying below the ordinary high-water mark which are sovereignty lands are not part of the upland contiguous property for purposes of notification to the owner of contiguous property and for certification purposes as provided in this rule subsection.

(d) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 197.3632, 197.482, 197.502, 197.512, 197.522, 197.532, 197.542, 197.552, 197.562, 197.573, 197.582, 197.593, 197.602, 213.05 FS. History–New 6-18-85, Formerly 12D-13.60, Amended 5-23-91, 12-13-92, 1-11-94, 12-25-96, 12-31-98, 1-26-04, \_\_\_\_\_.

12D-13.061 Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees.

(1) through (5) No change.

(6) The tax collector shall not accept or pay for any title search or abstract that includes a phrase such as "no financial responsibility is assumed for this search," etc. However, reasonable restrictions as to the liability or responsibility of the abstract or title company are acceptable. The tax collector is authorized to contract for higher maximum liability limits than provided under Section 627.7843(3), F.S.

(7) through (8) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.502, 197.512, 197.522, 213.05 FS. History–New 6-18-85, Formerly 12D-13.61, Amended 12-3-01, \_\_\_\_\_.

12D-13.064 Lands Available for Taxes.

(1) through (2) No change.

(3) If not purchased, lands contained on the list with any certificates issued on them on or before July 1, 1999, shall escheat to the county, free and clear as provided under Section 197.502(8), F.S., seven years after the date on which the property was offered for tax deed sale. If not purchased, lands contained on the list on which all certificates on them were issued after July 1, 1999, shall escheat to the county, free and clear as provided under Section 197.502(8), F.S., three years after the date on which the property was offered for tax deed sale. The clerk shall execute an escheatment tax deed vesting title in the board of county commissioners of the county in which the property is located.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 125.411, 197.502, 213.05 FS. History–New 6-18-85, Formerly 12D-13.64, Amended 12-30-99, 1-26-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallops@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6109

DATE PROPOSED RULES APPROVED BY AGENCY HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004, Vol. 30, No. 33, pp. 3264-3265. No comments were received during or after the workshop.

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Administration of Forms	12D-16
RULE TITLES:	RULE NOS.:
Administration of Forms	12D-16.001
Index to Forms	12D-16.002

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12D-16.001 and 12D-16.002, F.A.C., is to implement provisions of Chapter 2004-22, Laws of Florida, requiring certain counties to reproduce their forms; implement forms revisions created under Chapter 2004-349, Laws of Florida; and implement other technical changes to ad valorem property tax forms used by property appraisers, tax collectors, value adjustment boards, and the general public.

SUMMARY: The proposed amendment to Rule 12D-16.001, F.A.C., provides that the Department is required to furnish prescribed forms to counties with populations of 100,000 or less and all other counties must reproduce prescribed forms at the county's expense. The amendment to Rule 12D-16.002, F.A.C., incorporates 2004 legislative changes and other technical changes to ad valorem property tax forms prescribed by the Department.

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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961,

196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

TIME AND DATE: 1:00 p.m., October 29, 2004

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallops@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-16.001 Administration of Forms.

(1) The Department shall prescribe ~~and furnish~~ all forms and instructions relating to their use, which shall be uniform throughout the state, to be used by county property appraisers, county tax collectors, clerks of the circuit court, and value adjustment boards in administering and collecting ad valorem taxes. The Department shall furnish forms for counties with a population of 100,000 or less. Counties with a population of more than 100,000 shall reproduce forms for distribution at the county officer's expense.

(2) No change.

(3) For counties with populations of 100,000 or less, requisitions ~~Requisitions~~ for forms shall be made to the Department not less than 90 days prior to desired date of delivery ~~so that each appraiser can and shall make them available in his office on the first working day of the next ensuing calendar year.~~ Requisitions for the following forms shall be submitted to the Department on or before August 1 of each year so that the property appraiser can and shall make them available in his or her office on the first working day of the next ensuing calendar year ~~Each appraiser shall, on or before August 1 of each year, submit his requisition to the Department for the following forms:~~

- (a) Tangible Personal Property and Inventory Return;
- (b) Application for Agricultural Classification of Lands;
- (c) Applications for Assessment of Pollution Control Devices; ~~and~~
- (d) Applications for Exemptions (original and renewal);

(e) Applications for classification as High-Water Recharge Lands or as Historic Properties Used for Commercial or Certain Nonprofit Purposes.

(4) through (6) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.052, 195.002, 195.022 FS. History—New 10-12-76, Amended 4-11-80, Formerly 12D-16.01, Amended 1-11-94, 12-27-94, \_\_\_\_\_.

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. <u>12/04</u> <del>12/03</del> )	____ 1/04
(3)(a) No change.		
<u>(b) DR-403</u>	<u>Tax Roll Certification (n. 1/04)</u>	_____
<u>(c)(b) DR-403AC</u>	Revised Recapitulation of the Ad Valorem Assessment Rolls (County Values) (r. <u>1/04</u> <del>1/03</del> )	____ 1/04
(4)(a) DR-403AM	Revised Recapitulation of the Ad Valorem Assessment Rolls (Municipality Values) (r. <u>1/04</u> <del>1/03</del> )	____ 1/04
(b) through (5)(a) No change.		
(b) DR-403EB	Assessment Roll Exemption Breakdown (r. <u>1/04</u> <del>1/03</del> )	____ 1/04
(6) through (21)(a) No change.		
(b) DR-474	Notice of Proposed Property Taxes (r. <u>12/04</u> <del>12/03</del> )	____ 1/04
(c) No change.		

(d) DR-474N	Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments (r. <u>12/04</u> <del>12/03</del> )	____ 1/04
(22)(a) through (b) No change.		
(c) DR-482HP	Application and Return for Classification/ <u>Exemption</u> of Property as Historic Property Used for Commercial or Certain Nonprofit Purposes (r. <u>12/04</u> <del>n. 12/00</del> )	____ 1/01
(d) through (27) No change.		
(28)(a) DR-489AC	Preliminary Recapitulation of Ad Valorem Assessment Rolls – County (r. <u>1/04</u> <del>1/03</del> )	____ 1/04
(b) DR-489AM	Preliminary Recapitulation of Ad Valorem Assessment Rolls – Municipality (r. <u>1/04</u> <del>1/03</del> )	____ 1/04
(c) DR-489EB	Assessment Roll Exemption Breakdown (r. <u>1/04</u> <del>1/03</del> )	____ 1/04
(d) through (38)(c) No change.		
(d) DR-501SC	Sworn Statement of Adjusted Gross Income of Household and Return (r. <u>12/04</u> <del>12/03</del> )	____ 1/04
(e) through (41) No change.		
(42)(a) DR-506	Tax Deed (r. 1/95)	12/95
<u>(b) DR-506E</u>	<u>Escheatment Tax Deed (n. 12/04)</u>	_____
(43) through (51)(a) No change.		
(b) DR-534	Notice and Application for Alternative Payment of <u>2005</u> <del>2004</del> Property Taxes (r. <u>12/04</u> <del>12/03</del> )	____ 1/04
(52) through (61) No change.		

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.196, 196.1983, 196.1995, 196.24, 197.182, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History-New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallops@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 501 S. Calhoun Street, Room 415, Carlton Building, Tallahassee, Florida 32399-0100, (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004, Vol. 30, No. 33, pp. 3265-3266. A workshop was held on August 27, 2004. No comments were received during or after the workshop.

**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."

**LAND AND WATER ADJUDICATORY COMMISSION**

**Tesoro Community Development District**

RULE CHAPTER TITLE: Tesoro Community Development District

RULE CHAPTER NO.: 42XX-1

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

PURPOSE, EFFECT AND SUMMARY: 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.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 5 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, the City of Port St. Lucie, and St. Lucie County. In addition, future property owners and commercial interests will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. The City of Port St. Lucie will also incur one-time administrative costs which are offset by the required filing fee paid to the City of Port St. Lucie by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that

the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. The planned stormwater management system and wetland mitigation facilities will be maintained by the District. The Developer will fund the initial capital costs related to these facilities. The Petitioner has estimated the design and development costs for providing the capital facilities as outlined in Exhibit 5 of the Petition. Total design and development costs for these facilities are estimated to be approximately \$4,000,000. The District is to provide maintenance for these facilities. Under section (d), approval of the petition to establish the District will have little impact or a positive impact on all small businesses and will not have any impact on small cities. The City of Port St. Lucie is not a small city as defined in Section 120.52, F.S. Under section (e), the analysis was based on the straightforward application of economic theory with input received from the Petitioner's Engineer and other professionals associated with the Petitioner. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Friday, November 5, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES 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 Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

TESORO COMMUNITY DEVELOPMENT DISTRICT

42XX-1.001 Establishment.

The Tesoro Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History—New \_\_\_\_\_.

42XX-1.002 Boundary.

The boundaries of the District are as follows:

Being a portion of TESORO PLAT NO. ONE Plat Book 40, Page 30, and a portion of Sections 21 and 22, Township 37 South, Range 40 East, all being in St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection of the East right-of-way line of the Sunshine State Parkway (a 300 foot right-of-way) and the North right-of-way line of Becker Road; thence S89°47'18"E a distance of 153.97 feet to the beginning of a curve concave to the north having a radius of 1,375.00 feet; thence easterly along the arc of said curve a distance of 588.36 feet through a central angle of 24°31'00"; thence S24°8'18"E a distance of 25.00 feet; thence N65°42'01"E a distance of 677.39 feet to the POINT OF BEGINNING of the following described Parcel:

Thence continue N65°41'12"E a distance of 1,340.11 feet; thence N65°43'15"E a distance of 442.50 feet to the intersection with a non tangent curve concave to the south, having a radius of 3,075.00 feet, the chord of which bears N74°09'07"E; thence easterly along the arc of said curve, a distance of 907.70 feet through a central angle of 16°54'47"; thence N00°13'10"E a distance of 850.37 feet; thence N40°59'10"E a distance of 741.61 feet; thence N49°07'47"W a distance of 95.03 feet; thence N40°52'13"E a distance of 81.53 feet; thence N49°07'47"W a distance of 125.00 feet; thence N40°52'13"E a distance of 1,029.81 feet; thence N00°07'35"E a distance of 64.58 feet; thence N00°13'28"E a distance of 5,320.71 feet; thence N89°33'21"W a distance of 1,327.48 feet; thence N00°13'28"E a distance of 484.24 feet; thence S88°44'06"W a distance of 147.46 feet; thence S80°21'05"W a distance of 144.31 feet; thence S62°44'55"W a distance of 104.04 feet; thence S55°35'49"W a distance of 114.43 feet; thence N75°36'33"W a distance of 95.31 feet; thence N22°15'48"E a distance of 480.80 feet; thence N40°31'26"W a distance of 368.66 feet; thence N14°12'03"W a distance of 363.51 feet; thence N79°07'54"W a distance of 280.00 feet; thence N59°42'38"W a distance of 428.42 feet; thence N46°00'51"W a distance of 205.77 feet; thence N21°35'51"W a distance of 675.61 feet; thence N84°25'23"W a distance of 471.85 feet; thence S35°26'38"W a distance of 311.33 feet; thence S58°54'27"W a distance of 1,006.20 feet; thence S38°44'32"W a distance of 1,028.58 feet; thence S52°41'08"W a distance of 522.19 feet; thence S73°21'41"W a distance of 410.44 feet; thence S85°27'55"W a distance of 776.45 feet; thence S77°57'28"W a distance of 50.56 feet; thence N03°30'04"W a distance of 886.34 feet; thence S86°29'56"W a distance of 100.00 feet; thence S03°30'04"E a distance of 255.17 feet; thence S86°29'49"W a distance of 145.00 feet; thence S03°30'11"E a distance of 150.00 feet; thence S86°29'49"W a distance of 254.78 feet; thence S34°33'30"W a distance of 62.63 feet to the intersection with a non tangent curve concave to the southwest, having a radius of 250.00 feet, the chord of which bears N66°56'53"W; thence northwesterly along the arc of said curve, a distance of 100.39 feet through a central angle of 23°00'32" to the point of reverse curvature

with a curve concave to the northeast having a radius of 186.53 feet; thence northwesterly along the arc of said curve a distance of 100.79 feet, through a central angle of 30°57'36"; thence N47°29'32"W a distance of 263.50 feet; thence S42°30'28"W a distance of 100.00 feet; thence N47°29'32"W a distance of 195.31 feet to the beginning of a curve concave to the south having a radius of 70.00 feet; thence westerly along the arc of said curve a distance of 136.24 feet through a central angle of 111°30'41"; thence S21°13'48"W a distance of 75.59 feet; thence S13°29'38"E a distance of 96.31 feet; thence S76°30'22"W a distance of 270.80 feet; thence S13°29'38"E a distance of 3,565.06 feet to the beginning of a curve concave to the east having a radius of 11,286.16 feet; thence southerly along the arc of said curve a distance of 1,975.37 feet through a central angle of 10°01'42"; thence S23°31'20"E a distance of 1,417.06 feet; thence S24°43'09"E a distance of 1,089.58 feet to the beginning of a curve concave to the northeast having a radius of 2,741.00 feet; thence southeasterly along the arc of said curve a distance of 1,499.50 feet through a central angle of 31°20'40"; thence S56°03'49"E a distance of 710.10 feet to the beginning of a curve concave to the north having a radius of 860.00 feet; thence easterly along the arc of said curve a distance of 419.62 feet through a central angle of 27°57'22" to the point of reverse curvature with a curve concave to the southwest having a radius of 540.00 feet; thence southeasterly along the arc of said curve a distance of 573.06 feet, through a central angle of 60°48'13" to the intersection with a non tangent curve concave to the west, having a radius of 50.00 feet, the chord of which bears S18°54'22"W; thence southerly along the arc of said curve, a distance of 81.66 feet through a central angle of 93°34'43" to the POINT OF BEGINNING.

LESS AND EXCEPT SOUTHBEND BOULEVARD RIGHT-OF-WAY

Beginning at a point, said point being the POINT OF BEGINNING; thence N65°41'12"E a distance of 220.01 feet to the intersection with a non tangent curve concave to the north, having a radius of 50.00 feet, the chord of which bears N69°18'33"W; thence westerly along the arc of said curve, a distance of 78.55 feet through a central angle of 90°00'30"; thence N24°18'18"W a distance of 13.35 feet to the beginning of a curve concave to the southwest having a radius of 660.00 feet; thence northwesterly along the arc of said curve a distance of 687.87 feet through a central angle of 59°42'53" to the point of reverse curvature with a curve concave to the north, having a radius of 740.00 feet; thence westerly along the arc of said curve a distance of 361.06 feet, through a central angle of 27°57'22"; thence N56°03'49"W a distance of 710.10 feet to the beginning of a curve concave to the northeast having a radius of 2,621.00 feet; thence northwesterly along the arc of said curve a distance of 1,433.85 feet through a central angle of 31°20'40"; thence N24°43'09"W a distance of 1,088.33 feet; thence N23°31'20"W a distance of 1,415.81 feet to the beginning of a curve concave to the east having a radius of 11,166.16 feet; thence northerly along the arc of said curve a

distance of 1,954.37 feet through a central angle of 10°01'42"; thence N13°29'38"W a distance of 1,696.84 feet to the intersection with a non tangent curve concave to the southeast, having a radius of 1,221.19 feet, the chord of which bears N22°46'30"E; thence northeasterly along the arc of said curve, a distance of 1,536.48 feet through a central angle of 72°05'19"; thence N31°10'51"W a distance of 10.00 feet to the intersection with a non tangent curve concave to the northwest, having a radius of 795.00 feet, the chord of which bears N27°39'33"E; thence northeasterly along the arc of said curve, a distance of 864.72 feet through a central angle of 62°19'13"; thence N03°30'04"W a distance of 146.34 feet; thence S86°29'56"W a distance of 100.00 feet; thence S03°30'04"E a distance of 255.17 feet; thence S86°29'49"W a distance of 50.00 feet; thence S03°30'11"E a distance of 150.00 feet to the intersection with a non tangent curve concave to the northwest, having a radius of 695.00 feet, the chord of which bears S38°35'29"W; thence southwesterly along the arc of said curve, a distance of 490.73 feet through a central angle of 40°27'19"; thence N31°10'51"W a distance of 10.00 feet to the intersection with a non tangent curve concave to the southeast, having a radius of 1,341.19 feet, the chord of which bears S22°39'46"W; thence southwesterly along the arc of said curve, a distance of 1,692.71 feet through a central angle of 72°18'47"; thence S13°29'38"E a distance of 1,692.07 feet to the beginning of a curve concave to the east having a radius of 11,286.16 feet; thence southerly along the arc of said curve a distance of 1,975.37 feet through a central angle of 10°01'42"; thence S23°31'20"E a distance of 1,417.06 feet; thence S24°43'09"E a distance of 1,089.58 feet to the beginning of a curve concave to the northeast having a radius of 2,741.00 feet; thence southeasterly along the arc of said curve a distance of 1,499.50 feet through a central angle of 31°20'40"; thence S56°03'49"E a distance of 710.10 feet to the beginning of a curve concave to the north having a radius of 860.00 feet; thence easterly along the arc of said curve a distance of 419.62 feet through a central angle of 27°57'22" to the point of reverse curvature with a curve concave to the southwest, having a radius of 540.00 feet; thence southeasterly along the arc of said curve a distance of 573.06 feet, through a central angle of 60°48'13" to the intersection with a non tangent curve concave to the west, having a radius of 50.00 feet, the chord of which bears S18°54'22"W; thence southerly along the arc of said curve, a distance of 81.66 feet through a central angle of 93°34'43" to the POINT OF BEGINNING.

LESS AND EXCEPT THE WATERS OF BLAKESLEE CREEK

LESS AND EXCEPT THE WATERS OF WINTERS CREEK

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History--New \_\_\_\_\_.

42XX-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Robert Kernen; Cindy Ford; Thomas Knowles; Richard Hohman and Todd White.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 2004

**REGIONAL UTILITY AUTHORITIES**

**Tampa Bay Water**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Description of Organization 49B-1

RULE TITLE: RULE NO.:

Delegation of Authority by the Board of Directors 49B-1.011

PURPOSE AND EFFECT: Revise the circumstances when the General Manager, with concurrence of the Board Chairman and General Counsel, can act on behalf of the Board and exercise delegated authority between regular Board meetings.

