

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Definition of Terms
RULE NO.: 6E-1.003
PURPOSE AND EFFECT: This rule is being amended to add the definition of Generally Accepted Accounting Principles to the terms that are defined for use with these rules.
SUBJECT AREA TO BE ADDRESSED: Definitions.
SPECIFIC AUTHORITY: 1005.22(1)(e) FS.
LAW IMPLEMENTED: 1005.22, 1005.31 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, F.S. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

(1) through (28) No change.

(29) Generally Accepted Accounting Principles (GAAP), effective September 30, 2002, is defined in the Board of Accountancy Rule 61H1-20.007, F.A.C.

(29) through (49) renumbered (30) through (50) No change.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83, Formerly 6E-1.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03, 7-20-04,_____.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Fair Consumer Practices
RULE NO.: 6E-1.0032
PURPOSE AND EFFECT: This rule is being amended to clarify a reduction of tuition of fees.
SUBJECT AREA TO BE ADDRESSED: Fair Consumer Practices.
SPECIFIC AUTHORITY: 1005.22(1)(e)1., 1005.34 FS.
LAW IMPLEMENTED: 1005.04, 1005.32(5), 1005.34 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-1.0032 Fair Consumer Practices.

(1) through (6)(k) No change.

(7) Reduction of tuition or fees: A reduction in tuition, fees, or other charges may be implemented when there are specific criteria for student eligibility and selection procedures precisely disclosed within a policy at the institution. All students within the enrollment period the reduction is offered must be eligible to apply for this reduction under the same circumstance. The institution must maintain verifiable records including detailed and complete data when students are granted a bona fide reduction in tuition or fees. This must include copies of all application records, notes of selection committee meetings, and copies of notices to the student who received the reduction. This information shall be kept on file at the institution for on site review by CIE.

(7) through (9) renumbered (8) through (10) No change.

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04,_____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Regulation of Encroachments Over State Rights of Way
RULE CHAPTER NO.: 14-43

RULE TITLE: Regulation of Overhanging Encroachments
RULE NO.: 14-43.001

PURPOSE AND EFFECT: The definitions are amended, including the addition of a definition for “applicant.” Other definitions are amended and other amendments are made regarding permitting matters. A revised application form also is being incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Rule 14-43.001, F.A.C., is being amended, to include a definition for the term “applicant” and other amendments regarding permitting matters, including incorporating by reference a revised application form.

SPECIFIC AUTHORITY: 334.044(2), 337.407 FS.

LAW IMPLEMENTED: 337.406, 337.407, 479.01, 479.16, 768.28 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-43.001 Regulation of Overhanging Encroachments.

(1) Definitions.

~~(a)~~ “Applicant” means any person or entity, including a local governmental entity, seeking permission for an overhanging encroachment.

~~(b)(a)~~ “Banner” means any object or thing attached to one or more existing permanent supports, a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:

1. “Pole Banner” means a banner which is located adjacent to the travel lanes of the roadway and is attached to a single ~~an~~ existing permanent support.

2. “Street Banner” means a banner which extends over the travel lanes of the roadway and is attached to two ~~one~~ or more existing permanent supports.

~~(c)(b)~~ “Canopy” means a permanent or semi-permanent, on-premise roof-like encroachment or projection partially extending over the right of way.

~~(d)(e)~~ “Department” means the State of Florida Department of Transportation.

~~(d)~~ “Governmental Entity” has the same meaning as provided in Section 11.45(1)(d)(e), Florida Statutes.

~~(d)(e)~~ “Local Governmental Entity” has the same meaning as provided in Section 11.45(1)(d), Florida Statutes.

~~(e)(f)~~ “Overhanging Encroachment” for purposes of this rule means a sign, canopy, or banner, as these terms are herein defined, which is ~~are~~ placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities.

~~(f)(g)~~ “Sign” has the same meaning as provided in Section 479.01(14), Florida Statutes.

(2) ~~Overhanging encroachments as authorized by are prohibited on the Interstate System. Overhanging encroachments shall be authorized, pursuant to Section 337.407(1), Florida Statutes, are~~ subject to the following conditions:

(a) No new supports may be located within state right of way.

(b) Any overhanging encroachment must be allowed by the affected local governmental entity.

(c) Any overhanging encroachment which interferes with Department construction must be adjusted or removed at the owner’s expense.

(d) Overhanging encroachments may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists’ ability to safely operate their vehicles.

(e) Overhanging encroachments must comply with the setback or clearance requirements set forth in subsections (3) and (4) below. The Department will notify the owner ~~that if~~ the overhanging encroachment must be adjusted within 36 hours of notification to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it shall be removed by the Department. If the overhanging encroachment presents a safety hazard, the Department shall remove it and notify the owner of the removal.

(f) No overhanging encroachment may be erected or maintained which would interfere with the Department’s maintenance, operation, or other use of a transportation facility.

(g) When an overhanging encroachment must be removed by the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the encroachment.

(3) Signs and Canopies. Signs and canopies are prohibited along and over limited access roadways. Signs and canopies which meet the criteria of Section 479.16(1), Florida Statutes, may only be placed along and over any other roads within corporate limits of a municipality, or outside municipalities where curb and gutter construction exists in compliance with the following conditions:

(a) Where curb and gutter construction exists, the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet, the outside edge of the structure must be at least two feet behind a vertical line extending upward from the face of the curb, and the entire structure must comply with the Department’s clear zone requirements set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000, Revised1/01), incorporated herein by reference. Copies of these tables are available from the Department’s Maintenance Office, 605 Suwannee Street, MS 52, Tallahassee, Florida 32399-0450.

(b) Within municipalities where there is no curb and gutter construction, the entire structure, including attachments and supports, may not extend more than six feet over the right of way; may not extend closer than 12 feet from the edge of the driving lane; must have a vertical clearance of at least 7.5 ~~40~~ feet; and the entire structure must comply with the Department’s clear zone requirements as set forth in Table

2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders, referenced in paragraph (a) above.

(c) The design of said canopies or signs, as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the local governmental entity agency affected.

(d) No canopy or sign shall be erected away from the site of the business which it promotes.

(e) Lighting of signs and canopies shall conform to the requirements of Section 479.11(5), Florida Statutes.

(4) Banners. Banners may be placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities subject to the following conditions:

(a) ~~The written authorization for the placement of banners from the local governmental entity within whose jurisdictional boundaries the banners are to be placed must be the applicant provided.~~

(b) Banners will be allowed for the a period set forth in the application not to exceed 30 consecutive calendar days. Banners will not be allowed to be displayed within 180 days of the last day of its most recent display period.

~~(c) Banners are allowed for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month, for 12 months.~~

~~(c)(4)~~ Pole banners must be placed a minimum of 1,000 feet apart on the same side of the travel lane on all limited access facilities, and on non limited access facilities outside the corporate limits of a municipality.

1. The lowest point of the banner must be at least 14 1/2 feet above the pavement elevation;

2. ~~A~~ The pole banner must be attached to a light standard or other such device which is permanently located in the right of way. Banners may not be attached to any utility pole.

~~(d)(e)~~ Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional load placed on the structures by the banner and attachments, and will not exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when all specifications are the same.

(f) Banners may not be placed within 500 feet of a limited access interchange.

(g) Street banners may only be placed on the right of way of non limited access roadways and must vertically clear the pavement by at least 18 feet. Street banners must be a minimum of 1,000 feet apart.

(5) Applications for an overhanging encroachment must be made in writing to the appropriate District Maintenance Office.

(a) Applications for overhanging signs and canopies shall include:

1. The name and address of the applicant.

2. A drawing sketch of the sign or canopy, drawn to scale, including any ~~which includes the message, letterings, logos, or emblems.~~

3. A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.

4. Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).

5. Proof of compliance with any applicable local governmental regulations.

(b) Applications for banners shall be made no later than 30 days and no earlier than 365 days prior to the requested installation date. The application shall be on Application for Banner, DOT Form ~~575-070-18 850-040-75~~, Rev. ~~10/04 07/04~~, incorporated herein by reference. Copies of DOT Form ~~575-070-18 850-040-75~~ are available from the State Maintenance Engineer or any District Maintenance Engineer. The application shall include:

1. The name, address, and telephone number of the applicants. The name of a contact person whom the Department may contact regarding the banner installation and display also must be supplied. ~~If the applicant is a business or governmental entity, the name of the contact person must be supplied.~~

2. A ~~sketch or~~ drawing of the banner(s), drawn to scale, including any message, logo, or emblem which includes the entire message that will appear on the banner(s).

3. A sketch of the specific location of the banner(s), including height, location of supports, proximity to utility poles, and the identification of the state highway where the banner(s) will be located.

4. Sketches, photographs, or specific descriptions of the method to be used to affix the banner(s) to the support structure(s).

~~5. The beginning and ending dates of the event being promoted.~~

~~5.6.~~ The beginning and ending dates of the display period requested.

~~6.7.~~ Proof of compliance with the requirements of subsection (4)(c) and any local governmental regulations.

~~8. Written authorization from the local governmental entity granting permission to the applicant for the installation of the banners. No banner shall be allowed when the local governmental entity has an ordinance prohibiting its installation.~~

~~9. When the roadway requested for banner installation is under the ownership of an Expressway Authority, written authorization from the affected Expressway Authority granting permission to the applicant for the installation of the banners must be provided.~~

~~7.10.~~ A load rating analysis by a registered professional engineer. See paragraph (4)(d), above.

(c) Banners will not be allowed where a Department construction project is planned or ongoing during the requested display period.

(d) The ~~a~~Applicant shall agree as follows:

1. To the extent provided by law, ~~each the a~~Applicant shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by ~~an the a~~Applicant, its agents, or employees arising from activities associated herewith.

2. When the Department receives a notice of claim for damages that may have been caused by the ~~a~~Applicant in the performance of activities hereunder, the Department will immediately forward the claim to ~~all the a~~Applicants. The ~~a~~Applicants and the Department will evaluate the claim and report their findings to each other within 14 working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the ~~a~~Applicants in the defense of the claim or to require that the ~~a~~Applicants defend the Department in such claim as described in this section. The Department's failure to promptly notify ~~each the a~~Applicant of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the ~~a~~Applicants. The ~~a~~Applicants shall bear all expenses of the Department in defense of the claim.

(e) If the application is denied, the Department shall provide a Notice of Administrative Hearing Rights to ~~each the a~~Applicant.

(6) Failure to comply with the provisions of this rule shall result in the issuance of a Notice of Intent to Deny the Application or a Notice of Noncompliance, which shall include a Notice of Administrative Hearing Rights.

(7) Provision of any notice, denial, revocation, or Notice of Administrative Hearing Rights by the Department under this rule shall not constitute or create entitlement to an administrative hearing where such right does not otherwise exist.

Specific Authority 334.044(2), 337.407 FS. Law Implemented 337.406, 337.407, 479.01, 479.16, 768.28 FS. History—Amended 3-21-64, 5-9-70, 7-9-75, Formerly 14-43.01, Amended 8-3-99, 8-2-01, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

List of Approved Forms; Incorporation 64B8-1.007

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to incorporate revised forms into the rule and add additional forms which are utilized by the Board.

SUBJECT AREA TO BE ADDRESSED: The incorporation of new and revised forms into the rule.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

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 Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (16) No change.

(17) DH-MQA 1031, entitled "Florida Board of Medicine Office Surgery Registration Form," (4/04).

~~(18)(17)~~ No change.

~~(19)(18)~~ DH-MQA 1069, entitled "~~ARNP/EMT/Paramedic Advanced Registered Nurse Practitioner (ARNP) Protocol Form,~~" (9/04) (10/02).

(19) through (22) renumbered (20) through (23) No change.

(24) DH-MQA 1087, entitled "Application for Licensure as an Anesthesiologist Assistant," (7/04).

(25) DH-MQA 1088, entitled "Anesthesiologist Assistants Financial Responsibility," (7/04).

(26) DH-MQA 1089, entitled "Anesthesiologist Assistant Protocol," (7/04).

(23) through (27) renumbered (27) through (31) No change.

Specific Authority 120.55(1)(a)(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), ~~458.3475~~, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, ~~458.3475~~, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: _____ RULE NO.:

Prescribing by Registered Interns, Residents, and Fellows 64B8-6.010

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the prescribing of drugs by interns, residents and fellows.

SUBJECT AREA TO BE ADDRESSED: Prescribing of drugs by interns, residents and fellows.

SPECIFIC AUTHORITY: 458.345, 458.309 FS.

LAW IMPLEMENTED: 458.345, 458.303(1)(d) 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-6.010 Prescribing by Registered Interns, Residents, and Fellows.

(1) Resident physicians, interns, or fellows employed by a hospital and engaged in an accredited training program complying with the provisions of Section 458.345, Florida Statutes, may in the normal course of their employment prescribe medicinal drugs described ~~other than those appearing~~ in schedules set out in Chapter 893, Florida Statutes.

(2) Each resident physician, intern, or fellow authorized by this rule to prescribe medicinal drugs shall utilize the Department issued registration number as his or her prescriber number. Any prescription written by such resident physician, intern, or fellow shall have the registration/prescriber number printed thereon.

Specific Authority 458.345, 458.309 FS. Law Implemented 458.345, 458.303(1)(d) FS. History—New 8-2-83, Amended 1-16-84, Formerly 21M-23.10, Amended 1-31-90, Formerly 21M-23.010, 61F6-23.010, 59R-6.010, Amended 4-6-99, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: _____ RULE NOS.:

Supervision of Physician’s Assistants or Anesthesiologist Assistants 64B8-8.007

Citation Authority 64B8-8.017

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address supervision of anesthesiologist assistants and to clarify its rules with regard to issuance of citations.

SUBJECT AREA TO BE ADDRESSED: Supervision of anesthesiologist assistants and citations.

SPECIFIC AUTHORITY: 456.073, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.073, 456.077, 458.347(7)(f), 456.048 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.007 Supervision of Physician’s Assistants or Anesthesiologist Assistants.