SUMMARY: In accordance with notice published in the FAW on July 16, 2004, a rule development workshop was held on August 12 and 13, 2004 concerning revisions to Rule 49B-1.011, F.A.C. The rule is proposed to be amended to grant authority to the General Manager to act on behalf of the Board, with the concurrence of the Chairman and General Counsel, to settle disputes involving small amounts in controversy, relating to property acquisition, initiation of legal action, and referral of amended requests for hearing to the Division of Administrative Hearings.

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: 163.01(5)(h), 373.1962, 373.1963 FS.

LAW IMPLEMENTED: 163.01, 373.1962, 373.1963 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: 9:00 a.m., October 28, 2004

PLACE: Silo Bend Office Park, 111 Kelsey Lane, Suite F, Tampa, Florida

NOTICE UNDER AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this public hearing, please advise Tampa Bay Water at least 48 hours before the public hearing by contacting: Holly Wells, Human Resources Officer, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2339.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald D. Conn, General Counsel, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2390

THE FULL TEXT OF THE PROPOSED RULE IS:

49B-1.011 Delegation of Authority by the Board of Directors.

The Board of Directors, as head of Tampa Bay Water, have delegated authority as follows:

(1) To the General Manager to hire or terminate the employment of any employee; to recommend and maintain personnel rules which shall be made available for public inspection; to secure services, labor or material costing \$25,000.00 or less; to prepare proposed budgets; to advise the Board on budget matters; to keep correct minutes and records of Board meetings; to prepare agendas; to represent Tampa Bay Water at public hearings; ~~and~~ to serve as the registered agent of Tampa Bay Water; and to act on behalf of the Board with the concurrence of the General Counsel and Chairman in matters relating to settlement of regulatory and legal actions when total amount in controversy does not exceed \$25,000.00, settlement of property acquisition matters, initiation of legal action, and referral of an amended request for hearing to the Division of Administrative Hearings.

(2) It is recognized that in making the foregoing delegation of authority, that the Board shall continue to retain and exercise general supervisory authority over the matters stated therein.

Specific Authority 163.01(5)(h), 373.1962, 373.1963 FS. Law Implemented 163.01, 373.1962, 373.1963 FS. History–New 1-1-81, Formerly 16M-1.11, Amended 5-8-88, 3-6-91, Formerly 16M-1.011, Amended 7-29-97. \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donald D. Conn, General Counsel, Tampa Bay Water

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Directors, Tampa Bay Water

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 21, 2003; Status September 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 2004

**REGIONAL UTILITY AUTHORITIES**

**Tampa Bay Water**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Miscellaneous 49B-3

RULE TITLE: RULE NO.:  
Well Mitigation Policy 49B-3.005

PURPOSE, EFFECT AND SUMMARY: In accordance with notice published in the FAW on July 16, 2004, a rule development workshop was held on August 12 and 13, 2004 concerning revisions to Rule 49B-3.005, F.A.C. The rule is proposed for amendment to revise the eligibility criteria that will apply to well mitigation areas for small quantity public water supply facilities that produce 3.5 million gallons per day or less on an annual average basis.

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: 163.01(5)(h), 373.1962, 373.1963 FS.

LAW IMPLEMENTED: 163.01, 373.1962, 373.1963 FS.

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

TIME AND DATE: 9:00 a.m., October 28, 2004

PLACE: Silo Bend Office Park, 111 Kelsey Lane, Suite F, Tampa, Florida

NOTICE UNDER AMERICANS WITH DISABILITIES ACT: Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this public hearing, please advise Tampa Bay Water at least 48 hours before the public hearing by contacting: Holly Wells, Human Resources Officer, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2339.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donald D. Conn, General Counsel, Tampa Bay Water, 2535 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2390

THE FULL TEXT OF THE PROPOSED RULE IS:

49B-3.005 Well Mitigation Policy.

Tampa Bay Water shall mitigate on a priority basis all eligible water level and related complaints regarding domestic wells for existing legal users, as well as other eligible domestic wells constructed with a minimum of 147 feet (210 feet in the case of the South Central Hillsborough Regional Wellfield) of 4 or 5-inch galvanized steel or PVC casing, except in those instances of well failure due to an Act of God (i.e., lightning strikes, power failure, and flooding). Mitigation under this

policy shall be without a determination of the cause of the well failure. This procedure shall not limit the authority of the Southwest Florida Water Management District to require additional mitigation by rule or applicable water use permit condition. To be eligible for mitigation a domestic well must be located within the mitigation area established for each wellfield in the current water use permit. In those cases where the current water use permit does not prescribe a mitigation area, the boundary of the mitigation area shall be the five (5) foot drawdown contour in the Floridian Aquifer caused by permitted peak month withdrawals from the well field, or a circle(s) whose radius extends two (2) miles from each active production well, whichever is greater; provided, however, that for facilities permitted for 3.5 million gallons per day or less on an annual average basis the boundary of the mitigation area shall be the five (5) foot drawdown contour in the Floridian Aquifer caused by permitted peak month withdrawals from said facility, or a circle whose radius is 1,760 feet from each active production well, whichever is greater.

Specific Authority 163.01, 373.1962, 373.1963 FS. Law Implemented 163.01, 373.223(1)(b), 373.1962, 373.1963 FS. History—New 5-24-93, Amended 4-16-95, Formerly 16M-3.005, Amended 5-20-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Crowson, P.G., Mitigation Manager, Tampa Bay Water

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jonathan Kennedy, P.E., Director of Operations and Facilities, Tampa Bay Water

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2004; Status September 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 2004

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: RULE NO.:  
Provider Requirements 59G-5.020

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Provider General Handbook, October 2003, updated January 2004. The January 2004 handbook revisions include: electronic record keeping requirements for providers, copayments for hospital emergency room visits, changes to the family planning waiver, and authorization for Home and Community-Based Waiver Services providers to enroll to provide additional services on the one page Application for a New Location Code form. In addition, policy clarifications were added and content from the Florida Medicaid Provider Reimbursement Handbooks that pertains to all provider types was moved to the Provider General handbook.



The Joint Administrative Procedures Committee (JAPC) is now requiring that all forms included in the handbook be incorporated by reference separately from the handbook. We added a paragraph to the rule to incorporate the forms.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid Provider General Handbook, October 2003, updated January 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: 409.902, 409.906, 409.907, 409.908, 409.912, 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: 2:00 p.m. – 3:00 p.m., Wednesday, November 3, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-9711

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.020 Provider Requirements.

(1) All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Handbook, October 2003, updated January 2004, which is incorporated by reference and available from the fiscal agent.

(2) The following forms that are included in the Florida Medicaid Provider General Handbook are incorporated by reference: IROS 07/2001 State of Florida, Provider Inquiry Form, Florida Medicaid Program; Temporary Emergency Medicaid Identification Form, October 2003; CF-ES 2661, Feb 2003, Notice and Proof of Presumptive Eligibility for Medicaid for Pregnant Women; CF-ES Form 2014, Feb 2003, Authorization for Medicaid/Medikids Eligibility; Unborn Activation Form, January 2004; CF-ES 2039, Sep 2002, Medical Assistance Referral; CTEC-07, Crossover with TPL Claim and/or Adjustment Form, March 2003; and Florida

Medicaid Claims Order Form, January 2004. The CF-ES forms are available from the Department of Children and Families. The other forms are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, 4-24-01, 8-6-01, 10-8-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Girard

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2003

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid

RULE TITLE: Home and Community-Based Services Waivers

RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Developmental Disabilities Waiver Services Provider Rate Table, Appendix A. The effect will be to incorporate provider rate information into rule.

SUMMARY: This rule amendment incorporates by reference the Florida Medicaid Developmental Disabilities Waiver Services Provider Rate Table, Appendix A.

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: 409.902, 409.906, 409.908, 409.912 FS.

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

TIME AND DATE: 11:00 a.m. – 12:00 Noon, Tuesday November 2, 2004

PLACE: AHCA Conference Room “A”, 2727 Mahan Drive, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Henderson, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.200 Home and Community-Based Services Waivers.

(1) through (11) No change.

(12) Developmental Services Waiver – General. This rule applies to all Developmental Services Waiver Services providers enrolled in the Medicaid program. All Developmental Services Waiver Services providers enrolled in the Medicaid program must comply with the Developmental Services Waiver Services Florida Medicaid Coverage and Limitations Handbook, July 2002, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003, ~~July 2001~~. Both handbooks are available from the Medicaid fiscal agent.

(a) The Developmental Disabilities Waiver Services Provider Rate Table, November 2003, is incorporated by reference. The Developmental Disabilities Waiver Services Provider Rate Table is available from the Medicaid fiscal agent.

(13) through (15) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.908, 409.910, 409.912, 409.913 FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, 6-11-03, 11-24-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Henderson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

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

RULE TITLE: Operation of the Association

RULE NO.: 61B-23.002

PURPOSE AND EFFECT: To develop a procedure and form for condominium associations to report the waiver of handrail and guardrail retrofitting information to the Division of Florida Land Sales, Condominiums and Mobile Homes and establish a date for reporting this information to the Division of State Fire Marshal of the Department of Financial Services, pursuant to Chapter 2004-80, Laws of Florida. The rule amendment also conforms this rule to revised voting procedures for the waiver of retrofitting of fire sprinkler systems adopted by the 2004 Legislature.

SUMMARY: Provides a procedure for reporting fire sprinkler systems and handrail and guardrail retrofitting for condominium 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: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.1085, 718.112(2)(l) 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: 1:30 p.m., November 1, 2004

PLACE: Warren Building, Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING: 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 workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting 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 RULE 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 RULE IS:

61B-23.002 Operation of the Association.

(1) through (2) No change.

(3) Each association that votes to forego retrofitting of the common elements or units of a residential condominium with a fire sprinkler system or other engineered life safety system or handrails or guardrails by the affirmative vote of two-thirds of all voting interests in the affected condominium, shall report the voting results and certification information for each affected condominium to the division on DBPR Form CO 6000-8, ~~FIRE SAFETY~~ RETROFITTING REPORT FOR CONDOMINIUMS, incorporated herein by reference and effective \_\_\_\_\_ ~~1-28-04~~. The form may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, Florida 32399-1030. If retrofitting has been undertaken by a

residential condominium, the association shall report the per-unit cost of such work to the division using DBPR Form CO 6000-8, ~~FIRE SAFETY RETROFITTING REPORT FOR CONDOMINIUMS~~. The division shall prepare separate reports ~~a report~~ of information obtained from associations relating to the waiver of a fire sprinkler system and the waiver of handrails and guardrails and deliver the reports ~~report~~ to the Division of State Fire Marshal of the Department of Financial Services no later than August 1 of each year. DBPR Form CO 6000-8, ~~FIRE SAFETY RETROFITTING REPORT FOR CONDOMINIUMS~~ must be filed with the division within 60 days of recordation of the retrofitting waiver certificate in the public records where the condominium is located or upon commencement of the retrofitting project.

(4)(a) As provided for by Sections Section 718.1085 and 718.112(2)(l), Florida Statutes, any vote to waive a ~~fire safety~~ retrofitting requirement shall be held at a duly called meeting of the membership, with members voting live and in person, or may be conducted without a membership meeting by written consents, or may be conducted by a combination of the two with the association counting written consents received along with votes cast live and in person at a duly called meeting of the membership. Effective October 1, 2004, retrofitting requirements related to a fire sprinkler system may also be waived by the use of limited proxies cast at a duly called meeting of the membership.

(b) The written consent form utilized by the association must contain a space for the authorized voter to sign and must identify the unit owned. Voting by written consents or written agreements may be utilized by an association regardless of whether the bylaws or the declaration specifically permit voting by written consents or written agreements.

(c) There is no limitation on the number of times an association may conduct a vote to waive a ~~fire safety~~ retrofitting requirement. However, in order to be effective, the affirmative vote of not less than two-thirds of the total voting interests must be obtained, and a certificate attesting to such vote must be recorded in the public records, not later than December 31, 2014.

(d) In the case of an association that operates more than one condominium, in order for a waiver to be effective as to a particular condominium and the buildings located within that condominium, two-thirds of the total voting interests of that condominium must affirmatively vote in favor of waiving the retrofitting requirements.

(4) through (10) No change.

Specific Authority 718.112(2)(d)3., 718.501(1)(f) FS. Law Implemented ~~718.1085~~, 718.111(12), 718.112(2)(b)2.,(c),(d)3.,4., 718.117, 718.501(2)(a), 718.504 FS. History—New 7-22-80, Amended 8-31-83, 10-1-85, Formerly 7D-23.02, Amended 1-27-87, 7-10-88, 3-21-89, 2-18-92, Formerly 7D-23.002, Amended 11-23-93, 2-20-97, 4-14-99, 12-23-02, 1-28-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael 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 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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

RULE TITLE: RULE NO.:

Association Fee; Mailing Address; Retrofitting 61B-78.001

PURPOSE AND EFFECT: To develop a procedure and form for cooperative associations to report the waiver of handrail and guardrail retrofitting information to the Division of Florida Land Sales, Condominiums and Mobile Homes and establish a date for reporting this information to the Division of State Fire Marshal of the Department of Financial Services, pursuant to Chapter 2004-80, Laws of Florida. The rule amendment also conforms this rule to revised voting procedures for the waiver of retrofitting of fire sprinkler systems adopted by the 2004 Legislature.

SUMMARY: Provides a procedure for reporting fire sprinkler systems and handrail and guardrail retrofitting for cooperative 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: 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.1055(5),(6) 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: 1:30 p.m., November 1, 2004

PLACE: Warren Building Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING: 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 workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting 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 RULE 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 RULE IS:

61B-78.001 Association Fee; Mailing Address; ~~Fire Safety~~ Retrofitting.

(1) through (2) No change.

(3) Each association that votes to forego retrofitting of the common areas or units of a residential cooperative with a fire sprinkler system or other engineered life system safety or handrails and guardrails by the affirmative vote of two-thirds of all voting interests in the affected cooperative, shall report the voting results and certification information for each affected cooperative to the division on DBPR Form CP 6000-1, ~~FIRE SAFETY~~ RETROFITTING REPORT FOR COOPERATIVES, incorporated herein by reference and effective 1-28-04. The form may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, Florida 32399-1030. If retrofitting has been undertaken by a residential cooperative, the association shall report the per-unit cost of such work to the division using DBPR Form CP 6000-1, ~~FIRE SAFETY~~ RETROFITTING REPORT FOR COOPERATIVES. The division shall prepare separate reports ~~a report~~ of information obtained from associations relating to the waiver of a fire sprinkler system or the waiver of handrails and guardrails and deliver the reports ~~report~~ to the Division of State Fire Marshal of the Department of Financial Services no later than August 1 of each year. DBPR Form CP 6000-1, ~~FIRE SAFETY~~ RETROFITTING REPORT FOR COOPERATIVES must be filed with the division within 60 days of recordation of the retrofitting waiver certificate in the public records where the cooperative is located or upon commencement of the retrofitting project.

(4)(a) As provided for by Section 719.1055, F.S., any vote to waive a ~~fire safety~~ retrofitting requirement shall be held at a duly called meeting of the membership, with members voting live and in person, or may be conducted without a membership meeting by written consents, or may be conducted by a combination of the two with the association counting written

consents received along with votes cast live and in person at a duly called meeting of the membership. Effective October 1, 2004, retrofitting requirements related to a fire sprinkler system may also be waived by the use of limited proxies cast at a duly called meeting of the membership.

(b) The written consent form utilized by the association must contain a space for the authorized voter to sign and must identify the unit owned. Voting by written consent may be utilized by an association regardless of whether the cooperative documents specifically permit voting by written consent.

(c) There is no limitation on the number of times an association may conduct a vote to waive a ~~fire safety~~ retrofitting requirement. However, in order to be effective, the affirmative vote of not less than two-thirds of the total voting interests must be obtained, and a certificate attesting to such vote must be recorded in the public records, not later than December 31, 2014.

(d) In the case of an association that operates more than one cooperative, in order for a waiver to be effective as to a particular cooperative and the buildings located within that cooperative, two-thirds of the total voting interests of that cooperative must affirmatively vote in favor of waiving the retrofitting requirements.

Specific Authority 719.501(1)(f) FS. Law Implemented 719.1055(5),(6), 719.501(1), (2) FS. History--New 2-17-98, Amended 1-28-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael 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 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: RULE NO.:

Normal Penalty Ranges 61G4-17.001

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the penalties for violation of Chapter 489, Part I, Florida Statutes.

SUMMARY: The proposed rule amendments set forth increased penalties for violation of Chapter 489, Part I, Florida Statutes.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.227, 489.108, 489.129 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 489.129 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-17.001 Normal Penalty Ranges.

(1) The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this chapter.

(a) Section 489.129(1)(a), F.S.: Obtaining license through fraud or misrepresentation. Revocation and/or \$5,000 fine.

(b) Section 489.129(1)(b), F.S.: Convicted or found guilty of a crime relating to contracting. Use penalty for violation most closely resembling the act underlying the conviction; repeat violation, revocation and ~~\$2,500~~ ~~\$1,000~~ to \$5,000 fine.

(c) Section 489.129(1)(c), F.S.: Violating any part of Chapter 455, F.S. Penalty within ranges prescribed by Section 455.227, F.S., unless otherwise prescribed herein.

1. Section 455.227(1)(a), F.S.: Fraud, deceit, misleading, or untrue representations. First violation, ~~\$2,000 to \$5,000~~ ~~\$1,000 to \$3,000~~ fine and suspension or revocation; repeat violation, revocation and \$5,000 fine.

2. Section 455.227(1)(r), F.S.: Improperly interfering with an investigation or disciplinary action. ~~\$2,500~~ ~~\$1,000~~ to \$5,000 fine and suspension or revocation.

(d) Section 489.129(1)(d), F.S.: Assisting unlicensed person to evade provision of Chapter 489, F.S. First violation, ~~\$1,000~~ ~~\$500~~ to \$2,500 fine and/or probation; repeat violation, ~~\$2,500 to \$5,000~~ fine and suspension or revocation.

(e) Section 489.129(1)(e), F.S.: Combining and conspiring with unlicensed person or entity to evade provision of Chapter 489, F.S. First violation, ~~\$1,000 to \$3,500~~ ~~\$500 to \$2,500~~ fine and/or probation; repeat violation, ~~\$3,500~~ ~~\$2,500~~ to \$5,000 fine and suspension or revocation.

(f) Sections 489.129(1)(f), 489.119(2), F.S.: Failure to qualify a firm, and/or acting under a name not on license; ~~First violation~~ ~~\$1,500 to \$3,000~~; repeat violation, ~~\$3,000 to \$5,000~~ ~~\$750 to \$1,500~~ fine.