No physician whose license to practice medicine has been placed on probation shall, during the term of probation, serve as a Primary Supervising Physician or Alternate Supervising Physician, or in any other supervisory capacity, to a Physician’s Assistant or Anesthesiologist Assistant.

Specific Authority 458.309, 458.347 FS. Law Implemented 456.073, 458.347(7)(f), 456.048 FS. History–New 11-15-88, Formerly 21M-20.007, 61F6-20.007, 59R-8.007, Amended _____.

64B8-8.017 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

- (1) through (2) No change.
- (3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

Violations	Penalty
(a) through (o) No change.	
<u>(p) Section 458.331(1)(h), F.S., unintentional failure to file a report as required.</u>	<u>\$500 fine</u>

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. ~~Such review may be by telephone, in writing, or by facsimile machine.~~

~~(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.~~

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

~~(5)(7)~~ The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who chose to follow the procedures of Section 456.073, F.S.

Specific Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History–New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03, 7-27-04, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: _____ RULE NO.: _____

Continuing Education for Biennial Renewal 64B8-13.005
PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address continuing education requirements for licensure renewal.

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

SPECIFIC AUTHORITY: 456.013(6),(7), 456.031(4), 458.309, 458.319 FS.

LAW IMPLEMENTED: 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, F.S., shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Department.

~~(a) For licensees who are renewing a medical license for the first time at least 1 of such continuing medical education hours required for renewal shall concern risk management.~~

(b) through (e) renumbered (a) through (d) No change.

(2) through (9) No change.

(10) In addition to the continuing medical education credits authorized above, a physician who serves as a supervising physician for a licensed physician who is under direct supervision for a period of at least one year, shall be entitled to receive 6 hours of continuing medical education credit. Any physician who serves as a monitoring physician for a licensed physician who is under indirect supervision for a period of at least one year, shall be entitled to receive 3 hours of continuing medical education credit.

(10) through (11) renumbered (11) through (12) No change.

Specific Authority 456.013(6),(7), 456.031(4), 458.309, 458.319 FS. Law Implemented 456.013(6),(7), 456.031(1)(a),(3), 458.319(4) FS. History--New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99, 2-7-01, 6-4-02, 10-8-03, 5-4-04, 5-20-04.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirements for Electrolysis Training Programs Approved by the Board
 RULE NO.: 64B8-53.001

PURPOSE AND EFFECT: The Council proposes the development of the above-referenced rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for Electrolysis Training Programs Approved by the Board.

SPECIFIC AUTHORITY: 478.43(4), 478.50(4)(b) FS.

LAW IMPLEMENTED: 478.43(4), 478.45(1)(e), 478.50(4)(b) 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: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Equipment and Devices; Protocol for Laser and Light-Based Devices
 RULE NO.: 64B8-56.002

PURPOSE AND EFFECT: The Council proposes the development of the above-referenced rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Equipment and Devices; Protocols for Laser and Light-Based Devices.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) 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: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Risk Management

RULE TITLES: Certificate of Coverage
 RULE NOS.: 69H-2.004

Other Forms Adopted 69H-2.008

Property Damage Coverage for State-Owned Vehicles 69H-2.010

PURPOSE AND EFFECT: The amendment to Rule 69H-2.004, F.A.C., provides an addendum to assess the amount of reimbursement paid for property damage coverage and administrative costs associated with off-duty coverage for motor vehicles used by law enforcement officers. Essentially, state agencies that employ such officers will be assessed a premium for those officers so the Division of Risk Management can pay covered claims. This will establish transparency as to determination of charges and premiums to state agencies. The purpose of this amendment to Rule 69H-2.008, F.A.C., is to reflect changes to the Automobile Accident Form. The changes allow the user to include an accident map and allow the user to include a more descriptive summary of the accident. The purpose of the adoption of Rule 69H-2.010, F.A.C., is to establish a deductible for officers determined to be at fault in incidents involving approved activities in motor vehicles used by the officers. This creates cost expectations in budget planning for state agencies and officers. The rule also creates a structure for processing and adjusting claims in the Division of Risk Management. It will adjust claims by off-duty law enforcement officers involved in motor vehicle accidents.

SUBJECT AREA TO BE ADDRESSED: Property damage coverage for state-owned vehicles.

SPECIFIC AUTHORITY: 284.39, 284.311 FS.

LAW IMPLEMENTED: 284.30, 284.31, 284.40, 284.311 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., November 16, 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: George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69H-2.004 Certificate of Coverage.

(1) The Department shall adopt and use a Certificate of Coverage form indicating the insured agency and the coverage provided by the Fund.

(2) Form DI4-867, "State Employee Workers' Compensation and Employer's Liability Certificate of Coverage," rev. 3/01, which is hereby adopted and incorporated by reference, will be used to provide employee workers' compensation and employer's liability coverage to the agency named on the certificate.

(3) Form DI4-863, "General Liability Certificate of Coverage," rev. 3/01, which is hereby adopted and incorporated by reference, will be used to provide general liability insurance coverage to the agency named on the certificate.

(4) Form DI4-864, "Fleet Automobile Liability Certificate of Coverage," rev. 3/01, which is hereby adopted and incorporated by reference, will be used to provide fleet automobile liability coverage to the agency named on the certificate.

(5) Form DFS-D0-864A, "State Risk Management Trust Fund Addendum to Automobile Liability Certificate of Coverage for Off-Duty Law Enforcement Vehicle Property Damage," rev. 7/04, which is hereby adopted and incorporated by reference, will be used to provide addendum to automobile liability coverage to the agency named on the certificate.

(6)(5) Form DI4-865, "Federal Civil Rights Liability and Employment Discrimination Certificate of Coverage," rev. 3/01, which is hereby adopted and incorporated by reference, will be used to provide coverage for federal civil rights actions under 42 U.S.C.S. 1983 or similar federal statutes to the agency named on the certificate.

(7)(6) Form DI4-862, "Court Awarded Attorney Fees Certificate of Coverage," rev. 3/01, which is hereby adopted and incorporated by reference, will be used to provide coverage for court awarded attorney's fees in other proceedings against the agency named on the certificate.

Specific Authority 284.39 FS. Law Implemented 284.31 FS. History--New 7-29-72, Formerly 4-30.05, 4-30.005, Amended 1-7-92, 6-28-01, Formerly 4H-2.004, Amended _____.

69H-2.008 Other Forms Adopted.

(1) The following forms are hereby adopted and incorporated by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on claims filed against the Fund, as the circumstances of particular cases may require.

- | | | | |
|-----|--------------|---|----------------|
| (a) | DFS-D014-261 | Automobile Accident Report | rev. 1/03 6/00 |
| (b) | DI4-866 | Mileage Reimbursement | rev. 3/01 |
| (c) | DI4-1403 | General Liability Loss Report | rev. 6/00 |
| (d) | DI4-1404 | Lien Disclosure Statement | rev. 3/01 |
| (e) | DI4-1406 | Insurer's Disclosure Statement Pursuant to Section 627.4137, F.S. | rev. 6/00 |
| (f) | DFS-D0-1407 | Medical Authorization | rev. 3/04 |
| (g) | DI4-1410 | Substitute Form W9 | new 6/00 |

(2) Copies of each form adopted and incorporated by reference in this rule are available from the Division of Risk Management, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-0336.

Specific Authority 284.39 FS. Law Implemented 284.30, 284.40 FS. History--New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended 7-4-04, _____.

69H-2-010 Property Damage Coverage for State-Owned Vehicles.

(1) Definitions: The following definitions shall apply to the property damage coverage established in this Rule:

(a) "Motor vehicle" – Any self-propelled vehicle with four or more wheels which is of a type both designed and required to be licensed for use on the highways of this state and any trailer or semi trailer designed for use with such vehicle. The term includes a "private passenger motor vehicle" which is any motor vehicle which is a sedan, station wagon, or jeep-type vehicle and, if not used primarily for occupational, professional or business purposes, a motor vehicle of the pickup, panel, van, camper, or motor home type. The term also includes a "commercial motor vehicle" which is any motor vehicle that is not a private passenger motor vehicle. The term does not include a mobile home or any motor vehicle which is used in mass transit other than public school transportation, and designed to transport more than five passengers exclusive of the operator of the motor vehicle and which is owned by a municipality, a transit authority, or a political subdivision of the State.

(b) "At fault" – A law enforcement officer shall be deemed "at fault" if the "contributing cause" code on a Florida Traffic Crash Report Long Form is anything other than code "01", (no improper driving action).

(c) "Actual cash value" – Replacement cost minus depreciation.

(d) "Property damage" – Physical damage to the covered motor vehicle due to collision or impact with another vehicle or object or due to other accidental loss.

(2) Coverage Provided.

(a) The State Risk Management Trust Fund (The Fund) will pay for property damage to a motor vehicle owned by a state agency when this property damage occurs while the motor vehicle is being used by a law enforcement officer, as defined in Section 943.10, F.S., for off-duty work for which the officer must reimburse the state, subject to the exclusions and deductible amounts, as defined in subsections (2)(d) and (2)(e) of this Rule. The Fund will pay reasonable repair costs or the actual cash value of the vehicle whichever is less.

(b) If an independent appraisal of the property damage is required, the Fund will pay for this expense. If the accidental loss results in the motor vehicle being declared a total loss, the Fund will pay the state agency the actual cash value of the motor vehicle (minus any applicable deductible amounts), and the Fund shall retain the salvage value of the motor vehicle.

(c) The Fund will reduce the payments for property damage to the state agency by any applicable deductible amount when the law enforcement officer is determined to be at fault in causing property damage to the motor vehicle.

(d) Exclusions: The Fund will not pay for property damage if:

1. The law enforcement officer was not in the course and scope of approved off-duty activities when the property damage occurred;

2. The law enforcement officer is found to have acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety or property;

3. The law enforcement officer does not have to reimburse the State for use of the motor vehicle;

4. The property damage is due to wear and tear or mechanical breakdown;

5. The property damaged is equipment owned by the state and unattached to the motor vehicle; or

6. The property damaged is the personal property of the law enforcement officer.

(e) Limit of Liability: The Fund's limit of liability will be the lesser of the actual cash value of the damaged property or an amount necessary to repair or replace the property with other property of like kind and quality. An adjustment for depreciation and physical condition will be made in determining actual cash value in the event of a total loss. If a repair or replacement results in better than like kind of quality, the Fund will not pay for the betterment.

(f) Secondary coverage: The coverage set forth in this Rule is secondary to any primary coverage available from any other source. A claim must first be presented under all existing primary coverages available to the claimant, after which a claim under this Rule may be made.

(3) Premium Assessments and Reimbursement.

(a) The Division of Risk Management (The Division) will determine the exposure base for the calculation of costs of providing physical damage coverage according to the number of law enforcement officers using state motor vehicles while performing off-duty employment.

(b) The Division will determine the experience base by the dollar amount paid on claims.

(c) Each state agency shall, no later than April 1 each fiscal year, report to the Division the estimated number of law enforcement officers using state motor vehicles while performing their off-duty employment for the upcoming fiscal year. A state agency shall use Form DFS-D0-861, "Exposure Base Inquiry", rev. 6/00, hereby adopted and incorporated by reference. Copies of this form are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0337:

(d) Premium calculation.

1. The Division will calculate the total premium based on agencies' experience and exposure (except for the first year). Assessment amounts will fluctuate each year depending on exposure and experience criteria.

2. The assessment amount will be the total anticipated cash payments to be made for property damage payments during the fiscal year, plus an additional charge to offset the Division's operating costs. The Division will calculate this additional charge by multiplying the total anticipated annual property damage payments by an industry average operating cost percentage.

3. The Division will apply any surplus or deficit amounts assessed in the fiscal year, less the administrative portion of the assessment, against the following fiscal year assessment.

4. The Division will assess each state agency according to its proportionate amount of the entire statewide assessment.

(e) Invoices.

1. Each fiscal year, the Division will invoice each state agency for the total amount of its assessment.

2. Each state agency shall pay the assessed amount to the Division within thirty days following the state agency's receipt of the assessment invoice. Payments will be provided from one of the agencies' standard operating categories.

3. Each state agency will administer and collect the law enforcement officers' portion of the agency assessment. The Division shall have no role in this administration and collection. Reimbursements will not be given to officers who leave state employment during the covered fiscal year. The premium is annualized, and will not be prorated for those officers who leave state employment or who request coverage during the covered fiscal year.

(f) Questions regarding this Rule will be addressed to the Finance and Accounting Director, Division of Risk Management, 200 East Gaines Street, Tallahassee, FL 32399-0337.

(4) Deductible Assessment.

(a) The Division will apply a deductible amount toward the costs of repairs and/or total loss payments, for accidents in which the off-duty officer is determined to be at fault.

(b) The Division will compute the deductible amount and adjust the amount at the beginning of each fiscal year. The Division will notify state agencies of the deductible amount no later than July 1 of each fiscal year.

(5) Claims Processing.

(a) Accidents shall be reported to the Division, using Form DFS-D0-261 "Automobile Accident Report", rev. 1/03, which is hereby adopted and incorporated by reference. Copies of the form adopted and incorporated by reference in this subsection are available from the Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0338.

(b) The state agency will submit all supporting documentation for the accident to the Division, including at a minimum the following:

1. The name of the state agency employing the law enforcement officer;

2. A statement certifying that: a) the employee is a law enforcement officer as defined in Section 943.10, Florida Statutes; b) the state agency approved the off-duty employment; c) the law enforcement officer was required to reimburse the agency for use of the motor vehicle; and d) the law enforcement officer purchased coverage by payment of a premium for the fiscal year in which the accident occurred, verified by a receipt from the Agency showing such payment or a copy of the law enforcement officer's pay stub showing such payment.

3. If the form described in subsection (5)(a) of this Rule is unavailable, then an opinion as to whether the state agency believes the law enforcement officer was at fault in causing the property damage;

4. Photographs of the vehicle damage if feasible;

5. If other than a total loss of the motor vehicle occurs, then two estimates for vehicle repairs, and invoices for the repairs; and

6. All available accident reports.

(c) The Division will adjust the claim and issue payment for the repairs to the state agency, according to its Policies and Procedures.

(d) In the event of a total loss claim, the Division will dispose of the salvage and retain any salvage value.

(e) The Division will pursue subrogation on claims caused by the negligence of another party, and will retain any funds recouped by it.

(f) Questions regarding this Rule will be addressed to the Insurance Specialist II, Automobile Appraisals, Division of Risk Management, 200 East Gaines Street, Tallahassee, FL 32399-0338.

Specific Authority 284.311 FS. Law Implemented 284.311 FS. History—New

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE TITLE: Recovery and Purchase Agreements

RULE NO.: 69I-20.0011

PURPOSE AND EFFECT: The purpose of the rule development is to address issues raised subsequent to the enactment of recent amendments to Chapter 717, F.S., regarding recovery and purchase agreements.

SUBJECT AREA TO BE ADDRESSED: Recovery and purchase agreements.

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 717.135, 717.1351, 717.139 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, November 17, 2004

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)410-9461

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69I-20.0011 Recovery and Purchase Agreements.

(1) Sections 717.135(2)(d) and 717.1351(5), F.S., provide the requirements for recovery and purchase agreements. The Department interprets this language as allowing:

(a) An additional signature line for multiple claimants or purchasers.

(b) Use of bolding for the words "Original Signature of CLAIMANT" on the Recovery Agreement.

(c) Use of bolding for the words "Original Signature of OWNER" on the Purchase Agreement.

(d) Addition of corporate representatives' titles with their names on the Recovery Agreement or the Purchase Agreement (example: John Smith, President) or the adding of their title to their signature in the same manner.

(e) Placement of the words "pending" prior to the words "NET AMOUNT TO BE PAID CLAIMANT", if it is not possible to determine the percentage interest of an heir or legatee prior to a determination on the issue by the probate court.

(2) The Department interprets Sections 717.135(2)(d) and 717.1351(5), F.S., as prohibiting any modification of the order or sequence of the statutory language.

Specific Authority 717.138 FS. Law Implemented 717.135, 717.1351, 717.139 FS. History—New _____.

Section II
Proposed 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 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.

SUMMARY: The proposed rule provides that criminal history background checks on prospective non-department supervisors of inmate work crews will be conducted by the department rather than by the contracting body or organization, and requires that medium as well as close custody inmates be supervised only by department employees.

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: 944.09, 946.40(1) FS.

LAW IMPLEMENTED: 944.09, 944.10(7), 946.002, 946.40(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.202 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,

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2004

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, for Lakes Bell, Bird, Clear, Green, Hancock, Moon, Padgett, Parker (Ann) and Pasadena/Buddy Pasco County, Florida and Lakes Charles, Dan, Jackson, Reinheimer, Garden Lake, Mound Lake, Platt Lake, and Strawberry (North Crystal) Lake, Hillsborough County, Florida.

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

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (12) No change.

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

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

Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) In Charlotte County Within the Peace River Basin						
(b) In Citrus County Within the Coastal Rivers Basin						
(c) In Citrus County Within the Withlacoochee River Basin						
(d) In DeSoto County Within the Peace River Basin						
(e) In Hardee County Within the Peace River Basin						
(f) In Hernando County Within the Coastal Rivers Basin						
(g) In Hernando County Within the Hillsborough River Basin						

(h) In Hernando County Within the Withlacoochee River Basin RESERVED						
(i) In Highlands County Within the Peace River Basin RESERVED						
(j) In Hillsborough County Within the Alafia River Basin RESERVED						
(k) In Hillsborough County Within the Hillsborough River Basin RESERVED	Stemper, Lake S-13, T-27, R-18 (Levels in feet NGVD)	62.6	61.2	60.8 (CAT 1)	59.4 (CAT 1)	59.1
(l) In Hillsborough County Within the Northwest Hillsborough Basin	Alice, Lake S-16, T-27, R-17 (Levels in feet NGVD)	42.4	40.9	40.9 (CAT 2)	39.9 (CAT 2)	38.8
	Barbara, Lake S-19, T-27, R-18	54.96	53.15	53.15 (CAT 3)	52.15 (CAT 3)	51.05
	Bird Lake S-26, T-27, R-18 (Levels in feet NGVD)	53.0	49.6	49.6 (CAT 2)	48.6 (CAT 2)	47.5
	Brant Lake S-23, T-27, R-18 (Levels in feet NGVD)	60.5	58.0	58.0 (CAT 2)	57.0 (CAT 2)	55.9
	Calm Lake S-14, T-27, R-17	51.02	49.41	49.41 (CAT 3)	48.41 (CAT 3)	47.31
	<u>Charles, Lake</u> <u>S-23, T-27, R-18</u>	<u>56.2</u>	<u>54.2</u>	<u>53.8</u> <u>(CAT 1)</u>	<u>52.4</u> <u>(CAT 1)</u>	<u>52.1</u>
	Church Lake S-28, T-27, R-17	36.74	35.64	35.64 (CAT 3)	34.64 (CAT 3)	33.54
	Crenshaw, Lake S-22, T-27, R-18	57.64	55.5	54.45 (CAT 3)	53.45 (CAT 3)	53.4
	Crystal Lake S-14, T-27, R-18 (Levels in feet NGVD)	62.1	59.8	59.8 (CAT 2)	58.8 (CAT 2)	57.7
	Cypress Lake S-24, T-27, R-17	50.86	48.89	48.89 (CAT 3)	47.89 (CAT 3)	46.79
	<u>Dan, Lake</u> <u>S-6, T-27, R-17</u>	<u>34.9</u>	<u>32.5</u>	<u>31.9</u> <u>(CAT 3)</u>	<u>30.9</u> <u>(CAT 3)</u>	<u>30.4</u>
	Deer Lake S-1, T-27, R-18 (Levels in feet NGVD)	70.0	66.5	66.5 (CAT 2)	65.5 (CAT 2)	64.4

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

Rogers, Lake S-27, T-27, R-17	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED (CAT 3)	RESERVED
Round Lake S-22, T-27, R-18	56.49	55.6	54.5 (CAT 3)	53.5 (CAT 3)	53.5
Saddleback Lake S-22, T-27, R-18	56.11	54.58	54.58 (CAT 2)	53.58 (CAT 2)	52.48
Sapphire Lake S-14, T-27, R-18 (Levels in feet NGVD)	64.1	63.4	63.0 (CAT 1)	61.6 (CAT 1)	61.3
Starvation Lake S-21, T-27, R-18	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED (CAT 3)	RESERVED
<u>Strawberry (North Crystal) Lake</u> <u>S-14, T-27, R-18</u>	<u>62.0</u>	<u>60.1</u>	<u>60.1</u> <u>(CAT 3)</u>	<u>59.1</u> <u>(CAT 3)</u>	<u>58.0</u>
Sunset Lake S-17, T-27, R-17 (Levels in feet NGVD)	35.0	34.8	34.4 (CAT 1)	33.0 (CAT 1)	32.7
Sunshine Lake S-20, T-27, R-18 (Levels in feet NGVD)	55.1	53.4	53.4 (CAT 2)	52.4 (CAT 2)	51.3
(m) in Lake County within the Green Swamp Basin RESERVED					
(n) In Levy County Within the Withlacoochee River Basin RESERVED					
(o) In Manatee County Within the Manasota River Basin RESERVED					
(p) In Marion County Within the Withlacoochee River Basin RESERVED					
(q) In Pasco County Within the Coastal Rivers Basin	77.41	76.05	75.65 (CAT 3)	73.05 (CAT 3)	71.75
<u>Green Lake</u> <u>S-16, T-26, R-18</u>	<u>75.5</u>	<u>74.4</u>	<u>74.2</u> <u>(CAT 2)</u>	<u>71.9</u> <u>(CAT 2)</u>	<u>70.0</u>
<u>Moon Lake</u> <u>S-28, T-25, R-17</u>	<u>41.7</u>	<u>39.9</u>	<u>39.9</u> <u>(CAT 3)</u>	<u>38.3</u> <u>(CAT 3)</u>	<u>36.2</u>

(r) In Pasco County Within the Green Swamp Basin RESERVED						
(s) In Pasco County <u>Bell Lake</u>	<u>73.3</u>	<u>71.6</u>	<u>70.8</u>	<u>69.4</u>	<u>69.2</u>	
Within the <u>S-13, T-26, R-18</u> Hillsborough County Basin RESERVED			<u>(CAT 1)</u>	<u>(CAT 1)</u>		
<u>Bird Lake</u>	<u>68.2</u>	<u>66.8</u>	<u>66.6</u>	<u>65.2</u>	<u>64.3</u>	
<u>S-36, T-26, R-18</u>			<u>(CAT 1)</u>	<u>(CAT 1)</u>		
<u>Padgett, Lake</u>	<u>71.5</u>	<u>70.5</u>	<u>70.5</u>	<u>69.5</u>	<u>68.4</u>	
<u>S-24, T-26, R-18</u>			<u>(CAT 1)</u>	<u>(CAT 1)</u>		
(t) In Pasco County <u>Camp Lake</u>	<u>64.3</u>	<u>63.8</u>	<u>63.4</u>	<u>62.0</u>	<u>61.3</u>	
Within the <u>S-34, T-26, R-18</u> Pinellas-Anclote River Basin <u>(Levels in feet</u> <u>NGVD)</u>			<u>(CAT 1)</u>	<u>(CAT 1)</u>		
<u>Parker (Ann),</u>	<u>49.5</u>	<u>48.3</u>	<u>48.1</u>	<u>46.7</u>	<u>46.2</u>	
<u>Lake</u>			<u>(CAT 1)</u>	<u>(CAT 1)</u>		
<u>S-35, T-26, R-17</u>						
(u) In Pasco County Within the Withlacoochee River Basin RESERVED						
(v) In Pinellas County Within the Pinellas-Anclote River Basin RESERVED						
(w) In Polk County Within the Alafia River Basin RESERVED						
(x) In Polk County Within the Green Swamp Basin RESERVED						
(y) In Polk County Within the Hillsborough River Basin RESERVED						
(z) In Polk County Within the Peace River Basin RESERVED						
(aa) In Sarasota County Within the Manasota Basin RESERVED						

(bb) In Sumter
 County Within the
 Green Swamp Basin
 RESERVED

(cc) In Sumter
 County Within the
 Withlacoochee
 River Basin
 RESERVED

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

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000

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

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

16	18S	20E				
17	18S	20E				
18	18S	20E				
19	18S	20E				
20	18S	20E				
21	18S	20E				
27	18S	20E				
28	18S	20E				
29	18S	20E				
30	18S	20E				
31	18S	20E				
32	18S	20E				
33	18S	20E				
Lake Tsala Apopka (Inverness Pool)			41.80'	40.50'	38.25'	36.25'
33	18S	20E				
34	18S	20E				
35	18S	20E				
1	19S	20E				
2	19S	20E				
3	19S	20E				
4	19S	20E				
8	19S	20E				
9	19S	20E				
10	19S	20E				
11	19S	20E				
12	19S	20E				
13	19S	20E				
14	19S	20E				
15	19S	20E				
16	19S	20E				
17	19S	20E				
21	19S	20E				
22	19S	20E				
23	19S	20E				
18	19S	21E				
19	19S	21E				
Little Lake (Consuella)			43.40'	41.50'	39.00'	37.25'
S15	T20S	R20E				
Lake Twin Lake			38.11'	37.00'	35.00'	33.00'
S6	T19	R20				
(d) In DeSoto County Within the Peace River Basin						
(e) In Hardee County Within the Peace River Basin						
(f) In Hernando County Within the Coastal Rivers Basin						

(g) In Hernando
County Within the
Hillsborough River
Basin

LAKES

Nicks Lake	114.46'	113.00'	110.50'	108.50'
S29 T23S R20E				
St. Clair Lake	114.46'	113.00'	110.50'	108.50'
S33 T23S R20E				

(h) In Hernando
County Within the
Withlacoochee River
Basin

LAKES

Elizabeth, Lake	62.90'	60.25'	57.00'	55.50'
S11 T23S R21E				
Francis, Lake	62.90'	60.25'	57.00'	55.50'
11 23S 21E				
Geneva, Lake	62.90'	60.25'	57.00'	55.50'
11 23S 21E				
Lindsey, Lake	70.60'	69.00'	66.00'	64.50'
25 23S 19E				
Mountain Lake	105.10'	104.00'	101.00'	99.00'
16 23S 20E				
Neff Lake	104.40'	103.00'	100.00'	98.00'
20 23S 20E				
Sparkman Lake	94.40'	91.50'	89.00'	88.00'
24 23S 19E				
Spring Lake	185.02'	184.25'	181.25'	178.25'
S15 T23S R20E				

(i) In Highlands
County Within the
Peace River Basin

LAKES

Sec Twsp Rng				
Adelaide, Lake	110.00'	106.50'	104.00'	102.50'
5 33S 28E				
Angelo, Lake	104.00'	99.50'	97.00'	95.00'
4 27S 25E				
Anoka, Lake	124.00'	124.00'	122.00'	120.00'
27 33S 28E				
Apthhorpe, Lake	72.00'	71.50'	68.00'	66.00'
18 36S 30E				
Blue, Lake	78.70'	77.50'	75.00'	73.50'
30 36S 30E				
Bonnet, Lake	91.90'	90.75'	88.00'	86.00'
8 34S 29E				
Brentwood, Lake	102.30'	102.75'	99.50'	98.00'
10 33S 28E				
Buck, Lake	96.40'	94.00'	91.50'	89.50'
29 37S 30E				