(g) Section 489.129(1)(g), F.S.: Mismanagement or misconduct causing financial harm to the customer. First violation, ~~\$1,500 to \$2,500~~ ~~\$750 to \$1,500~~ fine, ~~restitution~~ and/or probation; repeat violation, ~~\$2,500~~ ~~\$1,500~~ to \$5,000 fine, ~~restitution~~ and suspension or revocation.

(h) Section 489.129(1)(h), F.S.: Local disciplinary action. Use penalty herein listed for the violation most closely resembling the act underlying the local discipline; repeat violation, same method, use the penalty herein for repeat violation.

(i) Section 489.129(1)(i), F.S.: Failing in any material respect to comply with the provisions of Part I of Chapter 489, F.S.

1. Section 489.1195(2)(e), F.S.: Failure to supervise construction activities. First violation, \$250 to \$1,000 fine and/or probation; repeat violation, \$1,000 to \$5,000 fine and suspension or revocation.

2. Sections 489.113, 489.117, F.S.: Contracting beyond scope of practice allowed by license, no safety hazard. First violation, ~~\$1,000 to \$3,000~~ ~~\$500~~ fine; repeat violation, ~~\$3,000 to \$5,000~~ ~~\$500 to \$2,500~~ fine and ~~probation~~, suspension or revocation.

3. Sections 489.113, 489.117, F.S.: Contracting beyond scope of license, safety hazard is created. First violation, ~~\$1,000 to \$2,500~~ fine; repeat violation, ~~\$2,500 to \$5,000~~ fine and suspension or revocation.

4. Section 489.1425, F.S.: Failure to notify residential property owner of recovery fund. First violation, ~~\$250 to \$2,000~~ ~~\$100 to \$500~~ fine; repeat violation, ~~\$2,000 to \$5,000~~ ~~\$1,000~~ fine.

5. Section 489.115, F.S.: Contracting with a delinquent license. ~~First violation, \$250 to \$2,500 fine; repeat~~ ~~Repeat~~ violation, ~~\$2,500 to \$5,000~~ ~~\$1,000 to \$2,500~~ fine and suspension or revocation. Any violation, respondent must pay all fees and costs required to place license in current and active status, in addition to fines specified herein.

6. Section 489.116, F.S.: Contracting with an inactive license. First violation, ~~\$500 to \$2,500~~ ~~\$250 to \$500~~ fine; repeat violation, ~~\$2,500 to \$5,000~~ ~~\$500 to \$1,000~~ fine and suspension or revocation.

7. Section 489.117, F.S.: Contracting in a city or county where the contractor is not licensed.

a. First violation, ~~\$1,000~~ ~~\$500~~ fine where the jurisdiction is not adjacent to one where contractor is properly licensed, or practice outside the geographical scope of the license was willful.

b. Repeat violation under any circumstances, ~~\$1,000 to \$5,000~~ ~~\$500 to \$1,500~~ fine and/or ~~probation~~, suspension or revocation.

8. Section 489.119, F.S.: Failure to register qualified business organization. ~~First violation, \$250 to \$500 fine; repeat~~ ~~Repeat~~ violation, \$500 to \$1,000 fine and/or ~~probation~~, suspension or revocation.

9. Section 489.119(6)(b), F.S.: License number not appearing in advertisement. First violation, \$250 ~~\$100~~ fine; repeat violation, \$500 to \$2,500 fine and/or probation ~~reprimand~~ and \$250 to \$1,000 fine.

10. Section 489.124, F.S.: Failure to keep business and financial records as required. First violation, \$500 to \$2,000 ~~\$100 to \$1,000~~ fine and/or reprimand ~~to~~ probation; repeat violation, \$2,000 ~~\$500~~ to \$5,000 fine and/or probation or suspension.

(j) Section 489.129(1)(j), F.S.: Abandonment. First violation, \$1,000 to \$5,000 ~~\$500 to \$2,000~~ fine and/or probation; repeat violation, \$5,000 fine and revocation ~~and \$5,000 fine~~.

(k) Section 489.129(1)(k), F.S.: False payment statements, false statement of insurance coverage.

1. False payment statement, valid liens were filed or customer otherwise injured. First violation, \$1,000 ~~\$500~~ to \$3,000 fine and/or probation, suspension or revocation; repeat violation, \$3,000 ~~\$1,500~~ to \$5,000 fine and/or probation, suspension or revocation.

2. False statement of insurance coverage. Without financial harm to customer: First violation, \$1,000 to \$2,000 fine; repeat violation, \$2,500 ~~\$1,500~~ to \$5,000 fine and probation, suspension or revocation. With financial injury to customer occurs: first violation, \$2,000 to \$5,000 fine and probation, suspension or revocation; repeat violation, \$5,000 fine and suspension or revocation.

(l) Section 489.129(1)(l), F.S.: Committing fraud or deceit in the practice of contracting.

1. Causing no monetary or other harm to licensee's customer, and no physical harm to any person. First violation, \$1,000 to \$2,500 ~~\$500 to \$1,000~~ fine and/or probation; repeat violation, \$2,500 to \$5,000 ~~\$1,000 to \$1,500~~ fine and suspension or revocation.

2. Causing monetary or other harm to licensee's customer or physical harm to any person. First violation, \$1,000 to \$2,500 ~~\$500 to \$2,000~~ fine and probation, suspension or revocation; repeat violation, \$2,000 to \$5,000 fine and suspension or revocation.

(m) Misconduct or incompetency in the practice of contracting as set forth in Section 489.129(1)(n), F.S., shall include, but is not limited to:

1. Failure to honor a warranty.

2. Violation of any provision of Chapter 61G4, F.A.C., or Chapter 489, Part I, F.S.

3. Failure to abide by the terms of a mediation agreement.

4. The following guidelines shall apply to cases involving misconduct or incompetency in the practice of contracting, absent aggravating or mitigating circumstances:

a. Misconduct by failure to honor warranty. First violation, \$1,000 to \$2,500 ~~\$500 to \$1,000~~ fine; repeat violation, \$2,500 to \$5,000 ~~\$1,000 to \$2,000~~ fine and suspension or revocation.

b. Violation of any provision of Chapter 61G4, F.A.C., or Chapter 489, Part I, F.S. First violation, \$1,000 to \$2,500 ~~\$500 to \$1,000~~ fine; repeat violations, \$2,500 ~~\$1,000~~ to \$5,000 fine and suspension or revocation.

c. Any other form of misconduct or incompetency. First violation, \$500 ~~\$250~~ to \$1,000 fine and/or probation; repeat violations \$1,000 to \$5,000 fine and suspension or revocation.

(n) Section 489.129(1)(n), F.S.: Being found guilty of gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property. First violation, \$1,000 to \$3,000 ~~\$500 to \$1,500~~ fine and probation, suspension or revocation; repeat violation, \$3,000 ~~\$1,500~~ to \$5,000 fine and suspension or revocation.

(o) Section 489.129(1)(o), F.S.: Proceeding on any job without obtaining applicable local building department permits and/or inspections.

1. Late permits. Contractor pulls permit after starting job but prior to completion of same and does not miss any inspections. First violation, \$250 to \$1,000 ~~\$100~~ fine; repeat violation, \$1,000 to \$3,000 ~~\$500 to \$1,000~~ fine and/or probation.

2. Failure to obtain inspections. First violation \$250 to \$1,000 fine and/or probation or suspension; repeat Repeat violation, \$1,000 to \$5,000 ~~\$500 to \$2,500~~ fine and suspension or revocation.

3. Job finished without a permit having been pulled, or no permit until caught after job, or late permit during the job resulting in missed inspection or inspections. First violation, \$1,000 to \$2,500 ~~\$500 to \$1,500~~ fine and/or probation; repeat violation, \$2,500 to \$5,000 ~~\$1,000 to \$2,500~~ fine and suspension or revocation.

(p) Section 489.129(1)(p), F.S.: Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner or notice to contractor pursuant to Chapter 713, F.S. First violation, \$1,000 to \$2,500 fine and suspension or revocation; repeat violation, \$2,500 to \$5,000 fine and suspension or revocation.

(q) Section 489.129(1)(q), F.S.: Failure to satisfy a civil judgment obtained against the licensee or the business organization qualified by the licensee within a reasonable time. First violation, \$1,000 to \$3,000 ~~\$500 to \$1,000~~ fine and/or proof of satisfaction of civil judgment; repeat violation, \$3,000 ~~\$1,000~~ to \$5,000 fine and/or proof of satisfaction of civil judgment, and suspension or revocation. For purposes of this section "reasonable time" means ninety (90) days following the entry of a civil judgment that is not appealed. The Board will consider a mutually agreed upon payment plan as satisfaction of such judgment, so long as the payments are current.

(r) Violation of state or local building codes or laws. First violation, \$500 to \$2,500 fine; repeat violation, \$2,500 to \$5,000 fine and probation, suspension or revocation.

(2) The Board may require continuing education hours as an additional penalty to the guidelines listed above. All continuing education hours assessed as part of a penalty shall be in excess of the credit hours required for bi-annual renewal as stated in this act and rules.

(2) through (5) renumbered (3) through (6) No change.

Specific Authority 455.227, 489.108, 489.129 FS. Law Implemented 455.227, 455.2273, 489.129 FS. History—New 10-26-86, Amended 12-21- 92, Formerly 21E-17.001, Amended 11-2-93, 10-12-94, 7-2-95, 9-3-96, 10-31-96, 2-4-98, 8-2-98, 2-2-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2004

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

RULE TITLES:	RULE NOS.:
Continuing Education Requirements	64B5-12.013
Individual Study	64B5-12.018
Standards for Board Approval of	

Pro Bono Programs 64B5-12.1085

PURPOSE AND EFFECT: The proposed rule amendments update the requirements for continuing education credit hours and implement Section 456.031, F.S.

SUMMARY: The proposed rule amendments add teaching experiences related to dentistry for fulfillment of required continuing education credit hours, and require dental hygienists to complete one hour of domestic violence training every other biennial renewal period.

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

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

SPECIFIC AUTHORITY: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS.

LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.017(3),(5), 466.028(1)(i),(bb) 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-12.013 Continuing Education Requirements.

(1) No change.

(2) Dental hygienists shall complete 24 hours of continuing professional education during each license renewal biennium which shall include no more or no less than one hour of training in domestic violence every other biennium as required by Section 456.031, F.S., as a condition of license renewal. In addition, during each license renewal biennium licensed dental hygienists shall complete training in cardiopulmonary resuscitation (CPR) at the basic support level, which results in certification or recertification in CPR by the American Heart Association, the American Red Cross or an entity with equivalent requirements. ~~In addition to the 24 hours required herein, each dental hygienist shall complete no more and no less than one hour of training in domestic violence as required by Section 456.031, F.S., and described in subsection 64B5-12.019(8), F.A.C.~~

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (f) No change.

(g) By participating as part of a course at a dental, dental hygiene or dental assisting school accredited by the ADA Commission on Dental Accreditation, its successor agency or other nationally recognized accrediting agency, an adjunct, part-time faculty member may receive three (3) continuing education hours per semester/quarter by providing the following requirements: application, documentation from the teaching institution which shall include the number of the semesters/quarters the licensee taught the course.

(4) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.017(3),(5), 466.028(1)(i),(bb) FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01, 8-25-03, 5-31-04, \_\_\_\_\_.

64B5-12.018 Individual Study.

(1) No change.

(2) Credit for individual study shall only be awarded in the following manner, for the following educational experiences:

(a) through (b) No change.

(c) ~~Initial Presentation~~ Presentation of a lecture devoted to a subject area set forth in Rule 64B5-12.016, F.A.C., when given as part of a course at a dental, dental hygiene or dental assisting school accredited by the American Dental Association's Commission on Dental Accreditation, its successor agency or other nationally recognized accrediting agency, or as part of a formal course or program approved by the Board pursuant to Rule 64B5-16.002, F.A.C. Two hours of continuing education credit shall be awarded for each 50 minutes of actual lecture time upon the licensee's documentation of the following: name of the institution, course and program; subject, length and date of the lecture; and written confirmation of this information from the sponsoring institution or program. Licensees may obtain a maximum of 15 hours per biennium.

Specific Authority 466.004(4), 466.014 FS. Law Implemented 466.0135, 466.014 FS. History--New 4-2-86, Amended 9-7-87, 3-28-88, 1-18-89, Formerly 21G-12.018, 61F5-12.018, 59Q-12.018, Amended \_\_\_\_\_.

64B5-12.0185 Standards for Board Approval of Pro Bono Programs.

(1) through (3) No change.

(4) Licensees may receive continuing education credit for provision of pro bono dental or dental hygiene presentations when given as part of a formal course at a dental, dental hygiene or dental assisting school accredited by the ADA Commission on Dental Accreditation, or its successor agency. Two (2) hours of continuing education credit shall be awarded for each 50 minutes of actual lecture time upon the licensee's documentation of the following: name of the institution; course and program; subject; length and dates of the lecture; and documentation of all information from the sponsoring institution or program. Licensees may obtain a maximum of 15 hours per biennium.

Specific Authority 456.013(8) FS. Law Implemented 456.013(8) FS. History--New 2-15-99, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 2004

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE TITLES:

Mediation

Notice of Noncompliance

RULE NOS.:

64B7-30.005

64B7-30.006

PURPOSE AND EFFECT: As to the Mediation section the rule change adds an additional first time offense that is eligible for mediation by the subject of a complaint. Concerning the Notice of Non-Compliance section the rule change clarifies the violation that is eligible for the notice of non-compliance.

SUMMARY: The changes add a first time offense to the list of eligible offenses for which mediation is appropriate and clarifies the advertising provision that is eligible for a notice of non-compliance, for an alleged first time violation.

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: 120.695, 456.073(3), 456.078, 480.035(7) FS.

LAW IMPLEMENTED: 120.695, 456.073(3), 456.078 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B7-30.005 Mediation.

Pursuant to Section 456.078, F.S., the Board designates first time violations of the following ~~area~~ as appropriate for mediation:

(1) Violation of Section 480.047(1)(a), F.S., by practicing on a delinquent license. ~~Mediation is appropriate only for a first offense.~~

(2) Failure to timely respond to a continuing education audit in violation of Section 64B7-28.009(5), F.A.C.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History--New 1-2-95, Amended 4-21-97, Formerly 61G11-30.005, Amended \_\_\_\_\_.

64B7-30.006 Notice of Noncompliance.

Pursuant to Sections 120.695 and 456.073(3), F.S., the Board designates the following as minor violations for which a notice of noncompliance may be issued for the first violation thereof:

(1) through (3) No change.

(4) Failure to include license number or numbers in any advertisement as required by Section 480.0465 F.S. Rule 64B7-33.001, F.A.C.

Specific Authority 120.695, 456.073(3), 480.035(7) FS. Law Implemented 120.695, 456.073(3) FS. History--New 2-5-96, Formerly 61G11-30.006, Amended 9-14-98, 10-12-03, \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Massage Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Massage Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: July 30, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 3, 2004

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Fees Regarding Physician Assistants  
RULE NO.: 64B8-30.019  
PURPOSE AND EFFECT: The proposed rule amendment is intended to reduce licensure renewal fees for physician assistants by 25%.

SUMMARY: Licensure renewal fees will be reduced from \$200 to \$150.

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

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

SPECIFIC AUTHORITY: 456.036(5),(7), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.036(5),(7), 458.347 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:

64B8-30.019 Fees Regarding Physician Assistants.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (3) No change.

(4) The application fee for a person applying to be certified as a prescribing physician assistant shall be \$200.00. The fee for initial certification as a prescribing physician assistant shall be \$200.00. The renewal fee for a prescribing physician assistant shall be ~~\$150.00~~ ~~\$200.00~~. No additional fees will be required for any separate application for a distinct area of practice or a change in practice setting during the same biennium.

(5) The biennial renewal fee for an active or inactive physician assistant pursuant to Section 458.347 or 459.022(7), F.S., shall be ~~\$150.00~~ ~~\$200.00~~. Licenses not renewed at the end of a biennial period shall automatically become delinquent.

(6) through (9) No change.

Specific Authority 456.036(5),(7), 458.309, 458.347 FS. Law Implemented 456.036(5),(7), 458.347 FS. History--New 8-11-98, Amended 7-30-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council on Physician Assistants

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: July 9, 2004

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Physician Assistant Fees  
RULE NO.: 64B15-6.013  
PURPOSE AND EFFECT: The proposed rule amendment is intended to reduce licensure renewal fees for physician assistants by 25%.

SUMMARY: Licensure renewal fees will be reduced from \$200 to \$150.

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

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

SPECIFIC AUTHORITY: 456.036(5),(7), 459.005, 459.009, 459.022(7) FS.

LAW IMPLEMENTED: 456.036(5),(7), 459.009, 459.022(7) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.013 Physician Assistant Fees.

The following fees are prescribed by the Council and adopted by the Boards:

(1) through (3) No change.

(4) The application fee for a person applying to be certified as a prescribing physician assistant shall be \$200.00. The fee for initial certification as a prescribing physician assistant shall be \$200.00. The renewal fee for a prescribing physician assistant shall be \$150.00 ~~\$200.00~~. No additional fees will be required for any separate application for a distinct area of practice or a change in practice setting during the same biennium.

(5) The biennial renewal fee for an active or inactive physician assistant certified pursuant to Section 458.347 or 459.022(7), F.S., shall be \$150.00 ~~\$200.00~~. Certificates not renewed at the end of a biennial period shall automatically become delinquent.

(6) through (9) No change.

Specific Authority 456.036(5),(7), 459.005, 459.009, 459.022(7) FS. Law Implemented 456.036(5),(7), 459.009, 459.022(7) FS. History—New 11-4-93, Amended 2-20-94, Formerly 61F9-6.013, 59W-6.013, Amended 8-11-98, 2-23-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Council on Physician Assistants  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLE: Forms and Instructions

RULE NO.: 64B15-9.007

PURPOSE AND EFFECT: The proposed rule is intended to incorporate forms used by the Board of Osteopathic Medicine into a single rule.

SUMMARY: The proposed rule identifies and incorporates forms utilized by the Board of Osteopathic Medicine into a single rule.

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: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 456.073, 459.005, 458.0055, 459.007, 459.0075, 459.0077, 459.008, 459.00085, 459.021, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 459.005, 458.0055, 459.007, 459.0075, 459.0077, 459.008, 459.00085, 459.021, 459.022 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B15-9.007 follows. See Florida Administrative Code for present text.)