Byrd, Lake	110.60'	108.25'	105.50'	104.00'
9 33S 28E				
Carrie, Lake	75.13'	75.50'	73.00'	72.50'
21 36S 29E				
Charlotte, Lake	93.90'	93.75'	91.25'	89.75'
17 35S 29E				
Chilton, Lake	116.30'	114.00'	111.00'	109.50'
7 33S 28E				
Clay, Lake	79.00'	78.75'	76.00'	75.00'
29 36S 30E				
Crews, Lake	120.50'	119.50'	117.00'	115.50'
32 36S 29E				
Damon, Lake	102.30'	101.00'	98.00'	95.00'
3 33S 28E				
Denton, Lake	117.10'	116.50'	114.00'	112.00'
2 34S 28E				
Dinner, Lake	103.50'	102.50'	98.50'	97.00'
17 34S 29E				
Francis, Lake	70.80'	70.50'	67.50'	66.50'
22 36S 29E				
Glenada, Lake	118.40'	120.00'	117.00'	115.50'
34 33S 28E				
Grassy, Lake	92.10'	91.50'	88.50'	87.50'
17 37S 30E				
Harry, Lake	67.60'	67.50'	63.00'	62.00'
1 36S 29E				
Henry, Lake	75.13'	75.50'	73.00'	72.50'
25 36S 29E				
Hill, Lake	101.00'	99.25'	96.00'	94.50'
17 36S 29E				
Huckleberry Lake	104.80'	104.50'	102.00'	101.00'
7 35S 29E				
Huntley, Lake	83.40'	83.75'	81.00'	79.50'
5 37S 30E				
Jackson, Lake	103.20'	103.00'	100.00'	98.00'
30 34S 29E				
Josephine, Lake	72.70'	72.50'	69.00'	68.50'
32 35S 29E				
June-in-Winter, Lake	75.13'	75.50'	73.00'	72.50'
34 36S 29E				
Lake Lachard	79.56'	78.50'	76.00'	74.00'
36 36S 29E				
Lelia, Lake	113.00'	114.50'	112.50'	110.50'
34 33S 29E				
Letta, Lake	100.00'	100.00'	97.00'	95.00'
31 33S 29E				
Little Bonnet Lake	101.70'	100.00'	97.00'	96.00'
36 33S 28E				
Little Lake Jackson	103.20'	103.00'	100.00'	98.00'
6 35S 29E				

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

Verona, Lake 23 33S 28E	123.00'	119.00'	115.25'	113.00'
Viola, Lake 14 33S 28E	112.20'	109.50'	105.75'	104.00'
Wolf Lake 24 35S 28E	93.80'	92.50'	90.00'	88.00'
(j) In Hillsborough County Within the Alafia River Basin LAKES				
Carlton Lake	93.60'	93.50'	90.50'	88.00'
Edward Medard Reservoir	67.10'	62.75'	57.50'	56.00'
Grady Lake	40.70'	39.00'	36.00'	34.00'
Hickory Hammock Lake	32.80'	32.25'	30.50'	29.00'
Unnamed Lake #2	56.00'	56.00'	No Recommendation	
Wimauma, Lake	87.20'	86.75'	83.00'	81.00'
(k) In Hillsborough County Within the Hillsborough River Basin LAKES				
Bellows Lake (East Lake)	24.50'	23.75'	21.50'	19.00'
Burrell Lake	50.50'	50.00'	47.50'	45.00'
Commiston Lake	64.20'	63.00'	60.50'	59.00'
Eckles Lake	33.40'	32.50'	30.00'	28.00'
Egypt Lake	38.50'	37.50'	35.00'	32.50'
Gornto Lake	39.00'	38.50'	36.00'	34.00'
Hanna Lake	63.50'	62.50'	59.50'	58.25'
Hart Lake	67.20'	66.00'	64.00'	63.00'
Hog Island Lake	67.00'	66.00'	64.00'	61.00'
Hooker Lake	45.50'	45.00'	43.00'	42.00'
Kathy, Lake	45.50'	43.50'	42.50'	42.00'
Keene Lake	63.90'	63.00'	60.50'	59.00'
Kell Lake	67.30'	66.00'	63.50'	62.50'
Long Lake	52.00'	50.25'	48.00'	46.00'
Long Pond	48.50'	46.50'	44.00'	42.00'
Mud Lake (Lake Walden)	115.80'	115.00'	112.50'	110.50'
Thonotosassa, Lake	39.10'	37.00'	34.50'	33.00'
Unnamed Lake	63.40'	63.00'	60.50'	59.00'
Unnamed Lake	62.00'	61.00'	58.50'	57.00'
Valrico Lake	48.50'	45.00'	42.50'	41.00'
Weeks, Lake	43.80'	43.25'	41.00'	39.50'
(l) In Hillsborough County Within the Northwest Hillsborough Basin LAKES				
Sec Twsp Rng				

SWEETWATER CREEK WATERSHED				
Avis Lake	38.50'	37.00'	34.50'	32.50'
15 28S 18E				
Bay Lake	47.00'	46.75'	44.00'	42.50'
Boat Lake	38.00'	35.50'	33.75'	31.25'
Brooker Lake	66.00'	64.25'	61.00'	59.00'
Carroll Lake	38.50'	37.00'	34.50'	32.50'
Chapman Lake	52.30'	52.25'	49.50'	48.00'
<u>Charles, Lake</u>	<u>56.10'</u>	<u>54.75'</u>	<u>52.00'</u>	<u>50.00'</u>
Cooper, Lake	64.00'	61.75'	59.75'	57.00'
Elaine, Lake	38.50'	37.00'	34.50'	32.50'
15 28S 18E				
Gass Lake	51.50'	49.50'	46.25'	44.50'
George, Lake	51.00'	48.00'	45.00'	42.00'
Geraci, Lake	65.00'	63.50'	61.50'	59.50'
Halls Lake	50.70'	50.00'	47.50'	46.00'
3 28S 18E				
Lipse, Lake	42.50'	41.50'	39.00'	37.00'
Magdalene, Lake	50.70'	50.00'	47.50'	46.00'
Platt Lake	51.80'	50.50'	45.75'	46.00'
Reinheimer, Lake	61.50'	59.50'	57.00'	56.00'
Strawberry Lake	62.80'	62.00'	59.75'	57.00'
Thomas, Lake	64.00'	63.50'	61.25'	59.25'
Twin Lake	34.00'	32.00'	30.00'	27.75'
White Trout Lake	38.50'	36.50'	34.00'	32.50'
ROCKY CREEK WATERSHED				
Allen, Lake	62.60'	62.50'	59.75'	57.50'
Armistead, Lake	46.50'	44.00'	40.50'	39.00'
Browns Lake	63.70'	63.50'	60.75'	59.00'
Harvey, Lake	62.90'	62.50'	60.25'	58.00'
Josephine, Lake	47.50'	46.00'	42.75'	40.00'
LeClare, Lake	53.50'	52.00'	49.50'	47.00'
Pretty Lake	46.70'	45.50'	42.75'	40.00'
Rock Lake	48.00'	46.00'	42.75'	40.00'
Starvation Lake	55.00'	53.00'	50.00'	48.00'
Turkey Ford Lake	55.00'	54.00'	51.50'	50.00'
Virginia Lake	63.00'	62.50'	60.25'	58.00'
DOUBLEBRANCH CREEK WATERSHED				
Hixon Lake	37.00'	36.50'	33.25'	31.00'
Unnamed Lake #1	38.90'	37.50'	35.00'	34.50'
2 28S 17E				
Unnamed Lake #2	38.90'	37.50'	35.00'	34.50'
2 28S 17E				
BROOKER CREEK WATERSHED				
Artillery, Lake	44.50'	44.00'	40.50'	39.00'
3 27S 17E				
Buck Lake	35.50'	35.00'	32.00'	29.50'
Crescent Lake	44.20'	42.50'	40.00'	38.50'
Elizabeth Lake	54.00'	53.00'	51.00'	49.00'
Fern, Lake	48.00'	46.00'	43.00'	41.50'
Frances, Lake	42.50'	40.50'	38.00'	36.00'
Garden Lake	35.00'	32.00'	29.00'	26.50'
Horse Lake	48.40'	46.50'	44.00'	42.00'

Island Ford Lake	42.30'	41.50'	39.00'	37.00'
Jackson, Lake	36.00'	33.50'	31.00'	29.00'
James Lake	47.70'	46.50'	43.50'	42.00'
23 27S 17E				
Keystone Lake	43.20'	42.00'	39.75'	39.00'
Little Lake	47.70'	46.50'	43.50'	42.00'
23 27S 17E				
Mound Lake	51.60'	51.00'	48.00'	46.00'
Raleigh, Lake	43.30'	42.50'	38.00'	35.00'
Rogers, Lake		NO LEVELS RECOMMENDED		
Taylor, Lake	39.70'	39.25'	36.75'	34.75'
Velburton Lake	41.50'	40.00'	37.25'	35.00'
ANCLOTE RIVER WATERSHED				
Dan, Lake	35.00'	32.00'	28.00'	25.00'
Hiawatha, Lake	52.50'	50.50'	48.00'	45.00'
Osceola, Lake	47.40'	46.50'	44.50'	42.50'
(m) In Lake County Within the Green Swamp Basin				
(n) In Levy County Within the Withlacoochee River Basin				
Marion, Lake	56.60'	53.00'	50.50'	48.50'
S02 T14 R17				
(o) In Manatee County Within the Manasota Basin				
(p) In Marion County Within the Withlacoochee River Basin				
Bonable, Lake	65.10'	64.00'	61.50'	59.50'
S31 T15 R18				
Little Bonable, Lake	59.80'	58.00'	55.50'	53.50'
S30 T15 R18				
Tiger, Lake	65.10'	64.00'	61.50'	59.50'
S32 T15 R18				
(q) In Pasco County Within the Coastal Rivers Basin				
LAKES				
Crews Lake	57.00'	55.00'	52.00'	50.00'
S16 T24S R18E				
Garden Lake	22.10'	19.00'	16.25'	15.75'
S16 T25S R16E				
Moon Lake	41.00'	40.50'	37.50'	35.50'
S28 T25S R17E				
Pasco Lake	67.50'	67.00'	64.00'	62.00'
S22 T24S R18E				
Pierce Lake	73.60'	73.00'	70.00'	68.00'
S9 T25S R18E				

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

Toni, Lake S30 T26 R19	68.72'	68.00'	65.50'	63.50'
Twin, Lake S28 T26 R19	68.35'	67.50'	65.00'	63.00'
Unnamed Lake #26 S25 T26 R18	68.75'	68.00'	65.50'	63.50'
(t) In Pasco County Within the Pinellas-Anclote River Basin LAKES				
Bass Lake (Holiday) S34 T26E R17S	48.80'	48.75'	45.75'	45.00'
Big Lake Vienna S23 26 18	70.70'	70.25'	67.00'	65.00'
Fishing Lake S34 T26E R17S	48.80'	48.75'	45.75'	45.00'
Geneva Lake (Mud) S26 T26E R17S	51.20'	50.00'	48.00'	46.00'
Linda, Lake 26 26 18	67.30'	66.75'	64.00'	62.00'
Little Moss (Como) Lake 35 26 18	67.00'	66.00'	63.00'	62.00'
Minniola, Lake S34 T26E R17S	51.20'	50.00'	48.00'	46.00'
Moss Lake 35 26 18	65.00'	64.00'	61.50'	59.00'
Parker Lake (Ann) S35 T26E R17S	48.80'	48.75'	45.75'	45.00'
Seminole, Lake S35 T26E R17S	49.20'	48.75'	46.00'	45.00'
Thomas, Lake 11 26 18	75.60'	75.00'	72.50'	71.50'
Wistaria, Lake 2 26 18	74.90'	74.00'	71.00'	69.00'
(u) In Pasco County Within the Withlacoochee River Basin LAKES				
Buddy, Lake S17 T25S R21E	97.02'	94.50'	91.50'	90.00'
Pasadena, Lake S16 T25S R21E	97.02'	94.50'	91.50'	90.00'
Clear Lake S1 T25S R20E	127.90'	127.50'	125.25'	123.75'
(v) In Pinellas County Within the Pinellas-Anclote River Basin				

LAKES	4.20'	3.80'	2.20'	1.00'
Lake Tarpon				
Sec. Twsp. Rng.				
7 27S 16E				
8 27S 16E				
16 27S 16E				
17 27S 16E				
18 27S 16E				
19 27S 16E				
20 27S 16E				
21 27S 16E				
28 27S 16E				
29 27S 16E				
30 27S 16E				
32 27S 16E				
33 27S 16E				
4 28S 16E				
(w) In Polk County				
Within the Alafia				
River Basin				
LAKES				
Scott, Lake	168.60'	168.00'	165.00'	164.25'
(x) In Polk County				
Within the Green				
Swamp Basin				
LAKES				
Agnes, Lake	135.20'	135.75'	134.75'	130.75'
Alfred, Lake	132.30'	130.75'	128.25'	126.25'
S30 T27S R26				
Arietta, Lake	144.00'	144.00'	141.00'	138.00'
Camp, Lake	133.40'	134.50'	132.00'	130.00'
Clearwater Lake	146.20'	143.50'	141.00'	139.00'
Cummings, Lake	131.50'	131.00'	127.50'	125.50'
S31 T27 R26				
Eva, Lake	132.30'	131.50'	129.00'	127.00'
S29 T27 R26				
Grassy Lake (Big	133.20'	132.00'	129.50'	128.00'
Glades)				
Griffin, Lake	132.30'	131.50'	129.00'	127.00'
S30 T27 R26				
Gum, Lake	132.60'	131.00'	128.50'	126.00'
Haines, Lake	129.70'	128.75'	126.50'	124.50'
Helene, Lake	144.80'	144.00'	141.00'	139.00'
Juliana, Lake	134.70'	132.50'	130.00'	127.50'
Little Lake Agnes	135.20'	136.00'	133.00'	131.00'
Little Van Lake	141.40'	139.00'	136.50'	135.50'
Mattie, Lake	134.70'	132.50'	130.00'	127.50'
Mud, Lake	141.80'	141.50'	137.75'	136.00'
Myrtle, Lake	141.70'	141.00'	138.50'	136.50'
Swoope, Lake	133.00'	132.50'	130.00'	128.00'
Tennessee, Lake	134.70'	134.00'	130.00'	128.00'
Van, Lake	133.00'	132.75'	130.00'	128.00'

Whistle, Lake (y) In Polk County Within the Hillsborough River Basin LAKES	140.90'	137.50'	135.00'	133.75'
Bonnet, Lake	146.40'	148.00'	145.00'	142.50'
Hunter, Lake (z) In Polk County Within the Peace River Basin	162.30'	162.75'	160.25'	159.00'
Ada, Lake	123.80'	123.00'	120.00'	118.00
S33 T28 R27				
Altamaha, Lake	122.60'	122.50'	120.00'	118.00'
S11 T30 R27				
Amoret Lake	115.50'	115.25'	113.00'	111.00'
24 30 27				
Annie, Lake	122.10'	119.00'	116.00'	114.00'
S3 T29S R27E				
Arianna, Lake	137.10'	137.00'	134.50'	132.50'
3 28 25E				
Aurora, Lake	103.30'	100.00'	97.00'	95.00'
13 30 28				
Banana, Lake	106.75'	106.50'	103.50'	102.00'
10 29 24E				
Belle, Lake	123.60'	120.00'	117.00'	115.00'
11 30 27				
Bess, Lake	125.50'	125.25'	123.00'	121.00'
18 29S 27E				
Big Gum Lake	95.50'	95.00'	92.00'	89.00'
26 29 R28				
Blue, Lake	149.80'	149.00'	146.50'	144.50'
S13 T28 R25				
Blue, Lake	118.00'	117.00'	114.00'	—
24 30S 27E				
Bonnie, Lake	113.30'	113.00'	110.00'	108.00'
S31 T29 R28				
Bonny, Lake	130.90'	130.50'	128.00'	126.00'
20 28S 24E				
Buckeye, Lake	130.10'	129.00'	126.00'	124.50'
S22 T28S R26E				
Buffum, Lake	132.75'	132.25'	129.25'	—
12 31S 26E				
Cannon, Lake	132.60'	132.00'	129.50'	127.00'
19 28S 26E				
Clinch, Lake	108.00'	106.75'	104.00'	102.50'
31 31S 28E				
Connie, Lake	129.70'	128.75'	126.50'	124.50'
9 28S 26E				
Cooper (Worth)	124.20'	123.50'	121.00'	119.00'
S02 T30 R27				

Crooked, Lake 1 31S 27E	122.60'	122.00'	118.50'	—
Crystal Lake S02 T30 R27	121.40'	121.25'	118.00'	115.00'
Crystal Lake S21 T28 R27	122.90'	122.00'	119.00'	117.00'
Crystal Lake 23 29S 26E	130.00'	129.50'	127.00'	125.00'
Cypress Lake 36 29 28E	100.20'	98.50'	95.00'	93.00'
Lake Daisy S6 T29 R27	130.90'	130.00'	127.00'	126.00'
Lake Deer 25 28 25E	141.30'	140.75'	138.50'	136.50'
Dell, Lake S28 T28 R27	125.70'	123.75'	121.50'	119.50'
Lake Dexter S2 T29 R26	132.20'	132.00'	129.00'	127.50'
Dinner, Lake 15 29S 27E	120.90'	118.50'	116.00'	114.00'
Eagle Lake 29 25E	131.00'	130.75'	128.50'	126.50'
Easy, Lake 19 30 28	115.50'	115.25'	113.00'	111.00'
Echo, Lake S05 T28 R26	132.30'	131.00'	128.00'	126.00'
Effie, Lake 3 30 27	119.60'	118.00'	115.00'	113.00'
Elbert, Lake S22 T28 R26	137.50'	135.50'	133.00'	131.50'
Eloise, Lake 3 29S 26E	132.60'	132.00'	129.50'	127.00'
Fannie, Lake 11 28S 26E	127.00'	125.75'	123.50'	120.00'
Lake Florence S35 T28 R26	128.80'	128.75'	127.00'	125.00'
Lake Fox S6 T29 R27	135.20'	135.00'	132.00'	131.00'
Garfield, Lake 5 30 26E	105.70'	104.75'	101.00'	100.00'
Gator, Lake 26 30S 26E	133.60'	133.00'	130.75'	128.50'
George, Lake S06 T28 R26	130.70'	130.00'	127.50'	125.50'
Gibson, Lake 25 27S 23E	144.20'	143.50'	141.50'	141.50'
Gordon, Lake S16 T28 R27	121.30'	119.00'	116.00'	114.00'
Lake Grassy 2 29 25E	134.80'	129.00'	126.50'	125.50'

Lake Gross (Grassy) S14 T29 R26	138.50'	136.00'	133.50'	132.00'
Hamilton, Lake 18 28S 27E	122.50'	121.50'	119.00'	117.25'
Hancock, Lake 8 29S 25E	102.40'	99.00'	96.00'	94.00'
Hart, Lake 24 29S 26E	124.70'	124.50'	122.00'	120.00'
Hartridge, Lake 8 28S 26E	132.60'	132.00'	129.50'	127.00'
Henry, Lake 16 31S 26E	160.10'	159.00'	156.00'	154.00'
Henry, Lake 36 27S 26E	127.00'	126.50'	124.50'	122.50'
Hickory, Lake 17 32S 28E	98.50'	98.50'	96.00'	94.00'
Howard, Lake 30 28S 26E	132.60'	132.00'	129.50'	127.00'
Ida, Lake 28 31S 28E	80.00'	79.00'	76.50'	75.00'
Ida, Lake S17 T28 R26	136.70'	135.25'	132.00'	130.50'
Idyl, Lake S16 T28 R26	134.90'	134.00'	131.50'	130.00'
Idylwild, Lake 18 28S 26E	132.60'	132.00'	129.50'	127.00'
Jessie, Lake 12 28S 25E	132.60'	132.00'	129.50'	127.00'
Josephine, Lake 13 30 27	121.30'	120.00'	116.50'	114.50'
Josephine, Lake S27 T28 R27	124.10'	121.50'	118.00'	116.50'
Lee, Lake S16 T28 R27	123.50'	123.50'	121.50'	120.00'
Lena, Lake 9 28S 25E	137.10'	137.00'	134.50'	132.50'
Leonore, Lake 10 31S 28E	87.40'	87.00'	84.50'	83.00'
Link, Lake 27 28S 26E	128.70'	128.00'	125.00'	123.00'
Little Aurora Lake (Iris) 13 30 28	103.30'	100.50'	98.00'	96.00'
Little Gum Lake 35 29S 28E	96.80'	96.50'	94.00'	92.00'
Little Lake Hamilton 5 28S 27E	122.50'	121.50'	119.00'	117.25'
LuLu, Lake 4 29S 26E	132.60'	132.00'	129.50'	127.00'
Lee, Lake 10 29S 27E	122.10'	119.00'	116.00'	114.00'

Lake McLeod 7 29 26E	133.10'	132.00'	129.50'	128.00'
Mabel, Lake 11 29S 27E	114.50'	110.75'	107.00'	105.00'
Mariam, Lake 27 28S 26E	—	124.75'	122.75'	121.00'
Marie, Lake S27 T28 R27	121.00'	121.00'	118.00'	116.00'
Martha, Lake S21 T28 R26	142.50'	142.00'	139.00'	137.00'
Maude, Lake S21 T28 R26	141.70'	140.50'	137.50'	136.00'
May, Lake 29 28S 26E	132.60'	132.00'	129.50'	127.00'
Medora, Lake S36 T27 R25	140.40'	138.00'	134.50'	133.00'
Menzie, Lake S28 T28 R27	127.00'	122.00'	120.00'	118.00'
Middle Lake Hamilton 7 28S 27E	122.50'	121.50'	119.00'	117.25'
Lake Millsite 11 29 25E	125.30'	123.50'	121.00'	119.00'
Mirror, Lake 20 28S 27E	132.60'	132.00'	129.50'	127.00'
Moody, Lake 17 31S R28E	92.80'	93.50'	91.00'	89.00'
Myrtle, Lake 19 29S 27E	118.70'	118.50'	116.50'	114.50'
Lake Ned S1 T29S R26	129.60'	128.50'	126.00'	124.00'
North Lake Wales S01 T30 R27	116.80'	115.00'	112.00'	110.00'
Otis, Lake 28 28S 25E	128.70'	128.00'	125.00'	123.00'
Pansy, Lake S08 T28 R26	130.00'	129.00'	126.50'	124.50'
Parker, Lake 32 29S 27E	122.50'	122.00'	119.50'	117.50'
Parker, Lake 8 28 24E	131.60'	131.00'	128.75'	127.50'
Parks, Lake 36 29S 28E	104.50'	102.50'	100.00'	98.00'
Polecat, Lake 27 30S 26E	142.40'	142.00'	139.50'	137.50'
Reedy, Lake 35 31S 28E	80.00'	79.75'	77.25	75.25'
Reeves, Lake 13 29S 26E	125.10'	124.50'	122.00'	120.00'
Lake River S1 T29 R26	141.60'	139.50'	136.00'	134.00'
Rochelle, Lake 4 28 26E	129.70'	128.75'	126.50'	124.50'

Round, Lake 13 29S 26E	129.40'	129.25'	126.50'	124.50'
Roy, Lake 34 28S 26E	132.60'	132.00'	129.50'	127.00'
Ruby, Lake 12 29S 26E	125.50'	125.25'	123.00'	121.00'
Ruth, Lake S28 T28 R27	123.50'	121.50'	117.50'	115.50'
Saddlebag, Lake 6 30S 29E	106.80'	105.00'	102.00'	100.00'
Saint Anne Lake 14 30 28	97.50'	96.00'	93.00'	91.00'
Sanitary (Marianna), Lake S01 T28 R25	138.60'	137.50'	135.00'	133.00'
Sara, Lake S17 T28 R27	122.50'	121.50'	119.00'	117.25'
Scott, Lake 18 29S 24E	168.60'	168.00'	165.00'	164.25'
Lake Sears 36 28 25E	143.20'	141.00'	138.00'	136.00'
Serena, Lake S12 T30 R27	125.30'	118.00'	115.00'	113.00'
Shipp, Lake 32 28S 26E	132.60'	132.00'	129.50'	127.00'
Silver, Lake 5 32S 28E	105.00'	103.00'	100.50'	98.50'
Silver, Lake S20 T28 R26	147.10'	146.50'	144.00'	142.00'
Smart, Lake 9 28S 26E	129.70'	128.75'	126.50'	124.50'
Lake Spirit 35 28 25E	134.10'	131.50'	129.00'	127.00'
Spring, Lake 20 28S 27E	132.60'	132.00'	129.50'	127.00'
Starr, Lake 14 29 27	115.50'	113.00'	110.00'	108.00'
Streety Lake 24 32S 27E	108.70'	105.50'	102.50'	101.00'
Summit, Lake 34 28S 26E	132.60'	132.00'	129.50'	127.00'
Sunset Lake 10 30 28	101.10'	98.00'	95.50'	93.50'
Surveyors, Lake 26 30S 26E	133.60'	133.00'	130.75'	128.50'
Thomas, Lake 1 30E 28E	104.20'	99.50'	97.00'	95.00'
Lake Thomas 35 28 25E	135.60'	132.00'	128.00'	126.00'
Tractor Lake 14 30 27	125.00'	123.25'	121.00'	119.00'

Trask, Lake S22 T28 R27	114.90'	113.00'	108.00'	106.00'
Trout, Lake 34 32S 28E	100.60'	101.00'	98.00'	95.00'
Twin Lakes S11 T30 R27	124.10'	123.75'	120.00'	118.00'
Venus, Lake 9 29S 27E	126.10'	125.00'	122.00'	120.00'
Wales, Lake S01 T30 R27	114.10'	112.50'	110.00'	108.00'
Walker, Lake 21 30S 26E	143.00'	141.00'	137.00'	135.00'
Warren, Lake S11 T30 R27	124.60'	123.50'	121.00'	119.00'
Weader (Weaver), Lake S03 T30 R27	122.00'	121.75'	119.00'	117.00'
Winterset, Lake 11 29S 26E	132.60'	132.00'	129.50'	127.00'
(aa) In Sarasota County Within the Manasota Basin				
(bb) In Sumter County Within the Green Swamp Basin				
(cc) In Sumter County Within the Withlacoochee River Basin				
LAKES				
Big Gant Lake S14 T22S R22E	76.50'	76.25'	74.50'	72.50'
Black Lake S23 T18S R23E	56.70'	55.00'	53.00'	51.00'
Cherry Lake S24 T18S R23E	56.70'	55.00'	53.00'	51.00'
Deaton, Lake S14 T19S R23E	65.50'	65.00'	62.00'	60.00'
Miona, Lake S27 T18S R2E	56.70'	55.00'	53.00'	51.00'
Okahumpka, Lake S21 T19S R23E	59.90'	58.75'	56.25'	54.00'
Panasofkee, Lake	42.80'	42.50'	39.50'	38.50'

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

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

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

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLES: Medicaid Providers Who Bill on the Non-Institutional 081 Project AIDS Care Waiver Services

RULE NOS.: 59G-13.001 59G-13.110

PURPOSE AND EFFECT: The purpose of proposed Rule 59G-13.110, F.A.C., is to incorporate by reference the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003. The handbook contains the policies and procedures for Project AIDS Care home and community-based waiver services. The effect will be to incorporate by reference in the rule the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003.

In the Notice of Rule Development, we proposed incorporating the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook in Rule 59G-8.200, F.A.C., Home and Community-Based Waiver Services. For administrative purposes, we are creating a new rule chapter (59G-13) for Medicaid waiver programs so that each waiver program can be incorporated in its own stand-alone rule. Also in the Notice of Rule Development, the draft handbook effective date was October 2003. Based on comments received in the rule development workshops, we changed the effective date to July 2003.

The purpose of proposed Rule 59G-13.001, F.A.C., is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003, in the new Medicaid waiver rule chapter. Currently the handbook is incorporated in Rule 59G-8.200, F.A.C., along with all the Medicaid waiver programs. Eventually, the content

of Rule 59G-8.200, F.A.C., will be transferred to the new Medicaid waiver program rule chapter. There are no revisions to the handbook itself.

RULE SUMMARY: The purpose of Rule 59G-13.110, F.A.C., is to incorporate by reference in the rule the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003. The coverage and limitations handbook contains the Project AIDS Care waiver services policies and procedures.