64B15-9.007 Forms and Instructions.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or by telephoning (850)488-0595, or via the internet at [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa):

(1) DH-MQA 1029, entitled “Board of Osteopathic Medicine Application for Licensure,” (1/04).

(2) DH-MQA 1071 entitled “Board of Osteopathic Medicine Office Surgery Registration Program,” (1/03).

(3) DH-MQA 1081, entitled “Board of Osteopathic Medicine Application for Registration as an Unlicensed Osteopathic Physician,” (6/04).

(4) DH-MQA 1082, entitled “Board of Osteopathic Medicine Application for Osteopathic Medical Faculty Certificate,” (6/04)

(5) DH-MQA 1083, entitled “Board of Osteopathic Medicine Application for Limited License,” (6/04).

(6) DH-MQA 1084, entitled “Unlicensed Osteopathic Physician Hospital Reporting Form,” (Revised 6/04).

(7) DH-MQA 1085, entitled “Dispensing Practitioner Registration,” (Revised 6/04).

(8) DH-MQA 1086, entitled “License Renewal Notice,” (6/04).

(9) DH-MQA 1089, entitled “Financial Responsibility Filing Form,” (6/04).

(10) DH-1267, entitled “Application for Refund From the State of Florida,” (10/99).

(11) DH-MQA 2000, entitled “Application for Licensure as a Physician Assistant,” (revised 1/04).

(12) DH-MQA 2001, entitled “Application for Licensure as Prescribing Physician Assistant,” (3/02).

(13) DH-MQA 2004, entitled “Physician Assistant Supervision Data Form,” (Rev. 4/04).

Specific Authority 120.55(1)(a)(4), 456.013, 456.036(5), 456.048(1), 456.073, 459.005, 458.0055, 459.007, 459.0075, 459.0077, 459.008, 459.00085, 459.021, 459.022 120.53, 459.005 FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 459.005, 458.0055, 459.007, 459.0075, 459.0077, 459.008, 459.00085, 459.021, 459.022 FS. History—New 10-23-79, Formerly 21R-9.07, 21R-9.007, Amended 11-9-93, Formerly 61F9-9.007, 59W-9.007, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: September 17, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 10, 2003

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Laws and Rules Examination  
RULE NO.: 64B17-3.002

PURPOSE AND EFFECT: The Board proposes to update the score for passing the national examination and the jurisprudence examination. The Board provides specific information to explain its implementation of the jurisprudence exam.

SUMMARY: The national examination and jurisprudence examination scaled score for passing these exams is 600 or greater. The jurisprudence exam has 40 scored questions in specific topics and weights. An applicant who fails the jurisprudence exam must wait 60 days before retaking this examination.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.017, 486.025, 486.051 FS.

LAW IMPLEMENTED: 456.017, 486.051 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Laws and Rules Examination.

(1) The licensure examination for physical therapy ~~administered by the Department~~ shall be the National Physical Therapy Examination for Physical Therapists developed national physical therapy examination approved by the Federation of State Boards of Physical Therapy ~~through the designated agency providing such examination.~~

(2) In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 recommended by the Federation of State Boards of Physical Therapy criterion-referenced score determined by the agency providing the national physical therapy examination.

(3) No change.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-3.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Board of Physical Therapy approved laws and rules examination.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

1. Legislative Intent and Definitions 25%
2. Board Powers and Duties 5%
3. Licensure and Examination 7.5%
4. Patient Care 35%
5. Disciplinary Action and Unlawful Practice 15%, and
6. Consumer Advocacy 12.5%

In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

(b)1. Applicants must reapply to retake the Florida Jurisprudence Examination.

2. Any applicant who fails the examination shall not be eligible for reexamination until 60 days following the previous examination administration.

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended 2-14-02, 4-23-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 10, 2004

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

**RULE TITLES:**

Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination

**RULE NOS.:**

64B17-4.002  
64B17-4.003

**PURPOSE AND EFFECT:** The Board proposes to update the score for passing the national examination and jurisprudence examinations in Rule 64B17-4.002, F.A.C., and to clarify the number of times an applicant may take the national competency examination in Rule 64B17-4.003, F.A.C.

**SUMMARY:** In Rule 64B17-4.002, F.A.C., the national examination and jurisprudence examination scaled score for passing these exams is 600 or greater. The jurisprudence exam has 40 scored questions in specific topics and weights. An applicant who fails the jurisprudence exam must wait 60 days before retaking this examination. Rule 64B17-4.003, F.A.C., establishes that applicants may take the national physical therapy examination no more than five occasions.

**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 cost regulatory alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** 456.017(1)(b), 486.025, 486.104, 486.107(1) FS.

**LAW IMPLEMENTED:** 456.017, 486.104, 486.107(1) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Laws and Rules Examination.

(1) The licensure examination for physical therapists assistants administered by the Department shall be the National Physical Therapy Examination for Physical Therapists developed national physical therapy examination approved by the Federation of State Boards of Physical Therapy through the designated agency providing such examination.

(2) In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 recommended by the Federation of State

Boards of Physical Therapy criterion-referenced score determined by the agency providing the national physical therapy examination.

(3) No change.

(4) All applicants for licensure including those licensed by endorsement under Rule 64B17-4.003, F.A.C., are required to take and pass the Florida Jurisprudence Examination developed by the Federation of State Board of Physical Therapy a laws and rules examination.

(a) The Florida Jurisprudence Examination has 40 scored questions and the content and approximate weights are:

1. Legislative Intent and Definitions 25%
2. Board Powers and Duties 5%
3. Licensure and Examination 7.5%
4. Patient Care 35%
5. Disciplinary Action and Unlawful Practice 15%, and
6. Consumer Advocacy 12.5%

In order to achieve a passing score on the examination, an applicant must obtain a score equal to or greater than the scaled score of 600 based upon a passing score study conducted by the Federation of State Boards of Physical Therapy.

(b)1. Applicants must reapply to retake the Florida Jurisprudence Examination.

2. Any applicant who fails the examination shall not be eligible for reexamination until 60 days following the previous examination administration.

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History—New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended 2-14-02, 4-23-02, \_\_\_\_\_.

64B17-4.003 Licensure by Endorsement.

An applicant demonstrating that he or she is licensed in another state may be licensed to practice as a physical therapist assistant by endorsement by presenting evidence of active licensure in another jurisdiction, under oath, and evidence satisfactory to the Board that the applicant from such other jurisdiction has been licensed under standards for licensure as high as those maintained in Florida. The standard for determining whether those requirements are as high as those in Florida shall be whether the applicant was required to meet educational standards equivalent to those set forth in subsection 64B17-4.001(3), F.A.C., and whether the written examination taken for licensure in such other jurisdiction was through the designated national physical therapy assistants examination provider certified by the Department. An applicant who has failed to pass the national physical therapy examination by or on the fifth attempt after five attempts, regardless of the jurisdiction through which the examination was taken, is precluded from licensure.

Specific Authority 486.025, 486.107(1) FS. Law Implemented 486.107(1) FS. History—New 8-6-84, Formerly 21M-10.26, Amended 5-18-86, Formerly 21M-10.026, 21MM-4.004, 61F11-4.004, 59Y-4.004, Amended 7-11-02, 11-11-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Physical Therapy Practice  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2004

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE TITLES:	RULE NOS.:
Laboratory Certification Standards	64E-1.0015
Records, Reports, and Contractual Agreements	64E-1.005
Certification Requirements	64E-1.102
Display of Certificate and Use of Certification	64E-1.105
Proficiency Testing Requirements	64E-1.106

PURPOSE AND EFFECT: The 2002 and 2003 versions of the National Environmental Laboratory Accreditation Conference standards (NELAC Standards) incorporate the revised international standards for the competency of calibration and testing laboratories in ISO 17025. Thus, the updating of environmental testing laboratory certification criteria in Chapter 64E-1, F.A.C., to the most recent NELAC Standards enhances the acceptability of reported test data as relevant for clients' intended uses. The proposed effective dates for each version are consistent with the Florida Administrative Procedures Act and the desired implementation schedule of NELAC.

SUMMARY: These proposed rule amendments incorporate by reference the portions of the 2002 and 2003 versions of the National Environmental Laboratory Accreditation Conference (NELAC) Standards applicable to environmental testing laboratories. To comply with the Florida Administrative Procedures Act and to allow reasonable transition for the laboratories, the 2002 version of the Standards will take effect when these proposed rule amendments are successfully promulgated. The 2003 version of the NELAC Standards will take effect on July 1, 2005. Several forms that the Department of Health uses for laboratory certification will be updated accordingly.

SPECIFIC AUTHORITY: 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS.  
LAW IMPLEMENTED: 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(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: 9:00 a.m., November 10, 2004  
PLACE: Porter Building Auditorium, Florida Department of Health, Bureau of Laboratories, 1217 N. Pearl Street, Jacksonville, FL 32202  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stephen A. Arms, Program Administrator

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-1.0015 Laboratory Certification Standards.  
Any environmental testing laboratory certified or seeking certification pursuant to this rule shall comply with Section 1.8.1; Appendix A to Chapter 1 (Program Policy and Structure); Sections 2.1.3, 2.2.3, 2.4, 2.5, 2.7.2, 2.7.3, 2.7.4, 2.7.6, 3.4.5, 3.4.6, 3.5, 4.0, 4.1, 4.2, 4.3, 4.4, and 4.6; Chapter 5 (Quality Systems) and its Appendices; and Sections 6.2.2, 6.8, and Appendix A to Chapter 6 (Accrediting Authority) of the standards adopted at the National Environmental Laboratory Accreditation Conference (NELAC) on July 12, 2002, which are adopted herein by reference to take effect on \_\_\_\_\_ and with the above same sections of the standards adopted at the NELAC on June 5, 2003 (with the exception of Section 1.8.1, which is renumbered to be 1.6.1) May 25, 2004, which are adopted herein by reference to take effect on July 1, 2005.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 4-16-00, Amended 6-30-03, \_\_\_\_\_.

64E-1.005 Records, Reports, and Contractual Agreements.  
(1) Laboratories shall maintain analytical performance according to Chapter 5 of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C., for those analytes and test methods with which they have been certified or are seeking certification. Each certified laboratory shall maintain the documentation required in Chapter 5 of the NELAC Standards and comply with the laboratory report format and content requirements in Section 5.5.10 ~~5-13~~ of the NELAC Standards.

(2) For compliance with the Florida Safe Drinking Water Act, the laboratory will report the information described in paragraph 62-550.730(2)(a), F.A.C., revised on 4-3-2003 ~~11-27-2001~~, in the appropriate format approved by the Department of Environmental Protection.

(a) The laboratory may report presumptive positive microbiological results immediately without waiting for total coliform confirmation. The laboratory shall report confirmed positive total coliform results to the supplier of water no later than the end of the next business day after confirmed positive total coliform results are determined. The laboratory shall report positive fecal coliform or *E. coli* results to the supplier

of water by the end of the day when the results are determined, unless the results are determined after the water supplier's office is closed, in which case the laboratory shall report the results to the water supplier before the end of the next business day. If a laboratory invalidates a sample due to heterotrophic interference as described in paragraph 62-550.518(10)(b), F.A.C., revised on 4-3-2003 ~~11-27-2001~~, the replacement sample must be analyzed by a Department of Health-certified laboratory using a method less susceptible to heterotrophic interference (e.g. MMO-MUG).

(b) Whenever a sample result, or the average of the results from an initial sample and a confirmation sample, exceeds the maximum contaminant level for nitrate, nitrite, or total nitrate-nitrite, the laboratory shall report the result to the supplier of water by the end of the day when the result was determined, unless the result was determined after the water supplier's office is closed, in which case the laboratory shall report the result to the water supplier before the end of the next business day.

(c) Whenever a sample result exceeds the maximum contaminant level for any other contaminant listed in Rules 62-550.310, F.A.C., revised on 4-25-2003, or 62-550.320, revised on 11-27-2001, the laboratory shall report the result to the supplier of water no later than the end of the next business day after the result was determined.

(d) For the purposes of this chapter, a result is considered determined when the laboratory director or his/her designee signs or authenticates the report with the results. The results shall be reported in such a manner that the supplier of water receives the results within the indicated timeframes in paragraphs (2)(a) through (2)(c) of this section.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History--New 4-22-79, Amended 3-7-85, Formerly 10D-41.59, Amended 12-12-89, 11-15-90, 8-5-93, 4-19-95, 4-25-96, Formerly 10D-41.059, Amended 4-16-00, 6-30-03,

64E-1.102 Certification Requirements.

(1) An application for certification shall be made in writing to the Department of Health on Form DH 1762, accompanied by the application fee, and the laboratory's Quality Manual. If proficiency testing is available for the requested Fields of Testing, the laboratory must arrange for these results from the latest three testing round attempts to be submitted directly to the Department of Health by the recognized proficiency test provider. DH 1762, "Application for Certification of Environmental Testing Laboratories," July 2004 ~~2003~~ is herein adopted by reference and is available by calling the department's Bureau of Laboratories at (904)791-1599.

(2) Separate application and certification shall be required for all laboratories maintained on separate premises even though operated under the same management; however, separate certification is not required for separate buildings on the same or adjoining grounds.

(3) An application is not completed until the laboratory has fulfilled all of the following requirements:

(a) The application reviewed by the Department of Health was found to contain all the information required in Section 4.1.7 of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C.

(b) The submitted Quality Manual contains all the information required in Sections 5.4.2.3 and 5.4.2.4 ~~5.5.2~~ of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C.

(c) Proficiency samples are successfully analyzed in two of the most recent three testing rounds attempted, if available from a recognized proficiency testing provider, as required in Rule 64E-1.106, F.A.C.

(d) An on-site laboratory inspection has been conducted for the Fields of Accreditation for which the laboratory is seeking certification, as required in Rule 64E-1.104, F.A.C.

(e) All applicable fees are paid as required in Rule 64E-1.007, F.A.C.

~~(4) If an incomplete application is submitted, the Department of Health will retain the application for up to one year at the laboratory's request.~~

~~(4)(5)~~ An out-of-state laboratory shall be eligible for reciprocal certification provided:

(a) The laboratory is certified by a National Environmental Laboratory Accreditation Program (NELAP) recognized accrediting authority for those Fields of Accreditation in which the laboratory is requesting certification pursuant to this rule,

(b) The laboratory submits to the Department of Health the application; and fee, and Quality Manual required in subsection 64E-1.102(1), F.A.C., and

(c) The laboratory submits to the Department of Health a current copy of the laboratory's unexpired certification from the NELAP accrediting authority and the certifying agency's analyte sheet showing those Fields of Accreditation for which the laboratory is certified.

~~(5)(6)~~ If upon review of the documents listed in subsection 64E-1.102(5), F.A.C., the Department of Health determines that the application process is complete and that the laboratory is already certified by its NELAP-recognized primary accrediting authority for the same Fields of Accreditation requested on its application, the Department of Health will not require an on-site inspection survey by its inspectors and certification will be granted after the laboratory pays the certification fees required in Rule 64E-1.007, F.A.C.

~~(6)(7)~~ If upon review of the documents listed in subsection 64E-1.102(5), F.A.C., the Department of Health is unable to determine that the out-of-state certification program is equivalent to the requirements of this rule, an on-site

inspection will be performed by the Department of Health. The laboratory will be responsible for the travel expenses incurred for the on-site inspection.

Specific Authority 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History–New 8-27-86, Amended 10-10-89, 6-29-94, 2-13-96, 4-25-96, Formerly 10D-41.103, Amended 4-16-00, 6-30-03,\_\_\_\_\_.

64E-1.105 Display of Certificate and Use of Certification.

A current certification document shall be displayed at all times in a prominent place in each certified laboratory. DH 1697, ~~7/04~~ ~~7/03~~, which includes the Laboratory Scope of Accreditation and is entitled “Environmental Testing Laboratory Certificate,” is adopted by reference herein. The department shall issue the Certificate to the laboratory only upon completion of the requirements of this Rule. The laboratory must also comply with Sections 6.8(a)(1), (2), (3), and (4) and 6.8(b)(1) and (2) of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C.

Specific Authority:381.00591, 403.0625(3), 403.863(1), 403.863(2) FS. Law Implemented 381.00591, 403.0625(2), 403.0625(4), 403.863(4), 403.863(7), 403.8635(1) FS. History–New 8-27-86, Amended 6-29-94, Repromulgated 4-25-96, Formerly 10D-41.106, Amended 4-16-00, 6-30-03,\_\_\_\_\_.

64E-1.106 Proficiency Testing Requirements.

(1) through (8) No change.

(9) In addition to the requirements in subsections (1) through (8) above, laboratories certified or seeking certification for Fields of Accreditation in the Drinking Water Matrix category group for the Microbiology category for total coliforms and/or fecal coliforms (or *E. coli*) must receive acceptable scores for both the total coliforms and for the fecal coliforms (or *E. coli*) portions of a proficiency testing round for performance on those Fields of Accreditation in that testing round to be considered acceptable.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History–New 8-27-86, Amended 10-10-89, 6-29-94, 2-13-96, 4-25-96, Formerly 10D-41.107, Amended 4-16-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Stephen A. Arms

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Ming S. Chan

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2004

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: Annual and Quarterly Reporting Requirements  
RULE NO.: 690-137.001

PURPOSE, EFFECT AND SUMMARY: To adopt 2004 NAIC manuals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.307, 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.

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

TIME AND DATE: 9:00 a.m., November 9, 2004

PLACE: Cabinet Meeting Room, Lower Level, The Capital, 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 IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: krantzk@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

690-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC’s Quarterly and Annual Statement Instructions, Property and Casualty, 2004 2003;

2. The NAIC’s Quarterly and Annual Statement Instructions/Life, Accident and Health, 2004 2003; and

3. The NAIC’s Quarterly and Annual Statement Instructions/Health, 2004 2003; and

4. The NAIC’s Accounting Practices and Procedures Manual, as of March 2004 2003.

(b) No change.

Specific Authority 624.307, 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History–New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Department of Insurance  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Department of Insurance  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: NAIC Financial Examiners Handbook Adopted  
PURPOSE, EFFECT AND SUMMARY: To adopt 2004 NAIC manuals.

RULE NO.: 690-138.001

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.316(1)(c) FS.

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

TIME AND DATE: 9:00 a.m., November 9, 2004

PLACE: Cabinet Meeting Room, Lower Level, The Capital, 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 above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: krantz@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook Volume I (2004 ~~2003~~) is hereby adopted and incorporated by reference.