The purpose of proposed Rule 59G-13.001, F.A.C., is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003, in its own rule, Rule 59G-13.001, F.A.C. There are no revisions to the handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of 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 409.919 FS.

LAW IMPLEMENTED 409.902, 409.906, 409.907, 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.):

DATE AND TIME: 2:00 p.m., Monday, November 22, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Keith Young, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)488-8715

THE FULL TEXT OF THE PROPOSED RULE IS:

MEDICAID WAIVER PROGRAMS

59G-13.001 Medicaid Providers Who Bill on the Non-Institutional 081.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid program to bill the Florida Medicaid program on a paper Non-Institutional 081 form for reimbursement of services performed on a Medicaid eligible recipient must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003, which is incorporated by reference and available from the fiscal agent.

(2) The following forms that are included in the handbook are incorporated by reference: Non-Institutional 081 Claim Form, October 2003; Medically Needy Billing Authorization, DF-ES 2902, June 2003; and Provider Inquiry Form, Florida Medicaid Program, IR05, 07/2001.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912 FS. History—New _____.

59G-13.110 Project AIDS Care Waiver Services.

(1) This rule applies to all Project AIDS Care waiver services providers enrolled in the Medicaid program.

(2) All Project AIDS Care waiver services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Project AIDS Care Waiver Services Coverage and Limitations Handbook, July 2003, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) The following forms that are included in the handbook are incorporated by reference: Project AIDS Care Waiver Enrollment Application, July 2003; Project AIDS Care Physician Referral and Request for Level of Care Determination, CARES Form 607, revised Aug 01 (Formerly the HRS 3008A); Project AIDS Care Waiver: Level of Need (LON) Assessment Case Management Tool, July 2003; PHC Initial Care Management Assessment, AHF/FPHC © 06/2002; PAC Waiver Plan of Care (POC) Summary, July 2003; Project AIDS Care (PAC) Waiver Service Authorization, July 2003; Request for Plan of Care Expenditure Exception, July 2003; Project AIDS Care (PAC) Waiver Request to Transfer to Another PAC Waiver Case Management Agency, July 2003.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith Young

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 18, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2003

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 Chiropractic Medicine

RULE TITLE: Licensure Examination

RULE NO.: 64B2-11.003

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The proposed rule amendment sets forth the time frame within which an applicant may retake failed subject areas of the practical examination before being required to retake the entire practical 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.

LAW IMPLEMENTED: 456.017(1), 460.406(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.003 Licensure Examination.

(1) No change.

(2) A score of 75% on each subject area in subsection (1) shall be necessary to achieve a passing score on the practical portion of the examination outlined in subsection (1). Upon initial examination, an applicant must take the entire practical examination. The applicant must pass at least two (2) of the three (3) subject areas of the practical examination in order to retake any failed subject area. The applicant may retake a failed subject area only twice, within 24 months of the date of the first failure, after upon which time the applicant must retake the entire practical examination.

(3) through (4) No change.

Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History—New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, 5-5-02, 5-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 2004

**DEPARTMENT OF HEALTH
Board of Chiropractic Medicine**

RULE TITLE: Continuing Education
RULE NO.: 64B2-13.004

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The proposed rule amendment redefines and establishes that a continuing education provider shall be a current faculty member of a chiropractic college or school.

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: 460.408(3) FS.
LAW IMPLEMENTED: 456.013(6), 456.036(10), 460.408 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.

(1) through (2) No change.

(3) Continuing education providers, including providers of AIDS and risk management, seeking initial approval by the Board shall pay a fee of \$250. Continuing education providers seeking renewal of provider status shall also pay a \$250 fee each biennium. To receive Board approval, a continuing education program:

(a) through (c) No change.

(d) Shall be taught by one or more speakers or lecturers with at least one of the following qualifications:

1. A current faculty member level ~~instructor~~ of a chiropractic college or school maintaining a standard and reputability approved by the Board, or a current faculty member level ~~instructor~~ at a medical or osteopathic college or a university which college or university is accredited by, or has

status with, an agency or its successor which is recognized and approved by the United States Office of Education or the Council on Post Secondary Accreditation; or

2. No change.

(4) through (13) No change.

Specific Authority 460.408(3) FS. Law Implemented 456.013(6), 456.036(10), 460.408 FS. History—New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, 11-30-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2004

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

**DEPARTMENT OF HEALTH
Board of Dentistry**

RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and
RULE NO.: 64B5-7.0035

County Government Facilities
PURPOSE AND EFFECT: The Board proposes the rule amendments in order to fill vacant positions in areas of critical need.

SUMMARY: The proposed rule amendments establish the requirements for issuance of a temporary certificate to dentists who have not taken, or who have not passed the dental licensure examination within a certain time limit, in order to practice in areas of critical need..

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: 466.004(4) FS.
LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) No change.

(2) Any unlicensed dentist who is a graduate of a dental school accredited by the Commission on Accreditation of the American Dental Association and who applies to the Board for such certification shall be certified by the Board for receipt of a temporary certificate. To qualify for a temporary certificate, the unlicensed dentist must be eligible to take the Florida dental licensure examination or has not failed the Florida dental licensure examination. If the unlicensed dentist fails to pass the clinical examination in three (3) attempts, he or she must complete a one (1) year general practice residency, advanced education general dentistry residency, or pedodontic residency or a minimum of one (1) academic year of undergraduate clinical coursework in dentistry at a dental school approved by the American Dental Association's Commission on Dental Accreditation.

(3) through (4) No change.

(5) A temporary certificate shall be renewed each biennium. At the time of renewal the certificate holder shall sign a statement that he or she has complied with all continuing education requirements of active licensees. A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or upon a finding by the Board that the temporary certificate holder has violated any provision of Section 466.027 or 466.028, F.S., ~~or has failed the Florida dental licensure examination.~~

Specific Authority 466.004(4) FS. Law Implemented 456.032, 466.017(4), 466.025 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99, 12-25-01, 1-12-04,_____.

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: October 13, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 2004

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLE: Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels
RULE NO.: 68B-4.019

PURPOSE AND EFFECT: The purpose of this rule amendment is to modify the restriction on possession of trap pullers on vessels to allow their use on vessels harvesting from aquaculture leases or pursuant to a federal live rock permit, provided that no wild-caught regulated species are possessed aboard such vessel. The effect of this effort is to allow legitimate use of trap pullers aboard vessels engaged in aquaculture that do not also have wild caught species on board. SUMMARY: Rule 68B-4.019, F.A.C., is amended to allow use of trap pullers aboard vessels engaged in aquaculture so long as wild-caught regulated species are not possessed aboard the vessel.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, December 1-3, 2004

PLACE: Westin Beach Resort, 9700 South Overseas Highway, Mile Marker 97, Key Largo, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-4.019 Prohibition of Trap Pullers on Recreational and Certain Commercial Vessels.

No person shall operate any vessel with a trap puller aboard unless such vessel is operated commercially pursuant to a saltwater products license with either a lobster trap endorsement, stone crab trap endorsement, blue crab trap endorsement, sea bass trap endorsement, or a federal fish trap endorsement. This prohibition shall not apply to a person operating a vessel with a trap puller aboard who has been

granted an accommodation by the Commission under the Americans With Disabilities Act to possess and use such gear or to a person engaging in aquaculture and possessing an aquaculture certificate issued pursuant to Section 597.004, Florida Statutes, or a federal aquacultured live rock permit issued pursuant to 50 C.F.R. 622.4(a)(3)(iii). However, a person taking advantage of this exception for aquaculture activities shall not be in possession of any lobsters, crabs, finfishes, or any other wild-caught species regulated by the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History—New 7-15-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Dolphin

RULE TITLES:	RULE NOS.:
Definitions	68B-41.002
Size Limit, Prohibition of Sale	68B-41.003
Recreational Bag and Possession Limits;	
Commercial Trip Limits	68B-41.004
Commercial Permit Requirements	68B-41.006

PURPOSE AND EFFECT: The purpose of these rule amendments and new rule is to expand the scope of this rule chapter and conform it to recent changes to federal regulations that govern harvest of dolphin and wahoo in the Atlantic Ocean. Where appropriate, these changes will be applied throughout Florida. The federal rules apply only in the Atlantic Ocean, not in the Gulf of Mexico, and are designed to conserve these species and maintain historical shares for both recreational and commercial fisheries. Additionally, the rules will designate dolphin and wahoo as restricted species to prevent recreational fishers from selling their catch. The effect of these rules will be to slightly constrain harvest by both sectors through the use of daily limits on both fisheries. Certain

of the federal licensing requirements will be made part of the state rules to clearly designate who is fishing recreationally, as a charter fisher, and as a commercial fisher.

SUMMARY: Rule 68B-41.002, F.A.C., is amended to add definitions of the terms “Atlantic Ocean” and “wahoo.” Rule 68B-41.003, F.A.C., is amended to expand application of the 20-inch fork length minimum size limit to all harvesters in the Atlantic Ocean. The rule is also amended to apply the requirement that dolphin be landed in a whole condition to all harvesters and expand the scope of the requirement to include wahoo. Current provisions of Rule 68B-41.004, F.A.C., which establish a 10 dolphin per day recreational bag limit, is amended to include a maximum 60-dolphin possession limit aboard a vessel, except for for-hire vessels, which will be limited to possession of 10 dolphin per paying customer. A new subsection (2) of the rule will establish a 2-fish daily bag and possession limit for wahoo. A new subsection (3) establishes a 500-pound commercial daily harvest and vessel possession limit for wahoo. A new subsection (4) prohibits sale of recreationally-caught dolphin or wahoo, except that the captain of a for-hire vessel may sell dolphin if he or she otherwise possesses the commercial licenses required by new Rule 68B-41.006, F.A.C. Proposed new Rule 68B-41.006, F.A.C., designates dolphin and wahoo as restricted species and requires a saltwater products license with a restricted species endorsement for commercial harvest. Additionally, a federal permit is required for commercial harvest in the Atlantic Ocean.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m – 5:00 p.m. each day, December 1-3, 2004

PLACE: Westin Beach Resort, 9700 South Overseas Highway, Mile Marker 97, Key Largo, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

DOLPHIN AND WAHOO

68B-41.002 Definitions.

As used in this rule chapter:

(1) “Atlantic Ocean” means all state waters along the east coast of Florida lying between the Florida-Georgia border and 83E West Longitude (near the Dry Tortugas Islands).

(2)(4) “Dolphin” means any fish of the species *Coryphaena hippurus* or *Coryphaena equiselis*, or any part thereof.

(3)(2) “Fork length” means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.

(4)(3) “Harvest” means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive, and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive, and unharmed if undersize.

(5)(4) “Harvest for commercial purposes” means the taking or harvesting of any dolphin for purposes of sale or with intent to sell. The harvest of any dolphin in excess of the bag limit specified in Rule 68B-41.004, F.A.C., shall constitute harvest for commercial purposes.

(6)(5) “Land,” when used in conjunction with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(7)(6) “Spearing” means the catching or taking of a fish by bow hunting, gigging, spearfishing, or by any device used to capture a fish by piercing the body. Spearing does not include the catching or taking of a fish by a hook with hook and line gear, or by snagging (snatch hooking).

(8) “Wahoo” means any fish of the species *Acanthocybium solandri*, or any part thereof.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Amended 7-15-96, 1-1-98, Formerly 46-41.002, Amended _____.

68B-41.003 Size Limit, Prohibition of Sale.

(1) In the Atlantic Ocean, no person shall harvest buy, sell, or exchange any dolphin with a fork length less than 20 inches.

(2) No person harvesting for commercial purposes shall harvest, possess while in or on the waters of the state, or land, sell, or exchange any dolphin with a fork length less than 20 inches.

(3) No person harvesting for commercial purposes shall land any dolphin or wahoo in other than a whole condition. The possession by such a person, while in or on state waters, of dolphin or wahoo that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or “gutting” of dolphin or wahoo, or mere removal of gills, before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Formerly 46-41.003, Amended _____.

68B-41.004 Recreational Bag and Possession Limits; Commercial Trip Limits.

(1) Except for a person harvesting for commercial purposes and in possession of the licenses required by Rule 68B-41.006, F.A.C. possessing a valid saltwater products license, no person shall harvest or land more than 10 dolphin per day, nor possess more than 10 dolphin at any time while in or on the waters of the state. Additionally, no more than 60 dolphin may be possessed aboard any vessel from which dolphin are harvested pursuant to this bag limit, except that 10 dolphin per paying passenger may be possessed aboard a for-hire vessel licensed pursuant to Section 372.57(7), Florida Statutes.

(2) Except for a person harvesting for commercial purposes and in possession of the licenses required by Rule 68B-41.006, F.A.C., no person shall harvest or land more than 2 wahoo per day, nor possess more than 2 wahoo at any time while in or on the waters of the state.

(3) A person harvesting for commercial purposes is limited to harvest or possession of 500 pounds of wahoo per day. No more than 500 pounds of wahoo shall be possessed aboard any vessel from which wahoo is harvested for commercial purposes.

(4) Any dolphin or wahoo harvested pursuant to the limits established in subsections (1) or (2) may not be sold, except that the captain of a for-hire vessel possessing the licenses required by Rule 68B-41.006, F.A.C., may sell dolphin harvested aboard the for-hire vessel pursuant to subsection (1).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Formerly 46-41.004, Amended _____.

68B-41.006 Commercial Permit Requirements.

(1) Dolphin and wahoo are designated as restricted species. Each person harvesting dolphin or wahoo for commercial purposes must possess a valid Saltwater Products License with a restricted species endorsement issued pursuant to Section 370.06(2)(b), Florida Statutes.

(2) Each person harvesting dolphin or wahoo for commercial purposes in the Atlantic Ocean shall also possess a valid federal commercial permit issued pursuant to 50 C.F.R. 622.4(a)(2)(xii).

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Marine Life

RULE TITLES:	RULE NOS.:
Definitions	68B-42.002
Commercial Requirements; Endorsements;	
Requalifying; Appeals; Leasing;	
Transferability	68B-42.0065

PURPOSE AND EFFECT: The purpose of this rule amendment and new rule is to control the level of effort in the marine life fishery by implementing a tiered license system for commercial fishers. This will replace the marine life endorsement moratorium that has been in place since 1998. The effect will be to treat directed harvesters and bycatch fishermen equitably by distributing endorsements based on qualifying landings value and gear type. It will reduce potential growth in this fishery after the moratorium expires on July 1, 2005.