(2) through (3) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

**Section III**

**Notices of Changes, Corrections and Withdrawals**

**DEPARTMENT OF STATE**

**Division of Library and Information Services**

RULE NO.: 1B-2.011  
RULE TITLE: Library Grant Programs

**NOTICE OF CORRECTION**

The Florida Department of State hereby publishes this Notice of Correction to the Notice of Proposed Rulemaking, Rule 1B-2.011, F.A.C., published in Vol. 30, No. 37, September 10, 2004 issue of the Florida Administrative Weekly. The Notice of Proposed Rulemaking should have stated the following:

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 BY 5:00 P.M. (EST), MONDAY, OCTOBER 18, 2004, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m. (EST), Thursday, October 21, 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 NO.: 33-203.201  
RULE TITLE: Inmate Trust Fund

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 30, No. 36, September 3, 2004, will be held at 10:00 a.m. on Tuesday, October 26, 2004, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.



**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.223                      RULE TITLE: Designation of Institutions for Youthful Offenders  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 33, August 13, 2004, and Vol. 30, No. 37, September 10, 2004, issues of the Florida Administrative Weekly:

- 33-601.223 Designation of Institutions for Youthful Offenders.
  - (1) No change.
  - (2) The following are designated as youthful offender institutions:
    - (a) through (h) No change.
    - (i) ~~Marion Correctional Institution (Designated Dormitory).~~

Specific Authority 944.09, ~~944.1905~~ 958.11 FS. Law Implemented 944.09, ~~944.1905~~, 958.11 FS. History—New 10-11-95, Amended 9-11-97, 4-14-98, Formerly 33-33.009, Amended 3-13-01, Formerly 33-506.103, Amended

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.112                      RULE TITLE: Inmate Death Notification Process  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 36, September 3, 2004 issue of the Florida Administrative Weekly, has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER NO.: 40D-8                      RULE CHAPTER TITLE: Water Levels and Rates of Flow  
 RULE NO.: 40D-8.624                      RULE TITLE: Schedule of Levels for Lakes and Other Impoundments  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the Notice of Proposed Rule listed above, as noticed in Vol. 30, No. 40 on October 1, 2004, in the Florida Administrative Weekly has been withdrawn. 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.

**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 FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE NO.: 690-137.001                      RULE TITLE: Annual and Quarterly Reporting  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 30, No. 28, July 9, 2004, of the Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE NO.: 690-138.001                      RULE TITLE: NAIC Financial Examiners Handbook Adopted  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 30, No. 28, July 9, 2004, of the Florida Administrative Weekly, has been withdrawn.

**Section IV  
 Emergency Rules**

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
State Distribution of Funds	
to Local Governments	67ER04-19
Income Verification	67ER04-20
Strategies	67ER04-21
NOFA	67ER04-22
Annual Reports	67ER04-23
Letter of Request	67ER04-24

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** As a result of the damage caused by Hurricane Jeanne to parts of Florida, there exists a severe shortage of safe and sanitary housing. Section 420.9078(8), F.S. provides for the distribution of appropriated SHIP funds from the Local

Government Housing Trust Fund among counties and eligible municipalities for which an emergency or natural disaster has been declared by executive order and which have an approved local housing assistance plan to implement a local housing assistance strategy consistent with Section 420.907-9079, F.S. A review of the local housing assistance plans reveals a lack of strategies sufficient to address the severity of damage caused by Hurricane Jeanne. Sections 420.9072-9079, F.S., provide the criteria to be used in order to amend a local housing assistance plan. Adherence to the adoption process would prevent timely distributions of needed funds. Emergency Rulemaking is necessary to address this situation and to provide the local governments the necessary funds to provide for shelter, necessary rehabilitation and repairs to damaged residences.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Florida Housing is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes. That process requires advance notice to the general public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency's adopting of the rule. The process requires, at a minimum, 35 days to adopt a rule. This time period would prevent Florida Housing from releasing the funds to the local counties and eligible municipalities in an expeditious manner. In turn, the counties and local governments would be prevented from providing immediate relief to the victims of Hurricane Jeanne. Florida Housing believes that emergency rulemaking procedure is the most expeditious and effective way to implement necessary procedures to carry out activities as described in this rule. Florida Housing initiated standard rulemaking for Chapter 67-37, F.A.C. by filing a notice of rule development on September 24, 2004.

SUMMARY OF THE RULE: The rule provides the strategy by which SHIP funds shall be utilized by Local Governments affected by Hurricane Jeanne utilizing a disaster self-certification income verification form; establishes a disaster strategy; and extends the annual reporting deadline.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Robert Dearduff, SHIP Program Administrator, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301, (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULES IS:

67ER04-19 State Distribution of Funds to Local Governments.

(1) Local Governments may use Unencumbered SHIP funds to carry out activities of disaster relief as described in the Local Housing Assistance Plan or in the disaster strategy adopted and incorporated in this rule.

(2) Local Governments affected by Hurricane Jeanne may also request forward allocation of remaining 2004-2005 SHIP funds, if any remain, by authority of Executive Order 04-217.

Specific Authority 120.54(4), 420.9072(9) FS, Executive Order 04-217. Law Implemented 420.9072 FS. History--New 9-28-04.

67ER04-20 Income Verification.

(1) Recipients of SHIP funds under a local government's disaster strategy shall be required to verify income by executing a Disaster Self Certification of Income Form (08/04), hereby adopted and incorporated by reference or a local government's form that requires the same information. A copy is available on the Corporation's website at [www.floridahousing.org](http://www.floridahousing.org) or by contacting the Florida Housing SHIP Staff, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301 or call (850)488-4197.

(2) Pay check stubs and other forms of proof are required, if available. Other documentation required for SHIP income qualification may be waived if unavailable. The county or eligible municipality shall make every effort reasonable to insure that the recipients of SHIP funds are income qualified.

Specific Authority 120.54(4), 420.9072(9) FS, Executive Order 04-217. Law Implemented 420.9072 FS. History--New 9-28-04.

67ER04-21 Strategies.

(1) SHIP funds for disaster relief shall be expended for activities listed in the local government's disaster strategy located in the local housing assistance plan.

(2) If the local government uses unencumbered funds for disaster relief and does not have an adequate disaster strategy, the local government shall use the Disaster Strategy (08/04) hereby adopted and incorporated in this rule. A copy is available on Florida Housing's website at [www.floridahousing.org](http://www.floridahousing.org) or by contacting the SHIP Program Administrator, 227 North Bronough St., Suite 5000, Tallahassee, FL 32301 or call (850)488-4197.

(3) Some activities, in addition to those included in Local Government's approved Local Housing Assistance Plans, on which funds may be expended include:

(a) Payment of insurance deductibles for rehabilitation of homes covered under homeowners insurance policies;

(b) Security deposit, rental assistance for the duration of Florida Office of the Governor Executive Order 04-217, for eligible recipients who have been displaced from their homes due to damage from the storm;

(c) Other activities as noted in the Disaster Strategy (08/04);

(d) Other activities as proposed by the counties and eligible municipalities and approved by Florida Housing;

(e) Other activities as outlined in the local government's disaster strategy found in the Local Housing Assistance Plan;

(4) Disbursement of funds must be used for eligible housing, meaning any real and personal property located within the county or the eligible municipality which is designed and intended for the primary purpose of providing decent, safe, and sanitary residential units that are designed to

meet the standards of Chapter 553, F.S., for homeownership or rental for eligible persons. SHIP funds may not be used for the purchase, rehabilitation or repair of mobile homes.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-217. Law Implemented 420.9072 FS. History—New 9-28-04.

#### 67ER04-22 NOFA.

Counties and eligible municipalities receiving funds under this rule shall not be required to advertise the availability of funds. Local Governments, however, may require advertisement of available funds.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-217. Law Implemented 420.9072 FS. History—New 9-28-04.

#### 67ER04-23 Annual Reports.

(1) Counties and eligible municipalities affected by Hurricane Jeanne shall not be required to meet their annual report deadline of September 15. The new date shall be agreed to between the county or eligible municipality and Florida Housing but will not be extended past November 30, 2004.

(2) Counties and eligible municipalities utilizing any SHIP funds for disaster recovery must provide a list of recipients including names, addresses, and zip codes by January 8, 2005, unless otherwise approved by Florida Housing Finance Corporation.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-217. Law Implemented 420.9072 FS. History—New 9-28-04.

#### 67ER04-24 Letter of Request.

(1) Forward allocation of funds shall be distributed by Florida Housing upon the acceptance and approval of a letter of request from local governments. Each letter of request shall bear the signature of an authorized official.

(2) Local governments shall submit requests via letter, email or phone in cases where the first two options are not available.

Specific Authority 120.54(4), 420.9072(9) FS., Executive Order 04-217. Law Implemented 420.9072 FS. History—New 9-28-04.

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 28, 2004

## **DEPARTMENT OF FINANCIAL SERVICES**

### **Division of Insurance Agents and Agency Services**

RULE TITLE: Requirements Relating to Public Adjusting  
 RULE NO.: 69BER04-17  
 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 resulting in Florida from Hurricane Jeanne, which made landfall near

Stuart, Florida the night of September 25 as a category 3 hurricane with sustained winds up to 120 miles per hour. On September 26, the storm made a path northwest across the state. The Governor of Florida has declared a state of emergency (Executive Order #04-217). The President of the United States has declared 19 Florida counties a federal disaster area. Initial damage estimates are \$ 4 billion in insured losses.

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 percent 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 Jeanne has placed a great number of people in a state of vulnerability. Many Floridians had already been impacted by prior storms this season. 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 destruction caused by Hurricane Jeanne, including disruption of communication and transportation, requires an immediate response. The conditions from Hurricane Jeanne 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 Jeanne. 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 W. Whitmore, Chief, Bureau of Investigation, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-5601

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

69BER04-17 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 Jeanne.

(c) This rule applies only to losses occurring as a result of Hurricane Jeanne.

(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 9-27-04.

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 27, 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 Jetty East Condominium Association, Inc.'s, petition for waiver of paragraph 25-6.049(5)(a), Florida Administrative Code, filed on June 2, 2004, in Docket No. 040525-EU was approved by the Commission at its August 17, 2004, Agenda Conference. Order No. PSC-04-0861-PAA-EU, issued September 3, 2004, 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 June 18, 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, Commission's Homepage: <http://www.floridapsc.com>.

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on September 15, 2004 South Florida Water Management District (District) received a petition for waiver from Roderic and Ninon Rynerson, Application Number 04-0225-1M for issuance of a Modification to Right of Way Occupancy Permit Number 10192, for utilization of Works or Lands of the District known as the Golden Gate Main Canal, Collier County, for the Installation of a dock located at the rear of 5436 32nd Avenue, Southwest, Naples, FL 34116, Section 28, Township 49 South, Range 26 East. The petition seeks relief from paragraph

40E-6.221(2)(j), F.A.C., which governs the minimum low member elevation of pile-supported docking facilities within the Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on September 27, 2004 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Tageria Mario's and Catering. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Psychology hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Kenneth F. Johnson, Jr., Psy.D. The Notice of Petition for Variance or Waiver was published in Vol. 30, No. 33, of the August 13, 2004, Florida Administrative Weekly. The Board considered the instant Petition at a duly-noticed public meeting, via telephone conference call, held on September 17, 2004.

The Board's Order, filed on September 24, 2004, grants the Petition, finding that a variance is warranted on the basis that the underlying purpose of the statute, as implemented by paragraph 64B19-11.001(4)(c), Florida Administrative Code, has been met provided that the Petitioner is required to undertake and successfully pass both parts of the examination within the additional time granted. The Board further finds that a current application of the requirements, as set forth by the aforementioned Rule, would violate principles of fairness and would impose a substantial hardship on the Petitioner due to his present medical condition.

A copy of the Board's Order may be obtained by contacting: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

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

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The

Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of

critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## **DEPARTMENT OF STATE**

**NOTICE OF CANCELLATION** – The meeting of the **Southeast Florida Preservation, Inc.** scheduled as follows has been canceled.

**DATE AND TIME:** October 20, 2004, 11:00 a.m.

**PLACE:** Cypress Plantation, Port Mayaca-Canal Point

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The **Department of State, Division of Historical Resources** announces a public Historic Marker Conference Call.

DATE AND TIME: Monday, November 1, 2004, 10:00 a.m. (EST)

PLACE: Room 409, R. A. Gray Building, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Review Historical Marker applications.

A copy of the agenda may be obtained by writing: Florida State Historical Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough St., Tallahassee, FL 32399-0250.

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

Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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The National Park Service and the Florida **Division of Historical Resources** announces an open house to which all persons are invited:

DATE AND TIME: Thursday, October 21, 2004, 3:00 p.m. – 7:00 p.m.

PLACE: Sheraton Biscayne Bay Hotel, 495 Brickell Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The National Park Service is beginning a study to look at the national significance, suitability, and feasibility of the Miami Circle archaeological site. When completed, this study will be forwarded to Congress and Congress will determine if the Miami Circle should be included in the National Park System as part of Biscayne National Park. You are invited to attend an informal open house to talk with members of the study team about your ideas and concerns for the future of the Miami Circle.

For additional information contact: Dr. Ryan J. Wheeler, Bureau of Archaeological Research, Division of Historical Resources, Department of State, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250, (850)245-6444, Fax (850)245-6436, e-mail: [rjwheeler@dos.state.fl.us](mailto:rjwheeler@dos.state.fl.us).

Pursuant to Chapter 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

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## 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.

DATES AND TIME: NACW Convention Committee – October 19, 2004; WHOF Committee – October 20, 2004; Executive Committee – October 21, 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.

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the following monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

DATE AND TIME: November 4, 2004, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Bldg. 6, Rm. 606, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

CONTACT: Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Rm. 601, Tallahassee, Florida 32399-1650, (850)487-2130.

A copy of the meeting agenda may be obtained by contacting: Pesticide Registration Section, (850)487-2130, PREC Web Site: [http://www.flaes.org/Pesticide/REG\\_PREC.htm](http://www.flaes.org/Pesticide/REG_PREC.htm).

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The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council.

DATES AND TIMES: Thursday, October 7, 2004, 12:00 Noon; Thursday, October 14, 2004, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030



GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Sonia Pequignot, (305)401-1502.

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The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off-Highway Vehicle Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Tuesday, October 26, 2004, 10:00 a.m. – 3:00 p.m. (EST)

PLACE: Florida Center for Wildfire and Forest Resource Management Training Center, 24059 Childs Road, Brooksville, FL 34601, (352)754-6780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: Chris Reed, 8392 Croom Rital Road, Brooksville, FL 34602, (352)544-5136.

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The Florida **Department of Agriculture and Consumer Services, Office of Agricultural Water Policy** announces it will conduct a series of rule development public workshops regarding Management Practices for Florida Vegetable and Agronomic Crops to which all persons are invited.

DATE AND TIME: October 26, 2004, 1:30 p.m. – 4:00 p.m.

PLACE: Jackson County Agricultural Office Complex, 2741 Pennsylvania Avenue, Marianna, FL 32448, (850)482-9620

DATE AND TIME: October 27, 2004, 1:30 p.m. – 4:00 p.m.

PLACE: Suwannee County Extension Office, 1302 11th Street, S. W., Live Oak, FL 32064, (386)362-2771

DATE AND TIME: October 28, 2004, 1:30 p.m. – 4:00 p.m.

PLACE: Putnam County Extension Service, 111 Yelvington Road, Ste. 1, East Palatka, FL 32131, (386)329-0318

DATE AND TIME: November 3, 2004, 6:30 p.m. – 9:00 p.m.

PLACE: Miami-Dade County Extension Service, 18710 S. W. 288th Street, Homestead, FL 32030, (305)248-3311

DATE AND TIME: November 4, 2004, 1:30 p.m. – 4:00 p.m.

PLACE: Southwest Florida Research and Education Center, 2686 State Road 29N, Immokalee, FL 34142, (239)658-3400

DATE AND TIME: November 5, 2004, 9:30 a.m. – 12:00 Noon

PLACE: Indian River Research and Education Center, 2199 South Rock Road, Ft. Pierce, FL 34945, (772)468-3922

DATE AND TIME: December 7, 2004, 2:00 p.m. – 4:30 p.m.

PLACE: Hillsborough County Extension Service, 5339 County Rd 579 South, Seffner, FL 35584-3334, (813)744-5519

DATE AND TIME: December 8, 2004, 9:30 a.m. – 12:00 Noon

PLACE: Manatee County Extension Service, 1303 17th St., West, Palmetto, FL 34221-2998, (941)722-4524

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to review a draft rule that adopts the Water Quality/Quantity Best Management Practices for Florida Vegetables and Agronomic Crops, establishes record keeping requirements and the procedures for landowners and leaseholders to submit a notice of intent to implement Best Management Practices and interim measures.

FOR MORE INFORMATION REGARDING THE AGENDA, DRAFT RULE, AND DIRECTIONS, PLEASE CONTACT: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Tallahassee, Florida 32301, (850)414-1065, e-mail: bartnib@doacs.state.fl.us.

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

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#### DEPARTMENT OF EDUCATION

The public is invited to a meeting of the **State Board of Education**.

DATE AND TIME: October 19, 2004, 8:30 a.m.

PLACE: Miami-Dade County School Board, 1450 N. E. Second Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minutes of Meeting held August 17, 2004 and conference call of September 21, 2004; Commissioner's Report, including updates on Just Read, Florida!; Final Report on Assistance Plus Plan; and Status Report on Strategic Imperatives. Updates will be provided on the State University System Activities; Community Colleges and Workforce Education Activities; K-12 Activities; Guidelines and Criteria for Community College Educator Preparation Institutes and Alternative Certification; and CEPRI Activities. Action items include Approval of 2005-2006 K-20 Fixed Capital Outlay Legislative Budget Request; Proposed New Rule 6A-1.094222, F.A.C., Standards for Mid-Year Promotion of Retained Third Graders; and Consideration of Requests for Waivers by Volusia County School Board. The Consent agenda includes: Santa Fe Community College – Request a Site Designation for a Special Purpose Center in Northwest Alachua County near the City of Alachua for a Corporate Training Center; St. Petersburg College – Request to change the site designation of the Tarpon Springs Center to Tarpon Springs Campus; and other matters pertaining to the State Board of Education.

A copy of the agenda may be obtained from: Commissioner of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The following Committees will meet: Performance and Accountability, Facilities and Finance. The regular meeting of the Board will follow.

DATE AND TIME: October 21, 2004, 8:00 a.m. – 6:00 p.m.