SUMMARY: Rule 68B-42.002, F.A.C., is amended by adding definitions of the terms “diving” and “immediate family.” A new Rule 68B-42.0065, F.A.C., is proposed that will establish a tiered system of marine life fishery endorsements. Subsection

(1) requires a marine life tiered endorsement in addition to a saltwater products license with a restricted species endorsement to engage in commercial harvest and sale of marine life species. Subsection (2) provides for initial award or denial of marine life tiered endorsements. Subsection (3) provides a form and general criteria for initial award or denial of these endorsements. Subsections (4) through (6) provide specific qualifying criteria for the Marine Life Bycatch Endorsement (MLB), Marine Life Transferable Dive Endorsement (MLD), and Marine Life Non-transferable Dive Endorsement (MLN). Subsection (7) prohibits conversion of endorsements from one type to another, with an exception. Subsection (8) declares that establishment of an effort management program for this fishery does not create any vested rights for endorsement holders. Subsection (9) limits participants to a single endorsement type and a unique endorsement number. Subsection (10) places a moratorium on the number of tiered endorsements and establishes an annual renewal deadline. Subsection (11) provides requalifying criteria for a marine life transferable dive (MLD) endorsement. Subsection (12) allows conversion of a marine life transferable dive (MLD) endorsement to a marine life non-transferable dive (MLN) endorsement after initial issuance. Subsection (13) authorizes a permanent MLD endorsement for certain persons over age 62. Subsection (14) provides for appeals of disputes or problems arising from initial denial of an endorsement. Subsection (15) prohibits leasing of marine life endorsements. Subsection (16) provides for transferability for marine life bycatch (MLB) and marine life transferable dive (MLD) endorsements. Subsection (17) provides for transferability of a marine life tiered endorsement upon death or disability to a member of the immediate family. Subsection (18) expresses an intention to possibly initiate an endorsement program in the event of a decline in the health of the marine life fishery, subject to legislative appropriation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, December 1-3, 2004

PLACE: Westin Beach Resort, 9700 South Overseas Highway, Mile Marker 97, Key Largo, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-42.002 Definitions.

As used in this rule chapter:

(1) No change.

(2) “Diving” means swimming at or below the surface of the water.

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

(7) “Immediate family” refers to a license holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law, or daughter-in-law.

(6) through (14) renumbered (8) through (16) No change.

PROPOSED EFFECTIVE DATE: February 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.002, Amended 2-1-05.

68B-42.0065 Commercial Requirements; Endorsements; Requalifying; Appeals; Leasing; Transferability.

(1) Beginning in the 2005/2006 license year, in addition to a valid saltwater products license with a valid restricted species endorsement, a marine life tiered endorsement is required to harvest marine life species in quantities greater than the recreational bag limit or to sell marine life species as defined by Rule 68B-42.001, F.A.C.

(2) The Commission shall notify all holders of a 2004/2005 saltwater products license with a marine life endorsement of their initial award or denial of a commercial marine life tiered endorsement. Persons will indicate either their acceptance of the initial award on a Marine Life Tiered Endorsement Application (Form DMF-SL4100 (12-04), incorporated herein by reference) or intent to appeal as specified in subsection (14).

(3) Application for issuance of a commercial marine life tiered endorsement (Form DMF-SL4100 (12-04), incorporated herein by reference), must be received by the Commission no later than September 30, 2005. An applicant may be a person, firm, or corporation.

(a) A tiered endorsement applicant must have held a valid marine life endorsement during the 2004/2005 license year. No new marine life tiered endorsement will be issued to an

applicant who did not hold a valid saltwater products license with a valid restricted species endorsement and a marine life endorsement pursuant to Section 370.06(2)(j), F.S., at the time of application or on June 30, 2005.

(b) Qualification for a marine life tiered endorsement shall be determined by landings of marine life species as defined by Rule 68B-42.001, F.A.C., and reported on a valid saltwater products license with a valid restricted species endorsement and a marine life endorsement (ML) and as specified in paragraph (c) of this subsection.

(c) Qualified endorsement applicants must have documented commercial marine life landings, pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during the license year, July 1, 1999 through June 30, 2000; the license year, July 1, 2000 through June 30, 2001; the license year, July 1, 2001 through June 30, 2002; or during the license year, July 1, 2002 through June 30, 2003. Qualifying landings must have been received by the FWC by January 1, 2004.

(d) Landings reported on all the applicant’s individual and vessel saltwater products licenses with the current marine life endorsement will be used to determine an applicant’s eligibility to receive one of the marine life tiered endorsements specified in subsections (4) through (6).

(4) Marine Life Bycatch Endorsement (MLB) – The marine life bycatch endorsement is required to harvest commercial quantities of marine life using bycatch gears as defined in subsection 68B-42.004(3), F.A.C., which does not include harvest by diving.

(a) An applicant for the marine life bycatch endorsement must have an annual landings value of marine life as defined in paragraph (3)(b) of greater than zero dollars but less than \$5000 during any one of the qualifying years specified in paragraph (3)(c).

(b) A marine life bycatch endorsement will be issued on no more than one of an applicant’s vessel saltwater products licenses in any one license year. A marine life bycatch endorsement will not be issued on an individual license.

(c) A marine life bycatch endorsement is transferable pursuant to subsections (16) and (17).

(5) Marine Life Transferable Dive Endorsement (MLD) – The marine life transferable dive endorsement is required to harvest commercial quantities of marine life using all allowable gears as defined in subsection 68B-42.004(3), F.A.C., which includes harvest by diving.

(a) No marine life transferable dive endorsement will be issued to an applicant who does not qualify by one of the following methods:

1. An applicant must have qualified as specified in subsection (3) and have documented commercial marine life landings as defined in paragraph (3)(b) of greater than or equal

to \$5,000 in any one of the qualifying years specified in paragraph (3)(c), and have documented dive landings during the qualifying years; or

2. An applicant must hold a live rock state lease or federal permit and have documented live rock landings value of greater than or equal to \$5,000 dollars during any one of the qualifying years specified in paragraph (3)(c) and held a marine life endorsement prior to 1998.

(b) A marine life transferable dive endorsement will be issued on no more than two of an applicant's saltwater products licenses in any one license year, except that an individual who has qualified as specified in subparagraph (a)1. and who has additional landings values of commercial marine life landings pursuant to subsection (3) on a subsequent saltwater products license held by the applicant of greater than \$10,000 may place the marine life transferable dive (MLD) on the additional vessel SPL(s) so qualified.

(c) A marine life transferable dive endorsement is transferable pursuant to subsections (16) and (17).

(6) Marine Life Non-transferable Dive Endorsement (MLN) – The marine life non-transferable dive endorsement is required to harvest commercial quantities of marine life using dive gears as defined in subsection 68B-42.002(3), F.A.C.

(a) No marine life non-transferable dive endorsements will be issued to an applicant who does not qualify by one of the following methods:

1. As specified in paragraph (4)(a); or

2. An applicant must hold a state live rock lease and/or a federal live rock permit and provide documentation of development of the site or sites and must have held a marine life endorsement prior to September 30, 2003.

(b) A marine life non-transferable dive endorsement will be issued on no more than one of an applicant's saltwater products licenses in any one license year.

(c) A marine life non-transferable dive endorsement (MLN) is not transferable, except in the event of death or permanent disability pursuant to subsection (17).

(7) After initial issuance, no endorsement may be converted from one type to another, except as provided in subsection (12).

(8) No Vested Rights. This marine life effort management program does not create any vested rights for endorsement holders whatsoever and may be altered or terminated by the Commission as necessary to protect the marine life resource, the participants of the fishery, or the public interest.

(9) No person, firm, or corporation shall be issued more than one marine life tiered endorsement type or more than one unique marine life tiered endorsement number.

(10) Effective September 30, 2005, no additional tiered endorsements will be issued and no endorsement will be renewed or replaced except those that were issued pursuant to subsections (4), (5), or (6). Beginning in the 2006/2007 license year, persons holding an endorsement that was active during

the 2005/2006 license year or an immediate family member of that person must request renewal of the endorsement before September 30 of each year. Failure to renew by September 30 of any year will result in forfeiture of the endorsement.

(11) Requalifying. Beginning with license year 2010/2011, a person renewing a marine life transferable dive (MLD) endorsement must document landings of \$5,000 of marine life species as defined by Rule 68B-42.001, F.A.C., in one of the previous three license years. This endorsement will be valid for three years from the date of documentation used to qualify, but must still be renewed annually as required by subsection (10).

(12) A marine life transferable dive (MLD) endorsement can be converted to a marine life non-transferable dive (MLN) endorsement after the initial issuance. This MLN is not subject to the requalification requirements of subsection (11). This MLN can never be converted back to a MLD.

(13) A permanent marine life transferable dive (MLD) endorsement shall be available to those persons age 62 and older who held a valid MLD in the previous license year, hold a valid saltwater products license and valid restricted species endorsement at the time of application, and renew the permit pursuant to subsection (10).

(14) Appeals. The Director of the Division of Marine Fisheries Management, or one or more designees of the director, shall consider disputes and other problems arising from the initial denial of a commercial marine life tiered endorsement. The Director shall submit a recommendation to the Executive Director of the Commission for resolution of the appeal, which recommendation shall either allot an endorsement to the appellant or uphold the denial of an endorsement.

(a) An appeal of the initial denial or award of a commercial marine life tiered endorsement is initiated by submission and receipt of a completed appeals application (Form DMF-SL4110 (3-05), incorporated herein by reference) to the Director of the Division of Marine Fisheries Management before April 1, 2005.

(b) The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer during the qualifying years or included in the agency landings database as of January 1, 2004.

(c) Special circumstances that can be considered during appeals shall include:

1. Persons who became disabled or can document hardship during the qualifying period, but can provide proof of landings of marine life through trip tickets prior to the qualifying period.

2. Persons who were serving in the military during the qualifying years, but can provide proof of landings of marine life through trip tickets prior to the qualifying period.

3. Persons involved in a partnership substantiated by documentation within the qualifying period.

(d) The Executive Director of the Commission may accept or disapprove the recommendations of the Director of the Division of Marine Fisheries Management, with notice given in writing to each party in the dispute explaining the reasons for the final decision. The action of the Executive Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(15) Leasing Prohibited. The leasing of marine life endorsements is prohibited.

(16) Transferability. After the initial issuance, the marine life bycatch (MLB) and marine life transferable dive endorsements (MLD) are transferable upon approval of the Commission under the following conditions:

(a) A transferable marine life endorsement may be sold to an otherwise qualified buyer at fair market value upon approval by the Commission.

(b) The buyer must hold a saltwater products license with a valid restricted species endorsement and the seller must hold a transferable marine life tiered endorsement.

(c) The sale or transfer of a marine life transferable dive endorsement (MLD) will result in the forfeiture of the marine life transferable dive endorsement (MLD) on all other licenses held by the seller.

(d) An endorsement holder may elect to permanently forfeit a marine life bycatch endorsement (MLB), a marine life transferable dive endorsement (MLD), or a marine life non-transferable dive endorsement (MLN) to the Commission.

(e) A person who holds a valid marine life bycatch endorsement (MLB) cannot enter into a purchase agreement for a marine life transferable dive endorsement (MLD) until they sell or permanently forfeit the marine life bycatch endorsement (MLB) at the time of transfer.

(f) A marine life bycatch endorsement (MLB) may be transferred, to any person who holds a saltwater products license with a restricted species endorsement.

(g) A marine life transferable dive endorsement (MLD) may be transferred to any person who holds a saltwater products license with a restricted species endorsement.

(h) If the marine life transferable dive endorsement (MLD) has been applied to more than two saltwater products licenses as specified in paragraph (5)(b), only the initial MLD, which serves as an endorsement for no more than two saltwater products licenses, can be transferred. The sale of this portion of the endorsement, will result in the forfeiture of the endorsement on all other licenses held by the seller.

(i) The marine life non-transferable dive (MLN) endorsement is not transferable except as specified in subsection (17).

(j) A person who wishes to transfer a tiered endorsement shall submit a notarized statement of intent, that has been signed by both parties to the transaction, hand delivered, or sent by certified mail, return receipt requested, to the

Commission between September 1 and November 30 each year. Requests received by the Commission before September 1 or post marked after November 30 of the current license year will not be processed. A transfer request must be received by the Commission within three days of the date of the notarized signature of the intended recipient. The statement of intent (Form DMF-SL4120 (3-05), incorporated herein by reference) shall include the following information:

1. The name, address, and SPL number of seller;
2. The name, address, and SPL number of buyer; and
3. The selling price.

(k) A marine life tiered endorsement shall not be issued, transferred, or renewed until all license fees, surcharges, and any other outstanding fees, fines, or penalties owed to the Commission by either party to the transaction have been paid in full within the transfer period.

(l) Upon receipt of a marine life transferable dive endorsement (MLD), the transferee has 12 months from the date of purchase to produce trip tickets and document income from the sale of marine life as defined in Rule 68B-42.001, F.A.C., in order to renew the endorsement. Once renewed, this endorsement will be valid for three years from the date of documentation used to qualify, but must still be renewed annually as required by subsection (10).

(17) In the event of the death or permanent disability of a person holding a marine life tiered endorsement, the endorsement may be transferred by the license holder or the executor of the estate to a member of his or her immediate family within 12 months of the date of death or disability only after the recipient pays any outstanding fees, fines, or penalties to the Commission in full.

(18) It is the intent of the Commission that in the event of a decline in the health and abundance of the marine life resources, an endorsement buy back program could be initiated upon approval of funding for such buy back program by the Legislature.