PLACE: Harry Sudakoff Conference Center, New College of Florida, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Accountability and Performance Measures for the Universities, including 10 percent performance funding; Academic Learning Compacts; Classroom utilization in the universities; Update, State Board of Education Advisory Council on Educational Facilities; Design/Construction Phase Project Funding; Consideration of the 2005-2006 State University System Fixed Capital Outlay Legislative Budget Request; Consideration of the State University System 2004-2005 Operating Budget; Discussion of University Fee Policies; Request for Implementation Authorization: Ph.D., Counseling, Counselor Education, FAU; Doctor, Public Health, FAMU; Ph.D., Biomedical Engineering, USF; Ph.D., Geography and Environmental Science, USF; Doctor, Physical Therapy, USF; Rule-making Procedures for the Universities; Presentation, Ed Moore, Independent Colleges and Universities of Florida; Discussion of Proposed 2005 Legislative Issues; Discussion of Admissions and Fall 2004 Enrollment; Approval of release of funds from the University Concurrence Trust Fund in accordance with the Campus Development Agreement between the University of Florida Board of Trustees, the City of Gainesville and Alachua County; Appointments, University Boards of Trustees; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from: Department of Education, website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel, an Administrator Hearing Panel and an Annual Business Meeting; all persons are invited.

DATE AND TIMES: October 22, 2004, 9:00 a.m. – Teacher Hearing Panel; 11:00 a.m. – Administrator Hearing Panel; 1:00 p.m. – Annual Business Meeting

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 711.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows:

DATE AND TIME: October 14, 2004, 10:00 a.m. (CDT)

PLACE: Student Union West Board Room, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 23, 2004, 9:00 a.m.

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind, including Rule Development workshop on Rules 6D-12.002, F.A.C., Campus Security/Police Department and Rule 6D-16.002, F.A.C., Human Resources Management and Development.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The **Florida Institute of Phosphate Research** announces a meeting of the Board of Directors to which all persons are invited.

DATE AND TIME: Tuesday, November 2, 2004, 9:30 a.m.  
 PLACE: Southwest Florida Water Management District, West Wing, 170 Century Drive, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider funding of research proposals and other business pertaining to the operation of the Institute.

A copy of the minutes of the July 16, 2004 Board Meeting may be obtained by writing: Dr. Paul R. Clifford, Executive Director, Florida Institute of Phosphate Research, 1855 West Main Street, Bartow, FL 33830.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held as follows:

DATE AND TIME: October 17, 2004, 1:00 p.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC

DATE AND TIME: October 18, 2004, 9:00 a.m. – Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Stock Exchange Restaurant, 125 Basin Street, Daytona Beach; St. Ann Catholic School Gymnasium Addition, 410 North Olive Avenue, West Palm Beach; Laura A. Macdougall (LA’s Bistro), 63 West Granada Boulevard, Ormond Beach; ORP Realty LLC, 327 South Palmetto Avenue, Daytona Beach; Alvah Chapman, Jr. Graduate School of Business – Phase I, FIU, University Park, Miami; Blessed Trinity Catholic Church, 4545 East Anderson Road, Orlando; Northwood University Student Life Center, 2600 North Military Trail, West Palm Beach; Grove Isle Club and Resort, Fourth Grove Isle Drive, Coconut Grove; Southeast Mechanical Service, 2315 S. W. 58th Way, Hollywood.

DATE AND TIMES: October 18, 2004

8:00 a.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC

10:00 a.m. – Meeting of the Electrical Technical Advisory Committee.

1:00 p.m. – Meeting of the Structural Technical Advisory Committee.

2:00 p.m. – Meeting of the Accessibility Technical Advisory Committee.

3:00 p.m. – Meeting of the Education Technical Advisory Committee.

DATE AND TIME: October 19, 2004

8:30 a.m. – Meeting of the Plenary Session of the Florida Building Commission.

Review and approval of August 31, 2004 Meeting Minutes, Chair’s Discussion Issues and Recommendations; review and update Commission Workplan.

Consideration of requests for waiver from accessibility code requirements: Stock Exchange Restaurant, 125 Basin Street, Daytona Beach; St. Ann Catholic School Gymnasium Addition, 410 North Olive Avenue, West Palm Beach; Laura A. Macdougall (LA’s Bistro), 63 West Granada Boulevard, Ormond Beach; ORP Realty LLC, 327 South Palmetto Avenue, Daytona Beach; Alvah Chapman, Jr. Graduate School of Business – Phase I, FIU, University Park, Miami; Blessed Trinity Catholic Church, 4545 East Anderson Road, Orlando; Northwood University Student Life Center, 2600 North Military Trail, West Palm Beach; Grove Isle Club and Resort, Fourth Grove Isle Drive, Coconut Grove; Southeast Mechanical Service, 2315 S. W. 58th Way, Hollywood.

Legal Reports and consideration of Petitions for Declaratory Statement:

Second Hearing:

- DCA04-DEC-139 by T. A. Krebs
- DCA04-DEC-145 by Bob Boyer, Palm Beach County
- DCA04-DEC-147 by Ricco Longo, Fire Districts of Collier County
- DCA04-DEC-157 by James Bell, Assa Abloy Inc.

First Hearing:

- DCA04-DEC-123 by Stephen P. Maslan, PE
- DCA04-DEC-161 by Robert G. Boyer of Palm Beach County
- DCA04-DEC-162 by Robert G. Boyer of Palm Beach County
- DCA04-DEC-163 by C. W. Macomber of Palm Beach County
- DCA04-DEC-165 by Ricardo Lizaranu of Suncoast Post-Tension
- DCA04-DEC-171 by Jo McCann of Coral Springs
- DCA04-DEC-188 by C. W. Macomber of Palm Beach County

Consideration of Applications for Product and Entity Approval Consider Alternate Plans Review and Inspections Work Group Report.

Discuss the Preliminary Observations from Hurricanes Charley and Ivan.

Consider/Develop Recommendations from the FBC Wind Resistance Design Issues.

Identify Issues for Report to the 2005 Legislature.

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Education TAC Report; Electrical TAC Report; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

Receive public comment.

Commission Member Comments and Issues.

DATE AND TIME: October 20, 2004, 9:00 a.m. – Meeting of the Work Group on Rule 9B-72, F.A.C.

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida, 1(800)366-9700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the work group is to continue to review Rule 9B-72, F.A.C., for recommended changes.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, web site: www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact: Ms. Barbara Bryant at the Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE FOLLOWING MEETING HAS BEEN CANCELLED.

The Florida Building Commission announces a workgroup meeting on the ASCE 7 wind loading requirements to which all persons are invited. The workgroup meeting will be held at:

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819, 1(800)627-8258

DATE AND TIME: September 29, 2004, 9:00 a.m. – Workgroup meeting on ASCE 7 wind loads for Exposure C

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workgroup is to review the ASCE 7 wind loading requirements as they pertain to the law.

THE FOLLOWING MEETING HAS BEEN CANCELED.

The Florida Building Commission announces a Workgroup meeting on Rule 9B-72, F.A.C., to which all persons are invited. The workgroup meeting will be held at:

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819, 1(800)627-8258

DATE AND TIME: September 30, 2004, 9:00 a.m. – Workgroup Meeting on Rule 9B-72, F.A.C.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workgroup is to continue the review of Rule 9B-72, F.A.C., for recommended changes.

The **Department of Community Affairs** hereby gives notice of two meetings of the Florida Keys Hurricane Evacuation Working Group.

DATES AND TIME: October 25, 2004; November 12, 2004, 8:30 a.m.

PLACE: Key Colony Beach City Hall, 600 West Ocean Drive, Key Colony Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues and considerations related to land use planning and hurricane evacuation in the Florida Keys.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Jim Quinn, State Planning Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1774, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THIS MEETING IS: Jim Quinn, State Planning Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-1774.

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#### DEPARTMENT OF TRANSPORTATION

NOTICE OF RESCHEDULING – The **Department of Transportation**, District 4 announces a public hearing to which all persons are invited. (DUE TO HURRICANE FRANCES, THIS PREVIOUSLY ANNOUNCED PUBLIC HEARING HAS BEEN RESCHEDULED)

DATE AND TIME: Thursday, November 18, 2004, 7:00 p.m.

PLACE: Liberty Magnet School, 8955 85th Street, Sebastian, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted to afford persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID Number 230879-1-22-01, Federal Aid Number 8888-777-A, otherwise known as 82nd Avenue in Indian River County, Florida. The limits of the project corridor are from 26th Street to CR 510 (Wabasso Rd.).

Anyone needing project or public hearing information, or special accommodations under the Americans With Disabilities Act of 1990, should write or call: Nicholas Danu, FDOT Project Manager, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, (954)777-4324, 1(866)336-8435, Ext. 4324 (Toll Free).

Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Nicholas Danu, P.E., Project Manager, Florida Department of Transportation, District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

NOTE: The previous notice was published in Vol. 30, No. 31, Florida Administrative Weekly, dated July 30, 2004.

The **Department of Transportation**, Florida's Turnpike Enterprise announces the opportunity to request a public workshop/hearing on the project to those persons who are interested:

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This opportunity to request a public workshop/hearing is being conducted pursuant to applicable state and federal regulations. It is being offered to afford interested persons the chance to express their views concerning the location, conceptual design and social, economic and environmental effects of Financial Project Identification Number 406098-1-52-01, otherwise known as the S. W. 8th Street Interchange Modification with the Homestead Extension of the Florida's Turnpike (HEFT). This proposed interchange improvements will consist of a new location for the exit from southbound Turnpike to westbound SW 8th Street traffic. The project will begin south of the S.R. 836 westbound ramp and continue south to merge with the reconfigured ramp from westbound SR 836 to southbound HEFT. The proposed improvement will alleviate the mainline congestion and weaving condition that results from the heavy movement between westbound S.R. 836 traffic entering southbound HEFT with the southbound HEFT traffic exiting to S. W. 8th Street. Right-of-way acquisition is not anticipated for the project.

Persons desiring a public workshop/hearing on the proposed project must submit their written request and justification by November 1, 2004 to: Cheryl Doherty, Project Manager, Florida's Turnpike Enterprise, P. O. Box 613069, MP 263, Bldg. No. 5315, Ocoee, FL 34761-3069, e-mail: cheryl.doherty@dot.state.fl.us.

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

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

#### **DEPARTMENT OF CITRUS**

NOTICE OF CANCELLATION – The **Department of Citrus** announces the Abscission Workshop has hereby been cancelled.

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:** The workshop was 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.

The **Department of Citrus** announces a public workshop to which all interested persons are invited.

DATES AND TIMES: October 19, 2004, 9:00 a.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.

#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** will consider at its October 19, 2004, Agenda Conference, Docket No. 041103-EI, Application of Tampa Electric 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, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$400 million, during the twelve month period, ending December 31, 2005. The Company also seeks approval pursuant to Section 366.04, Florida Statutes, to issue, sell, exchange and/or assume short-term debt securities with the maximum amount of short-term debt outstanding at any one time being \$400 million, during the twelve month period, ending December 31, 2005. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

DATE AND TIME: Tuesday, October 19, 2004, 9:30 a.m. the time at which this item will be heard cannot be determined at this time

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 041103-EI.

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

For additional information, please contact: Katherine Fleming, Office of the General Counsel, (850)413-6218.

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 040254-WU – Application for Staff-Assisted Rate Increase in Polk County by Keen Sales, Rentals and Utilities, Inc.

DATE AND TIME: Wednesday, November 17, 2004, 6:00 p.m.

PLACE: Lake Eva Civic Center, 305 Ledwith Avenue, Haines City, Florida 33844

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit customers to give testimony regarding the rates and service of Keen Sales, Rentals and Utilities, Inc.

A copy of the agenda for this meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., 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 meeting. Any person who is speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD). One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

**REGIONAL PLANNING COUNCILS**

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, November 8, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, November 8, 2004, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, November 8, 2004, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management

DATE AND TIME: Thursday, November 18, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, November 22, 2004, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

**METROPOLITAN PLANNING ORGANIZATIONS**

The **Florida Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Staff Directors' Advisory Committee to which all persons are invited:

DATE AND TIME: October 21, 2004, 12:00 Noon – 3:00 p.m.

PLACE: Crowne Plaza Hotel – Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037, e-mail: heidi.langston@dot.state.fl.us

The Florida **Metropolitan Planning Organization Advisory Council** (MPOAC) announces a meeting of the Governing Board to which all persons are invited:

DATE AND TIME: October 21, 2004, 4:00 p.m. – 7:00 p.m.

PLACE: Crowne Plaza Hotel – Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Activities related to transportation planning within and adjacent to metropolitan areas in Florida carried out by local, state, and federal agencies.

A copy of the agenda may be obtained by contacting: Heidi Langston, MPOAC, 605 Suwannee Street, MS 28B, Tallahassee, FL 32399-0450, 1(866)374-3368, Ext. 4037, e-mail: heidi.langston@dot.state.fl.us.

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### WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Southern Region Recreation Advisory Council Meeting to which all persons are invited. The meeting is scheduled for:

MEETING: Southern Region Recreation Advisory Council

DATE AND TIME: Thursday, October 21, 2004, 6:00 p.m. – 8:00 p.m.

PLACE: St. Johns River Water Management District's, Palm Bay Service Center, 525 Community College Parkway, S. E., Palm Bay, FL 32909

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Southern Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include 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 the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

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The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

PUBLIC SUPPLY ADVISORY COMMITTEE

DATE AND TIME: Friday, October 15, 2004, 9:30 a.m.

PLACE: Southwest Florida Water Management District, Sarasota Service Office, 6750 Fruitville Road, Sarasota, 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).

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The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

MANASOTA BASIN BOARD MEETING/WORKSHOP

DATE AND TIME: Wednesday, October 20, 2004, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business and annual planning workshop.

PEACE RIVER BASIN BOARD MEETING/WORKSHOP

DATE AND TIME: Friday, October 22, 2004, 9:30 a.m.

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, 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.

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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, (561)682-6371, at least two business days in advance to make appropriate arrangements.

NOTICE OF CORRECTION – The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

NOTE: The subject workshop, previously scheduled for Wednesday, September 29, 2004, 10:00 a.m. – 1:00 p.m.; Riverside Community Center, Ft. Myers, FL, has been rescheduled as follows:

DATE AND TIME: October 18, 2004, 10:00 a.m. – 1:00 p.m.

PLACE: South Florida Water Management District Service Center, 2301 McGregor Boulevard, Ft. Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC), Lower West Coast Regional Water Supply Plan Workshop.

A copy of the agenda may be obtained at the (1) District Website [www.sfwmd.gov/gover/wrac/agendas.html](http://www.sfwmd.gov/gover/wrac/agendas.html) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Rick Smith, WRAC Facilitator, Governing Board and Executive Services Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, October 20, 2004, 10:00 a.m. – completed

PLACE: SFWMD, Miami-Dade Service Center, 2121 S. W. 3rd Ave., Miami, Florida 33129

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting to discuss Human Resource matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District website <http://www.sfwmd.gov/agendas.html> or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: October 20, 2004, 10:00 a.m. – 12:00 Noon

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P.O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact: Marcie Daniel, Budget Division, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, October 27, 2004, 9:00 a.m. – 4:00 p.m. or until completed

PLACE: Fairchild Tropical Garden, Garden House, 10901 Old Cutler Road, Coral Gables, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Lower East Coast Regional Water Supply Plan meeting to discuss water issues.



A copy of the agenda may be obtained at the (1) District website <http://www.sfwmd.gov/org/gover/wrac/agendas.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information please contact: Rick Smith, WRAC Facilitator, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: October 28, 2004, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee, created pursuant to Section 373.41492, Florida Statutes, to discuss the 8/15 Lakebelt Subcommittee tour and other Lake Belt Committee matters. Meet Me Number: (850)488-0979, Suncom 278-0979.

A copy of the agenda may be obtained at the (1) District website <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html>) or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Beth McArdle, Land Resources Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7210, West Palm Beach, FL 33406, (561)682-6172.

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The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: October 22, 2004, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida (The above address shall be the designated access point for public attendance of the meeting)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or calling Ann Christian, (239)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Ann Christian, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

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#### REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the 2005 Meeting Schedule of the Board of Directors to which all persons are invited:

DATES AND TIME: January 24, 2005 (Fourth Monday of January); February 28, 2005 (Fourth Monday of February); March 21, 2005; April 18, 2005; May 16, 2005 (9:00 a.m. Budget Workshop followed by regular meeting); June 27, 2005 (Fourth Monday of June); July 2005 (No meeting – summer break); August 29, 2005; September 19, 2005; October 17, 2005; November 21, 2005; December 19, 2005, 9:00 a.m. unless otherwise set by the Board

PLACE: 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

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: [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.

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The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular October monthly board meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: October 20, 2004, 4:30 p.m

PLACE: Sumter County Courthouse, Commission Meeting Room 222, 209 N. Florida Street, Bushnell, Florida 33513

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

#### DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited:

DATE AND TIME: Thursday, October 21, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Capitol Circle Office Complex, 4040 Esplanade Way, Rm. 225F, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Aging Resource Center development.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Elder Affairs, (850)414-2000, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Elder Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **Department of Elder Affairs** announces a meeting to which all persons are invited.

Alzheimer's Disease Advisory Committee

DATE AND TIME: October 29, 2004 1:15 p.m. – 5:00 p.m.

PLACE: Embassy Suites Airport Hotel, 555 North Westshore Blvd., Tampa, Florida, (813)875-1555

CONTACT: Arkeba Bouie, (850)414-2339

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss various issues regarding the Alzheimer's Disease Initiative.

For more information, please contact: Florida Department of Elder Affairs, (850)414-2000.

Note: Pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting Arkeba Bouie, (850)414-2339. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a teleconference meeting of the Infrastructure Development and Privacy/Data Security Work Groups of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Friday, October 15, 2004, 1:00 p.m.

PLACE: Anyone interested in participating may telephone (850)410-0967 or Suncom 210-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at [www.fdhc.state.fl.us/dhit/index.shtml](http://www.fdhc.state.fl.us/dhit/index.shtml) seven (7) days prior to the meeting.

The **Agency of Health Care Administration** (AHCA) and the University of Florida, Department of Health Services Research, Management and Policy announce the First Meeting of the Florida Health Insurance Study (FHIS) Advisory Council to which all interested persons are invited.

DATE AND TIME: October 13, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: AHCA, 2727 Mahan Drive, Fort Knox Office Complex, Building 3, Conference Rooms C and D, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Introductions and background information, brief summary of the Health Resources and Services Administration (HRSA) State Planning Grant project goals and objectives, the purpose and role of the FHIS Advisory Council, summary of the historical state effort to date to provide health care coverage to the uninsured, dissemination plan, preliminary FHIS 2004 findings and comparisons to FHIS 1999, and the HRSA/SPG interim report requirements.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Ms. Shushan Gemora, (850)413-8059, at least five calendar days prior to the meeting.

A copy of the agenda and meeting materials may be obtained by writing: Mr. Mel Chang, AHCA Administrator, Bureau of Medicaid Research, 2727 Mahan Drive, Building 3, Suite

2340, MS #48, Tallahassee, Florida 32308, or by visiting our website at <http://www.fdhc.state.fl.us/Medicaid/Research/Projects/fhis2004/meetings.shtml>.

The **Agency for Health Care Administration (AHCA)** announces the first meeting of the State Medicaid County Billing Workgroup.

DATE AND TIME: October 29, 2004, 9:00 a.m. – 12:00 Noon  
PLACE: Fort Knox Office Complex, 2727 Mahan Drive, Building 2, Administrative Services Conference Room, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workgroup will discuss the issue of certifying county residents as it relates to the billing of counties for Medicaid nursing home costs. This first meeting will provide introductions, background information, identification of the problem, the workgroup's purpose and requirements.

Any person requiring a special accommodation at the meeting because of a disability or physical impairment should contact Mrs. Irish Guyton, (850)488-2964, at least 48 hours prior to the meeting.

A copy of the agenda may be obtained by writing: Mrs. Christy Gregg, Deputy Secretary for Administrative Services, 2727 Mahan Drive, Mail Stop #10, Tallahassee, Florida 32308.

#### DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Thursday, October 28, 2004, 9:00 a.m.  
PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032 (The meet-me telephone number is (850)488-3676 or Suncom 278-3676)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Funeral Directors and Embalmers** announces the following meeting, to be held by telephone conference, to which all persons are invited to attend.

DATE AND TIME: October 18, 2004, 10:00 a.m. Eastern Time

PLACE: Telephone 1(888)461-8118 (toll free outside of Tallahassee), (850)414-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St. Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

NOTICE OF RESCHEDULED MEETING – Due to Hurricane Jeanne the Florida **Board of Veterinary Medicine** cancelled the September 28, 2004 General Business meeting. The Florida Board of Veterinary announces the following re-scheduled meeting to which all parties are invited to attend.

DATE AND TIME: October 26, 2004, 8:00 a.m.

PLACE: The Colony, 155 Hammon Avenue, Palm Beach, FL 33480, (561)655-5430

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for

such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-7154, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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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

The **Correctional Medical Authority** announces a meeting of the Budget and Personnel Committee to which all interested persons are invited.

DATE AND TIME: October 21, 2004, 10:00 a.m. – 1:00 p.m.

PLACE: Correctional Medical Authority Conference Room, 1632 Metropolitan Circle, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of correctional health care budget and personnel issues.

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

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The Florida **Department of Health** announces a meeting of the Florida KidCare Coordinating Council to which all persons are invited:

DATE AND TIME: Friday, October 22, 2004, 1:00 p.m. – 4:00 p.m.

PLACE: Betty Easley Conference Center, Room 166, Capital Circle Office Complex, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida KidCare Coordinating Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet on Friday, October 22, 2004, 1:00 p.m. – 4:00 p.m. in Tallahassee to discuss Florida KidCare, the state children's health insurance program. The Council is charged with making recommendations to the Department, the Governor and the Legislature, as well as other state government groups about possible changes and adjustments to the Florida KidCare Program which may result in

recommendations for legislative action, state agency rule change, federal agency rule or policy change, or Congressional action.

A copy of the agenda may be obtained from: Gail Vail, Department of Health, (850)245-4444, Ext. 2238, [Gail\\_Vail@doh.state.fl.us](mailto:Gail_Vail@doh.state.fl.us).

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The **Department of Health, Board of Dentistry** hereby gives notice that a public workshop for the purposes of rule development on Rule 64B5-7.005, F.A.C., will be held at the time, date and place listed below:

DATE AND TIME: October 26, 2004, 6:30 p.m.

PLACE: Meet-me number: (850)410-0966

A notice of rule development was published in Vol. 30, No. 30, of the July 23, 2004, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT WORKSHOP IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Probable Cause Panel of the **Board of Massage Therapy** announces a meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, October 27, 2004, 6:00 p.m. or soon thereafter

PLACE: The Holiday Inn Select, 13051 Bell Tower Drive, Ft. Myers, FL 33907, (239)482-2900

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Brian Stabley, Senior Attorney, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at: 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The Florida **Board of Medicine** and the **Board of Osteopathic Medicine**, Anesthesiologist Assistant Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Saturday, October 16, 2004, 9:00 a.m.

PLACE: Contact: Florida Board of Medicine, (850)245-4131, web site: [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa), for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

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 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).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Department of Health, Board of Physical Therapy Practice**, Probable Cause Panel announces a conference call to which all persons are invited.

DATE AND TIME: Saturday, October 12, 2004, 11:30 a.m. or soon thereafter

PLACE: The meet me number may be obtained by contacting: Ivy Shivers, Regulatory Supervisor, Medical Therapies/Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4372

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration of cases being heard by the Probable Cause Panel. (Following the public portion of the meeting, the telephone lines will be closed to the public)

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office,

(850)488-0595. If you are hearing or speech impaired please contact the department by calling 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Respiratory Care** announces a meeting to which all persons are invited:

DATE AND TIME: November 5, 2004, 8:30 a.m. or soon thereafter

PLACE: Ft. Lauderdale Renaissance, 1230 South Pine Island Road, Ft. Lauderdale, FL 33324, (954)472-2252

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, Tallahassee, FL 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Program Committee

DATE AND TIME: Monday, October 11, 2004, 1:10 p.m. – 3:30 p.m.

PLACE: Via conference call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: [hrodriguez@ounce.org](mailto:hrodriguez@ounce.org).

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Department of Children and Family Services** announces the Initial Site Visit of the Peer Review Team for CBC Readiness Assessment in Brevard County to which all interested persons are invited to participate.

DATES AND TIME: Thursday, October 21, 2004; Friday, October 22, 2004, 8:30 a.m. – 5:00 p.m. each day

PLACE: CBC Brevard Offices, 4450 W. Eau Gallie Blvd., Suite 180 Melbourne, Florida 32934

Meeting times and dates are subject to change

For further information contact: James Carlson, (321)749-3775, (407)245-0400, Ext. 162.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Policy Committee

DATE AND TIME: Thursday, October 21, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Via conference call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The Florida **Substance Abuse and Mental Health Corporation**, created by Ch. 2003-279, Laws of Florida, announces a meeting of the Executive Committee to which all persons are invited.

DATES AND TIMES: Wednesday, October 13, 2004, 9:30 a.m. – 6:30 p.m.; Thursday, October 14, 2004, 9:00 a.m. – 3:00 p.m.

PLACE: Sheraton Ft. Lauderdale Airport Hotel, 2835 Griffin Rd, Dania, FL 33004, (954)920-3500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting will be receiving testimony from the Department of Children and Family Services, Halifax Behavioral Healthcare, Florida Institute for Family Involvement, South Florida Provider Coalition, The Agency for Healthcare Administration, Teen Screen and The Department of Juvenile Justice. The Corporation will also hear presentation on Florida Suicide Prevention Initiative and Baker

Act Referrals for Children. On October 14th the Corporation will hold a Public Forum focusing on substance abuse treatment services and mental health services for children.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact: Amanda Sanford, seven days prior to the meeting, Florida Department of Children and Family Services, Mental Health Program Office, Bldg. 1, Room 206, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1575.

#### FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meeting to which all persons are invited to attend:

DATE AND TIME: Wednesday, October 13, 2004, 2:00 p.m., Eastern Time

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, FL 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Proposals #2004-09 for Disaster Relief Farmworker Housing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida 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 Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: Tuesday, October 19, 2004, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to refund bonds previously issued to finance the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Stuart Pointe Apartments, a 192-unit multifamily residential rental development located in unincorporated Martin County at 3521 N. W. Treasure Coast Drive, Jensen Beach, Florida 34957. The owner and operator of the development is Stuart Pointe Partners, Ltd., c/o CED Stuart Pointe, LLC, 1551 Sandspur Road, Maitland, Florida 32751, or such successor in interest in which CED Stuart Pointe, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The manager of the development is Concord Management, Ltd., 1551 Sandspur Road, Maitland, Florida 32751. The total tax-exempt bond amount is not to exceed \$2,100,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being re-financed. Written comments should be received by Florida Housing by 5:00pm (Tallahassee local time), Monday, October 18, 2004, and should be addressed to the attention of David Westcott, Multifamily Bond Administrator. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact David Westcott, Multifamily Bond Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

## DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2004, 11:30 a.m.

PLACE: Miami Beach City Hall, 4th Floor Conference Room, 1700 Convention Center Drive, Miami Beach, FL 33139

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Special Historical Review Task Force. As designated in Section 509.215(6)(b), Florida Statutes.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342.

## SCRIPPS FLORIDA FUNDING CORPORATION

The Reports Committee Board of Directors of the **Scripps Florida Funding Corporation** 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: Monday, October 11, 2004, 4:00 p.m. – 5:00 p.m.

PLACE: 1(877)242-6519, Conference id# 1133054, Leader: Dr. John Agwunobi

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to review a draft of the SFFC Annual Report to the Governor, President of the Senate, and Speaker of the House on 12/1.

The date, time and/or place are subject to change. Please check <http://www.myflorida.com/myflorida/government/governorinitatives/otted/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](mailto:jennie.hopkins@myflorida.com), at least 48 hours in advance of the meeting.

The Reports Committee Board of Directors of the **Scripps Florida Funding Corporation** 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: Thursday, October 21, 2004, 4:00 p.m. – 5:00 p.m.

PLACE: 1(877)242-6519, Conference ID# 1133565, Leader: Dr. John Agwunobi

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be to review a draft of the SFFC Annual Report to the Governor, President of the Senate, and Speaker of the House on 12/1.

The date, time and/or place are subject to change. Please check <http://www.myflorida.com/myflorida/government/governorinitiatives/otted/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](mailto:jennie.hopkins@myflorida.com), at least 48 hours in advance of the meeting.

**CLERK OF COURT OPERATIONS CONFERENCE**

The **Clerk of Court Operations Conference** announces a conference call. All persons are invited to join the conference call.

DATE AND TIME: October 20, 2004, 1:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget issues and Budget Amendment Requests.

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC, (850)386-2223.

**FLORIDA HIGHER EDUCATION FACILITIES FINANCING AUTHORITY**

The **Florida Higher Education Facilities Financing Authority** will hold a meeting on:

DATE AND TIME: Wednesday, October 20, 2004, 2:30 p.m.

PLACE: Office of Fowler White, Attorneys at Law, 501 East Kennedy Boulevard, Suite 1700, Tampa, Florida 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting to discuss consideration of Saint Leo University Series 2004 bond issue and to conduct regular board business.

For more information or to obtain a copy of the agenda, please contact: Jennifer Mock, Independent Colleges and Universities of Florida, 111 South Monroe Street, Suite 2000A, Tallahassee, Florida 32301, (850)681-3188.

Any person requiring special accommodations due to a disability should contact the agency at least five days prior to the meeting in order to request any special assistance by calling: Jennifer Mock, (850)681-3188.

**FLORIDA LOCAL GOVERNMENT INVESTMENT TRUST**

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: October 22, 2004, 10:30 a.m.

PLACE: Nabors, Giblin & Nickerson, P.A., 2502 Rockypoint Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Trust Administrator, FACC Service Corporation, (850)921-0808.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a declaratory statement In Re: Petition for Declaratory Statement, Lewis L. Larson, Petitioner, Cedar Pointe Village #8 Condominium Association, Inc Docket Number 2004029306.

Cedar Pointe Village No. 8 Association, Inc. may not select a contractor for termite fumigation of 13 apartment buildings and a clubhouse from competitive bids submitted for termite fumigation services to one building in May 2003 without obtaining new competitive bids under Section 718.3026, Florida Statutes.

A copy of Declaratory Statement, Docket Number 2004029306, 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, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Maison Grove Association, Inc., Docket Number 2004046737.

The Petitioner request a declaratory statement as to whether the association may assess a unit owner for the maintenance (pruning, cutting and trimming) of trees located in the limited common element patios attached to the units under the declaration and Section 718.113, Florida Statutes.



A copy of the Petition for Declaratory Statement, Docket Number 2004046737 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.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Anthony Fragale, President of Association/Unit Owner, Pheasant Run at Rosemont Condominium Association, Inc., Docket Number 2004046093. The Petitioner request a declaratory statement as to whether maintenance, repair and replacement of the garage doors constitutes a common expense pursuant to Section 718.110, Florida Statute, and the Declaration of Condominium for Pheasant Run. Second, whether the proposed replacement of the garage doors constitutes a material alteration for which a 2/3 vote of the unit owners would be required.

A copy of the Petition for Declaratory Statement, Docket Number 2004046093 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.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**PUBLIC ANNOUNCEMENT OF CONSTRUCTION  
MANAGEMENT SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces that on the date listed below ranking was determined and an intent was issued to negotiate and enter into a contract for Construction Management Services in accordance with the Consultants Competitive Negotiation Act, for the following:

DATE: September 22, 2004

NAME OF AGENCY: Florida School for the Deaf and the Blind

PROJECT NUMBER: FSDB 20050007

PROJECT NAME: Renovate Kirk Memorial Hall, Building #8

1. WG Mills, Inc.
2. The Stellar Group
3. Batson-Cook Company
4. Barton-Malow Company

**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.”

**REGIONAL TRANSPORTATION AUTHORITIES**

JOINT DEVELOPMENT PROJECT AT  
TRI-RAIL BOCA RATON INTERMODAL FACILITY  
REQUEST FOR PROPOSAL NO. 04-617  
ADVERTISEMENT

CONTEXT: The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, is the regional public transportation entity in the southeast region of Florida, delegated overall authority by the State Legislature to coordinate, develop and operate a regional transportation system. Among the responsibilities of the SFRTA is operation of Tri-Rail, a seventy-two (72) mile commuter rail system with eighteen (18) stations in the tri-county area of Miami-Dade, Broward and Palm Beach Counties.

JOINT DEVELOPMENT SITE: SFRTA is pleased to invite Proposals for the lease and development of a portion of certain real property owned and/or occupied by SFRTA, which is adjacent to the planned Tri-Rail Boca Raton Station in the City of Boca Raton (the “Project Site”). The Project Site consists of approximately 2.37 acres and is part of a larger tract (approximately 6.6 acres) which is planned to include the Tri-Rail Boca Raton Station (the “Intermodal Facility”). The Project Site is located within the Boca Technology Center just west of I-95 and south of Yamato Road along the South Florida Rail Corridor. In 2003, the City of Boca Raton (the “City”) approved the Conditional Use designation of an Intermodal Transportation Node, and granted Master Plan approval for the entire site. The Intermodal Facility is planned to become the cornerstone of the City’s Transportation Demand Management Policy.

PURPOSE: The purpose of this Request for Proposal (“RFP”) is to solicit Proposals from Proposers who are capable of promptly developing, managing and operating the offered site consistent with SFRTA’s Joint Development Policy and Goals. SFRTA will accept Proposals from experienced Proposers with a track record of successfully undertaking, completing and

operating projects of similar scope, cost and complexity. Proposals must conform to the approved Conceptual Master Plan for the Project Site.

REQUESTS FOR PROPOSAL DOCUMENTS should be directed to Robert Becker, Senior Contract Specialist, South Florida Regional Transportation Authority (SFRTA), 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, PH: (954)788-7909. The cost of the solicitation document is Five-Hundred Dollars (\$500.00) and is non-refundable. Checks or money orders, made payable to “SFRTA”, should be forwarded to the above address. Solicitation documents will be made available on or about October 4, 2004.

A PRE-PROPOSAL CONFERENCE will be held in the SFRTA Board Room at the address above, on October 12, 2004 at 10:00 a.m. Attendance is not mandatory, but is highly recommended.

RECEIPT OF SEALED PROPOSALS: All Proposals must be received in a sealed envelope no later than 5:00 p.m. on November 10, 2004, at the SFRTA office in Pompano Beach. SFRTA reserves the right to postpone, accept, or reject any and all Proposals in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General’s List of Ineligible Bidders. All proposals must remain in effect for One Hundred Eighty (180) days from the RFP submission due date.

FEDERAL FUNDING: This Project is funded in part by a grant from the Federal Transit Administration. All applicable Federal Regulations shall apply.

**EXPRESSWAY AUTHORITIES**

NOTICE TO PROFESSIONAL CONSULTANTS

The Orlando-Orange County Expressway Authority requires the services of a consultant in connection with Construction Engineering and Inspection (CEI) services for SR 408 Widening from Crystal Lake Drive to Conway Road. Shortlist consideration will be given to only those firms who are qualified pursuant to law and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 10.1, Roadway Construction Engineering and Inspection, Group 10.2, Major Bridge Construction Engineering Inspection, and Group 10.3, Construction Materials Inspection.

DESCRIPTION: The work consists of providing CEI services related to widening of SR 408 from Crystal Lake Drive to Conway Road (Project No. 253B) for a distance of approximately one mile. Project elements will include widening from three to four lanes of limited access roadway and construction of auxiliary lanes between interchanges; widening of existing mainline and ramp bridges; construction of new ramp bridges; modifications to the existing exit ramp toll plaza at Conway Road; demolition of the Conway entrance ramp toll plaza and construction of a new ramp toll plaza.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience – Details of specific experience for at least three (3) projects, similar to those described above that involve construction on limited access highways, completed by the consultant’s Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
2. Personnel Experience – Resumes of the consultant’s proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in CEI projects;
3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION / NEGOTIATIONS: The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority’s Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant’s willingness to meet time requirements, consultant’s projected workload, and consultant’s use of Minority/Women Owned Businesses.

CODE OF ETHICS: All consultants selected to work with the Authority are required to comply with the Authority’s Code of Ethics, a copy of which may be obtained by contacting the Authority.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights

Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

LETTER OF RESPONSE DEADLINE:

October 26, 2004, 3:00 p.m., Orlando local time.

AUTHORITY CONTACT PERSON:

Ben Dreiling, P.E.  
Director of Construction

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority  
525 S. Magnolia Avenue  
Orlando, FL 32801  
Re: CEI Services for Project No. 253B

NOTICE TO PROFESSIONAL ENGINEERING CONSULTANTS

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design of improvements to S.R. 408 (East-West Expressway). Project Limits along S.R. 408 are as follows: East of Oxalis Drive on the west to Chickasaw Trail on the east. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 3.3, Complex Highway Design and Group 4.2, Major Bridge Design.

ADDITIONAL TYPES OF WORK THAT MAY BE REQUIRED: Group 6.3, Intelligent Transportation Systems Analysis, Design, and Implementation; Group 7, Traffic Operations Design; Group 8, Surveys; Group 9, Soil Exploration, Material Testing and Foundations; and Group 12, Right of Way Surveying and Mapping.

DESCRIPTION: The project consists of final design, preparation of construction drawings and specifications for roadway and bridge widening from six to eight basic through

lanes, auxiliary lanes, and resurfacing of S.R. 408 (East West Expressway) east of Oxalis Drive to Chickasaw Trail, a distance of approximately 1.3 miles.

The work will involve widening Chickasaw Trail from 2 basic lanes to four lanes with a turn lane and new braided access ramp bridges from SR 408 eastbound to Chickasaw Trail and Chickasaw Trail to westbound S.R. 408. Existing bridge widening will include S.R. 408 over Cosmos Drive, S.R. 408 over Goldenrod Avenue, and Chickasaw Trail over S.R. 408.

**LETTERS OF INTEREST SUBMITTAL REQUIREMENTS:** Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

- A. Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve design of limited access highway reconstruction, completed by the consultant’s Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
- B. Personnel Experience – Resumes of the consultant’s proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in complex highway design projects and managed the design of at least two (2) limited access highway reconstruction projects;
- C. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
- D. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
- E. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

**SELECTION / NEGOTIATIONS:** The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority’s

Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant’s willingness to meet time requirements, consultant’s projected workload, and consultant’s use of Minority / Women Owned Businesses.

**CODE OF ETHICS:** All consultants selected to work with the Authority are required to comply with the Authority’s Code of Ethics, a copy of which may be obtained by contacting the Authority.

**EQUAL OPPORTUNITY STATEMENT:** The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

**MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION:** Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

**NON-SOLICITATION PROVISION:** From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

**LETTER OF RESPONSE DEADLINE:**

November 12, 2004, 3:00 p.m., Orlando local time

**AUTHORITY CONTACT PERSON:**

Mr. Joseph A. Berenis, P.E.  
Deputy Executive Director  
Telephone: (407)316-3800

**LETTER OF RESPONSE ADDRESS:**

Orlando-Orange County Expressway Authority  
525 S. Magnolia Avenue  
Orlando, FL 32801  
Re: SR 408 Widening Project No. 253D

**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****INVITATION TO BID**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS AND ELECTRICAL CONTRACTORS BY THE DEPARTMENT OF HEALTH, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: 70317200

SAMAS CODE: ECHD TF

PROJECT NAME AND LOCATION: Escambia CHD Fairfield and W. Gregory, Emergency Generators, Pensacola Florida

FOR: State of Florida, Department of Health

PRE-QUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit pre-qualification data of their eligibility. Submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department of Management Services for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on pre-qualification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of rule requirements is included in the Instruction to Bidders under Article B-2 "Bidders Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not do the following:

1. May not submit a bid on a contract to provide any goods or services to a public entity.
2. May not submit a bid on a contract with a public entity for the construction or repair of a public building or public work.
3. May not submit bids on leases of real property to a public entity.
4. May not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity.
5. May not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PROJECT DESCRIPTION: Installation of emergency power generators, transfer switches, circuits and related construction for Health Department buildings in Pensacola, Florida.

PERFORMANCE BOND AND LABOR MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor and Material Payment Bond are not required. If the construction contract award amount is more than \$100,000.00, a Performance and a Labor and Material Payment Bond SHALL be required.

MINORITY BUSINESS ENTERPRISES: In accordance with Chapter 287.042(4)(f)1., F.S., the Department of Health encourages expenditure with certified minority business enterprises. The Department of Health encourages contractors to utilize certified minority enterprises as subcontractors or sub-vendors whenever possible. Certified vendors are those firms certified by the State of Florida Minority Business Advocacy & Assistance Office, 2012 Capital Circle, S. E., Hartman Building, Suite 100, Tallahassee, Florida 32399-2152. Telephone: (850)487-0915.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: November 2, 2004, 2:00 p.m. local time

PLACE: Bay Design Associates, P.L., 25 West Cedar Street, Suite 620, Pensacola, FL. 32501

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addenda, Bidding Conditions, and Contractual Conditions, which may be examined and obtained from the following:

ARCHITECT-ENGINEER: Bay Design Associates, P.L., 25 West Cedar Street, Suite 620, Pensacola, FL. 32501, Telephone: (850)432-0706, Facsimile: (850)443-0508

The above bidding documents will be available on or about FRIDAY, October 8, 2004

DEPOSITS: The cost per set of bid documents is \$100.00. The General Contractor can receive two (2) sets refundable. The Mechanical, Plumbing, and Electrical sub-contractors can receive one (2) set refundable. All other sub-contractors, vendors, manufacturers, etc. must purchase all documents requested.

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted no later than 4:00 p.m., local time, on November 2, 2004, at the bid opening location. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

**FLORIDA HOUSING FINANCE CORPORATION**

Request for Proposals

2004-09 Disaster Relief Farmworker Housing

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide temporary farmworker housing for those farmworkers impacted by the 2004 hurricanes to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m., Eastern Time, Monday, October 11, 2004, to the attention of Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Robin Grantham, (850)488-4197, e-mail: robin.grantham@floridahousing.org.

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror’s responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/ViewPage.aspx?page=77&p1=1>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

**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), or (386)267-0511 (Fax) for more information.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA04-OR-151

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND

DEVELOPMENT REGULATIONS

ADOPTED BY ORDINANCE NO. 2004-12

**FINAL ORDER**

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (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 June 25, 2004, the Department received for review City of Marathon Ordinance No. 2004-12 that was adopted by the City of Marathon Board of City Commissioners on June 22, 2004 (“Ord. 2004-12”). Ord. 2004-12 amends the City of Marathon Code, establishing a Non-Residential Permit Allocation System.

3. Ord. 2004-12 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. 2004-12 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. 2004-12 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.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 2004-12 is not inconsistent with the remaining Principles. Ord. 2004-12 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2004-12 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 23rd day of August, 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

DCA Final Order No.: DCA04-OR-150

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
MONROE COUNTY ORDINANCE NO. 011-2004

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (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 Monroe County is a local government within the Florida Keys Area.

2. On June 16, 2004, the Department received for review Monroe County Ordinance No. 011-2004 which was adopted by the Monroe County Board of County Commissioners on April 21, 2004 ("Ord. 011-2004"). The purpose of Ord. 011-2004 is to amend the Monroe County Code of Ordinances to create Section 9.5-21(i), authorizing the Board of County Commissioners to establish certain application and impact fees by resolution. Ord. 011-2004 also deletes certain other obsolete provisions regarding impact fees.

3. Ord. 011-2004 is consistent with the County'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. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) 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. 011-2004 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. 011-2004 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.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 011-2004 is consistent with the Principles for Guiding Development as a whole.



WHEREFORE, IT IS ORDERED that Ord. 011-2004 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 23rd day of August, 2004.

\_\_\_\_\_  
 Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Murray Nelson  
 Mayor of Monroe County  
 500 Whitehead Street, Suite 102  
 Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

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**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Lake Montaza Airport, a private airport, in Okeechobee County, at Latitude 27° 34' 49" and Longitude 80° 48' 55", to be owned and operated by Mr. Edward Haedike, 2015 Fairfield Road, Lindenhurst, IL 60046.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500; e-mail: [aviation.fdot@dot.state.fl.us](mailto:aviation.fdot@dot.state.fl.us), Website: <http://www.dot.state.fl.us/aviation>.

**ADMINISTRATIVE HEARING RIGHTS:** Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Boss Hoss Cycles, Inc., intends to allow the establishment of Summit Boss Hoss, LLC., as a dealership for the sale of Boss Hoss motorcycles, at 740 Bald Eagle Drive, Marco Island, Florida 34145 (Collier County), Florida, on or after August 27, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Summit Boss Hoss, LLC., are dealer operator: Michael Kelly, 720 Bald Eagle Drive, Marco Island, Florida 34145; principal investor(s): Michael Kelly, 720 Bald Eagle Drive, Marco Island, Florida 34145.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Rad Hunsley, Chief Operations Officer, Boss Hoss Cycles, Inc., 790 South Main Street, Dyersburg, Tennessee 38024.

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, Tesco South Inc/Hector Turf, intends to allow the establishment of Crotchrocks To Barhoppers, Inc., as a dealership for the sale of AlphaSports Motorcycles, at 930 A West Prospect Road, Oakland Park, Florida 33309-4635 (Broward County), Florida 33312, on or after September 27, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Crotchrocks To Barhoppers Inc., are dealer operator: Bill Bustos, 11155 N. W. 26th Place, Sunrise, Florida 33322, and Ona Bustos, 11155 N. W. 26th Place, Sunrise, Florida 33322; principal investor(s): Bill Bustos, 11155 N. W. 26th Place, Sunrise, Florida 33322, and Ona Bustos, 11155 N. W. 26th Place, Sunrise, Florida 33322.

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: Eric Knobel, Tesco South Inc/Hector Turf, 1301 N. W. Third Street, Deerfield Beach, Florida 33442.

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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**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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**AGENCY FOR HEALTH CARE ADMINISTRATION**

Notification of Extension of Certificate of Need (CON)  
Omission Submission Deadline

August 2004 Hospital Beds and Facilities Batching Cycle

The Agency has extended the CON application omission submission deadline due to recent storms until 5:00 p.m., Wednesday, October 20, 2004. This is the second deadline extension for this batch. At this time, the Agency does not expect to extend the decision deadline of December 10, 2004.

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**NOTICE OF OPEN HEART SURGERY PROGRAM  
FIXED NEED POOL**

The Agency for Health Care Administration has projected a fixed need pool for open heart surgery programs for January 2007, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 25, 2004.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Adult Open Heart Surgery Program Net Need

District	Net Need	District	Net Need
1	0	7	0
2	0	8	0
3	0	9	0
4	0	10	0
5	0	11	0
6	0	Total	0

Pediatric Open Heart Surgery Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

NOTICE OF HOSPICE PROGRAM  
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602 and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for January 2006, pursuant to the provisions of Rule 59C-1.0355, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 25, 2004.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Fort Knox Building Three, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Hospice Program Net Need

Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 5A	0
Subdistrict 2A	0	Subdistrict 5B	0
Subdistrict 2B	0	Subdistrict 6A	0
Subdistrict 3A	1	Subdistrict 6B	1
Subdistrict 3B	0	Subdistrict 6C	0
Subdistrict 3C	0	Subdistrict 7A	0
Subdistrict 3D	0	Subdistrict 7B	0
Subdistrict 3E	0	Subdistrict 7C	0
Subdistrict 4A	0	Subdistrict 8A	0
Subdistrict 4B	0	Subdistrict 8B	0

Service Area	Net Need	Service Area	Net Need
Subdistrict 8C	0	Subdistrict 9C	0
Subdistrict 8D	0	District 10	0
Subdistrict 9A	0	District 11	0
Subdistrict 9B	0	Total	2

NOTICE OF PEDIATRIC CARDIAC  
CATHETERIZATION PROGRAM  
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for pediatric cardiac catheterization programs for January 2007, pursuant to the provisions of Rules 59C-1.008 and 59C-1.032, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., October 25, 2004.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the Agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, F.S., your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive,

Building 3, Suite 3431, Tallahassee, Florida, 32308. All requests for hearings must be filed with the agency clerk within 21 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), F.S.:

County: Pasco District: 5  
 ID # 0400010 Decision: Issue Date: 9/23/2004  
 Facility/Project: Community Hospital  
 Applicant: New Port Richey Hospital, Inc.  
 Project Description: Add eight adult inpatient psychiatric beds  
 Proposed Project Cost: \$0

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

On September 23, 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 Kathleen Wilson, R.N., license number RN 3279032. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

**DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE OF FILINGS**

Notice is hereby given that 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).

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 29, 2004):  
 Name and Address of Applicant: Sarasota Coastal Credit Union, Post Office Box 15407, Sarasota, Florida 34277-1407  
 Expansion Includes: Geographic  
 Received: September 24, 2004

**FLORIDA LEGISLATURE**

**EMPLOYMENT OPPORTUNITY WITH  
THE FLORIDA LEGISLATURE  
SENIOR LEGISLATIVE ANALYST  
TECHNOLOGY REVIEW WORKGROUP**

The Florida Legislature is seeking to fill vacant Legislative Analyst positions available in the Technology Review Workgroup. The Technology Review Workgroup is an office of the Florida Legislature that provides staff support to the Legislative Budget Commission. The primary duty of this position is to review, analyze and develop recommendations on legislative budget requests and budget amendments, and to oversee and monitor information technology projects identified in the appropriations act.

**MINIMUM QUALIFICATIONS**

A bachelor's degree from an accredited college or university and five years of professional experience in research, analysis, program planning and evaluation, or administrative work.

A master's degree from an accredited college or university can substitute for one year of the required experience.

A doctorate from an accredited college or university can substitute for two years of the required experience.

Professional experience as described above can substitute on a year-for-year basis for the required college education.

**PREFERRED QUALIFICATIONS**

Preference will be given to applicants possessing the following qualifications:

- Five or more years of experience in information resource management, one year of which is of a supervisory, project management, or policy-making nature. Work experience should demonstrate applicant's ability to establish priorities and make sound business decisions.

- Knowledge of and experience with:
  - o Project management and information technology service management methodologies;
  - o Information system design / development principles and best practices;
  - o Large, medium and small scale information systems resources (hardware, software, and network infrastructure); and
  - o Methods of using information technology to help reach state, agency, and program goals and objectives.
- Strong oral, written, and interpersonal communication skills. Applicant must have the ability to work well with others.
- Effective organizational skills that demonstrate an aptitude for handling multiple projects and meeting deadlines.

**SALARY:** \$49,320-\$98,928 Annually

**APPLICATION DEADLINE:** Open until filled

**SUBMISSION OF APPLICATION**

Qualified individuals should send a completed legislative application (available in Room 701, Claude Pepper Building and on the Internet at <http://www.leg.state.fl.us>) and a resume to:

Office of Legislative Services  
Human Resource Office  
111 West Madison Street  
Room 701, Claude Pepper Building  
Tallahassee, Florida 32399-1400  
[OLSHUMANRESOURCES@leg.state.fl.us](mailto:OLSHUMANRESOURCES@leg.state.fl.us)

**ACCOMMODATION FOR DISABILITY**

If an accommodation is needed for a disability, please notify: Human Resources, (850)488-6083.

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN September 20, 2004  
 and September 24, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**  
**State Board of Education**

6A-6.03315	9/23/04	10/13/04	30/29	
<b>University of North Florida</b>				
6C9-6.1003	9/21/04	10/11/04	Newspaper	

**DEPARTMENT OF TRANSPORTATION**

14-60.003	9/20/04	10/10/04	30/14	30/35
14-60.005	9/20/04	10/10/04	30/14	30/35
14-60.006	9/20/04	10/10/04	30/14	30/35
14-60.007	9/20/04	10/10/04	30/14	30/35
14-60.009	9/20/04	10/10/04	30/14	30/35
14-60.011	9/20/04	10/10/04	30/14	30/35

**DEPARTMENT OF CORRECTIONS**

33-204.001	9/20/04	10/10/04	30/33	
33-204.004	9/20/04	10/10/04	30/33	
33-601.211	9/21/04	10/11/04	30/34	
33-601.233	9/20/04	10/10/04	30/34	
33-601.234	9/20/04	10/10/04	30/34	
33-601.236	9/20/04	10/10/04	30/34	
33-601.237	9/20/04	10/10/04	30/34	
33-601.241	9/20/04	10/10/04	30/34	
33-601.242	9/20/04	10/10/04	30/34	
33-601.314	9/20/04	10/10/04	30/33	

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

40D-6.011	9/20/04	10/10/04	30/33	
40D-6.021	9/20/04	10/10/04	30/33	
40D-6.031	9/20/04	10/10/04	30/33	
40D-6.041	9/20/04	10/10/04	30/33	
40D-6.051	9/20/04	10/10/04	30/33	
40D-6.091	9/20/04	10/10/04	30/33	
40D-6.101	9/20/04	10/10/04	30/33	
40D-6.201	9/20/04	10/10/04	30/33	
40D-6.301	9/20/04	10/10/04	30/33	
40D-6.321	9/20/04	10/10/04	30/33	
40D-6.331	9/20/04	10/10/04	30/33	
40D-6.411	9/20/04	10/10/04	30/33	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Medicaid Program Office**

59G-4.060	9/22/04	10/12/04	30/27	
59G-4.340	9/22/04	10/12/04	30/27	
59G-6.010	9/22/04	10/12/04	30/32	
59G-6.020	9/22/04	10/12/04	30/32	
59G-6.030	9/22/04	10/12/04	30/32	
59G-6.045	9/22/04	10/12/04	30/32	

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-550.200	9/24/04	10/14/04	30/30	
62-550.540	9/24/04	10/14/04	30/30	
62-550.817	9/24/04	10/14/04	30/30	
62-555.900	9/24/04	10/14/04	30/30	

**DEPARTMENT OF HEALTH**  
**Board of Acupuncture**

64B1-3.009	9/21/04	10/11/04	30/32	
64B1-4.001	9/21/04	10/11/04	30/32	
64B1-4.0011	9/21/04	10/11/04	30/32	

**Board of Clinical Laboratory Personnel**

64B3-8.006	9/21/04	10/11/04	30/30	
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**Board of Dentistry**

64B5-2.017	9/22/04	10/12/04	30/20	30/33
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**Board of Hearing Aid Specialists**

64B6-1.001	9/21/04	10/11/04	30/34	
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**Board of Opticianry**

64B12-10.004	9/21/04	10/11/04	30/33	
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**Council of Licensed Midwifery**

64B24-4.001	9/21/04	10/11/04	29/16	30/32
64B24-4.002	9/21/04	10/11/04	29/16	30/32
64B24-4.004	9/21/04	10/11/04	29/16	
64B24-4.006	9/21/04	10/11/04	29/16	30/32
64B24-4.007	9/21/04	10/11/04	29/16	30/32
64B24-4.010	9/21/04	10/11/04	29/16	

**Board of Respiratory Care**

64B32-6.007	9/21/04	10/11/04	30/33	
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