PROPOSED EFFECTIVE DATE: February 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 2-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Kenneth D. Haddad, Executive
Director

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 22, 2004

BE ADVISED THAT THESE PROPOSED RULES MAY BE
FILED FOR ADOPTION AS SOON AS POSSIBLE
FOLLOWING THE COMMISSION MEETING AT WHICH
THEY ARE CONSIDERED IF THE RULES ARE NOT

CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE TITLES: RULE NOS.:
 Conduct of Public Adjuster 69B-220.051
 Ethical Requirements 69B-220.201

PURPOSE AND EFFECT: Rule 69B-220.051, F.A.C., sets forth Department policy as to certain matters generally affecting public adjusters. New language will prohibit compensation for referrals. The rule also requires public adjuster contracts to be in writing, to be signed by the public adjuster, to identify the public adjuster, the insured, the loss, the insurer, policy number, date signed, and compensation structure. The rule also requires disclosure of a right to an attorney, and to choose contractors. Additionally, the rule requires the public adjuster the use quotes from only licensed contractors when formulating estimates. Rule 69B-220.201, F.A.C., is being amended to prohibit incompetence, conflict of interest, and deceptive disparagement of insurers or company adjusters. The rule also creates a 3-day rescision period for public adjuster contracts. The rule also prohibits the public adjuster from accepting a power of attorney from an insured. Also several clarifications and technical adjustments are made to the existing language.

SUMMARY: The rule prohibits public adjusters from paying referral fees, incompetence, conflicts of interest, deceptive disparagement of insurers and their adjusters, and accepting powers of attorney. The rule requires disclosures of information about the public adjuster, fees, right to counsel, and selector of estimators. The rule also provides for a 3-day recession period for public adjuster contracts.

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, 626.878, 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 626.611, 626.621, 626.865(2), 626.878, 626.9541(1)(i) FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., December 2, 2004

PLACE: Room 143, 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 IS: Jerry Whitmore, Chief of Agent and Agency Investigation, Division of Agent and Agency Services, Bureau of Investigation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-5601

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-220.051 Conduct of Public Adjusters.

(1) No change.

(2) Definitions. The following definitions shall apply for purposes of this rule.

(a) No change.

(b) “Department” means Florida Department of Financial Services. “Office” means the Department of Insurance Regulation.

(c) through (e) No change.

(3) Communications Concerning Public Adjuster Services.

(a) through (b) No change.

(c) Referrals.

1. A public adjuster shall not accept referrals of business from any person with whom the public adjuster conducts business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster.

2. Except as between licensed public adjusters, or licensed public adjusters and members of the Florida Bar, no public adjuster shall compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

(4) through (5) No change.

(6) 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 a 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.

(7) Required Disclosures.

(a) The public adjuster shall advise insureds and claimants of their right to counsel, and choice thereof, to represent the insured or claimant, and that the choice is to be made solely by the insured or claimant.

(b)1. The insured or claimant shall be notified in advance of the name and location of any proposed contractor, architect, engineer, or similar professional before any bid or proposal by any of these persons is used by the public adjuster in estimating the loss or negotiating settlement.

2. The insured or claimant shall have veto power over the employment or use of any of these persons, in which case that person shall not be used in estimating costs.

(c) The public adjuster shall ensure that if a contractor, architect, engineer, or other licensed professional is used in formulating estimates or otherwise participates in the adjustment of the claim, the professional shall be licensed by the Florida Department of Business and Professional Regulation, if subject to that agency's licensing authority.

(6) through (7) renumbered (8) through (9) No change.

Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.112(1), 626.865(2), 626.874, 626.9541(1)(b), (i) FS. History—New 4-26-94, Amended 12-18-01, _____.

69B-220.201 Ethical Requirements.

(1) Purpose. This rule sets forth the various ethical considerations and constraints for various classes of insurance adjusters.

(1)(2) Definitions. The following definitions shall apply for purposes of this rule:-

(a) "Adjuster," when used without further specification, refers to and includes all types and classes of insurance adjusters, (company, independent, and public), subject to Chapter 626, Florida Statutes, and regardless of whether resident or nonresident, and whether permanent, temporary, or emergency licensees.

(b) "Client" refers to and includes both clients and potential clients; and means any person who consults with or hires an adjuster to provide adjusting services.

(c) through (d) No change.

(3) Violation.

(a) Violation of any provision of this rule shall constitute grounds for administrative action against the licensee, upon grounds, that include but are not limited to, that the violation demonstrates a lack of fitness to engage in the business of insurance.

(b) Additionally, A breach of any provision of this rule constitutes an unfair claims settlement practice.

(4) Code of Ethics. The work of adjusting insurance claims engages the public trust. An adjuster shall must put the duty for fair and honest treatment of the claimant above the adjuster's own interests; in every instance. The following are standards of conduct that define ethical behavior:-

(a) The following code of ethics shall be binding on all adjusters:

(b)(a) An adjuster shall disclose all financial interest in any direct or indirect aspect of an adjusting transaction. This includes the following For example: an adjuster shall not directly or indirectly refer or steer any claimant needing repairs or other services in connection with a loss to any person with whom the adjuster has an undisclosed financial interest, or who which person will or is reasonably anticipated to provide the adjuster any direct or indirect compensation for the referral or for any resulting business.

(c)(b) An adjuster shall treat all claimants equally.

1. An adjuster shall not provide favored treatment to any claimant.

2. An adjuster shall adjust all claims strictly in accordance with the insurance contract.

(d)(e) An adjuster shall not never approach investigations, adjustments, and settlements in a manner prejudicial to the insured.

(e)(d) An adjuster shall make truthful and unbiased reports of the facts after making a complete investigation.

(f)(e) An adjuster shall handle every adjustment and settlement with honesty and integrity, and allow a fair adjustment or settlement to all parties without any remuneration to himself except that to which he is legally entitled.

(g)(f) An adjuster, upon undertaking the handling of a claim, shall act with dispatch and due diligence in achieving a proper disposition of the claim thereof.

(h)(g) An adjuster shall promptly report to the Department any conduct by any licensed insurance representative of this state, which conduct violates any provision of the Insurance Code insurance law or Department rule or order.

~~(i)(h)~~ An adjuster shall exercise extraordinary care when dealing with elderly clients, to assure that they are not disadvantaged in their claims transactions by failing memory or impaired cognitive processes.

~~(j)(+)~~1. An adjuster shall not negotiate or effect settlement directly or indirectly with any third-party claimant represented by an attorney, if ~~the said~~ adjuster has knowledge of such representation, except with the consent of the attorney.

2. For purposes of this subsection, the term “third-party claimant” does not include the insured or the insured’s resident relatives.

~~(k)(+)~~1. An adjuster is permitted to interview any witness, or prospective witness, without the consent of opposing counsel or party. In doing so, however, the adjuster shall scrupulously avoid any suggestion calculated to induce a witness to suppress or deviate from the truth, or in any degree affect the witness’s ~~their~~ appearance or testimony during deposition or at the trial ~~or on the witness stand~~.

2. If any witness making or giving a signed or recorded statement so requests, the witness shall be given a copy of the statement ~~thereof~~.

~~(l)(+)~~ An adjuster shall not advise a claimant to refrain from seeking legal advice, nor advise against the retention of counsel to protect the claimant’s interest.

~~(m)(+)~~1. An adjuster shall not attempt to negotiate with or obtain any statement from a claimant or witness at a time that the claimant or witness is, or would reasonably be expected to be, in shock or serious mental or emotional distress as a result of physical, mental, or emotional trauma associated with a loss.

2. ~~Further,~~ The adjuster shall not conclude a settlement when the such settlement would be disadvantageous to, or to the detriment of, a claimant who is in the traumatic or distressed state described above in (m)1.

~~n.(m)~~1. An adjuster shall not knowingly fail to advise a claimant of the claimant’s ~~their~~ claim rights in accordance with the terms and conditions of the contract and of the applicable laws of this state.

2. An adjuster shall exercise care not to engage in the unlicensed practice of law as prescribed by the Florida Bar.

~~(o)(+)~~1. A company or independent adjuster shall not draft, ~~unless approved in writing in advance by the insurer and such written communication can be demonstrated to the department,~~ special releases called for by the unusual circumstances of any settlement or otherwise draft any form of release, unless advance written approval by the insurer can be demonstrated to the Department.

2. Except as provided above, a company or independent adjuster is ~~only~~ permitted only to fill in the blanks in a release form approved by the insurer they represent.

~~(p)~~ 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.

~~(q)~~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.

~~(r)~~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.

~~(s)~~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.

(5) Public Adjusters, Other Ethical Constraints. In addition to considerations set out above for adjusters, the following ethical considerations are specific to public adjusters and shall be binding upon public adjusters:-

(a) A public adjuster shall advise the insured and claimant in advance of the insured or claimant’s ~~their~~ right ~~to choice~~ of counsel, and choice thereof, to represent the insured or claimant, and that such choice is to be made solely by the insured or claimant.

(b)1. The public adjuster shall notify the insured or claimant in advance of the name and location of any proposed contractor, architect, engineer, or similar professional, before any bid or proposal by any of these persons may be used by the public adjuster in estimating the loss or negotiating settlement,;

2. ~~and~~ The insured or claimant may exercise veto power of any of these persons, in which case that person shall not be used in estimating costs.

(c) The public adjuster shall ensure that if a contractor, architect, engineer, or other licensed professional is used in formulating estimates or otherwise participates in the adjustment of the claim, the professional ~~shall~~ must be licensed by the Florida Department of Business and Professional Regulation.

(d) A public adjuster shall not prevent, or attempt to dissuade or prevent, a claimant from speaking privately with the insurer, company or independent adjuster, attorney, or any other person, regarding the settlement of the claim.

(e) A public adjuster shall not acquire any interest in salvaged property, except with the written consent and permission of the insured.

(f) 1. A public adjuster shall not accept referrals of business from any person with whom the public adjuster may conduct business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster.

2. Except as between licensed public adjusters, or licensed public adjusters and members of the Florida Bar, no public adjuster shall ~~may~~ compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.

(g) 1. A public adjuster's contract with a client shall be revocable or cancellable by the insured or claimant, without penalty or obligation, for at least 3 business days after the contract is entered into, ~~should the insured elect to settle the claim directly with an adjuster representing the insurer.~~

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 3 day cancellation period.

(h) 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.

(i) 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.

Specific Authority 624.308, 626.878, 626.9611 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.865(2), 626.878, 626.9541(1)(i) FS. History—New 6-2-93, Amended 12-18-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Whitmore, Chief of Agent and Agency Investigation, Division of Agent and Agency Services, Bureau of Investigation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil Fountain, Assistant Director of Agent and Agency Services, Division of Agent and Agency Services, Bureau of Investigation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 3, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: RULE NO.:

Record Maintenance and Production 69L-6.015
Requirements for Employers

PURPOSE AND EFFECT: The purpose of this rule amendment is to implement Chapter 2003-412, § 13, Laws of Florida, which directs the department to specify by rule the business records that an employer must maintain and produce to comply with the workers' compensation law.

SUMMARY: This amendment identifies business records required to be maintained and produced, prescribes a retention period and a location where records are to be maintained, designates approved media, and provides an effective date.

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: 440.05(10), 440.107(5), 440.591 FS.

LAW IMPLEMENTED: 440.05(10), 440.107(3), 440.107(5) FS.

IF REQUESTED IN WRITING 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 30, 2004
PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.015 Record Maintenance and Production ~~Keeping~~ Requirements for Employers ~~Business Owners~~. ~~In order for the Division to determine that an employer is in compliance with the provisions of Chapter 440, F.S., every business entity conducting business within the state of Florida shall maintain for the immediately preceding three year period true and accurate records. Such business records shall include original documentation of the following, or copies, when originals are not in the possession of or under the control of the business entity:~~

(1) Employers must at all times maintain the records required by this rule and must produce the records when requested by the division pursuant to Section 440.107, F.S. All workers' compensation insurance policies of the business entity, and all endorsements, notices of cancellation, nonrenewal, or reinstatement of such policies.

(2) Identity, organizational, and occupational records. Every employer shall maintain the notice that assigns to the employer its Federal Employer Identification Number (IRS Form 575A); records that identify its business name, such as fictitious name registration; records that identify its business form, such as corporation, limited liability company, or partnership; and a copy of its articles of incorporation or organization, occupational licenses, trade licenses or certifications, and competency cards. All records, including correspondence, pertaining to premium audits.

(3) Employment records. Every employer shall maintain employment records pertaining to every person to whom the employer paid or owes remuneration for the performance of any work or service in connection with any employment under any appointment or contract for hire or apprenticeship. Records indicating for every pay period a description of work performed and amount of pay or description of other remuneration paid or owed to each person by the business entity, such as time sheets, time cards, attendance records, earnings records, payroll summaries, payroll journals, ledgers or registers, daily logs or schedules, time and materials listings.

(a) The employment records required by this subsection shall indicate with regard to every such person:

1. Name of the person.

2. Social Security Number, Federal Employer Identification Number, or IRS Tax Identification Number of the person.

3. Each day, month, and year or pay period when the employer engaged the person in employment.

4. Amount of remuneration paid or owed by the employer for work or service performed by the person. Where remuneration is paid or owed on an hourly basis, the record shall indicate the day, month, and year of work or service and the number of hours worked by the person during each pay period. Where remuneration is paid or owed on any basis other than hourly, the record shall specify the basis, such as competitive bid, piece rate, or task, and indicate the day, month, and year, when remuneration was earned.

(b) In addition, every employer shall maintain the following records for each such person:

1. All checks or other records provided to the person for salary, wage, or earned income.

2. All Form 1099 Miscellaneous Income and Form W-2 Wage and Tax Statements issued to the person.

3. All written contracts or agreements between the employer and the person that describe the terms of employment.

4. All employment and unemployment reports filed pursuant to Florida law.

(4) Tax records. Every employer shall maintain all forms, together with supporting records and schedules, filed with the Internal Revenue Service. All contracts entered into with a professional employer organization (PEO) or employee leasing company, temporary labor company, payroll or business record keeping company. If such services are not pursuant to a written contract, written documentation including the name, business address, telephone number, and FEIN or social security number of all principals if an FEIN is not held, of each such PEO, temporary labor company, payroll or business record keeping company; and

(a) For every contract with a PEO: a payroll ledger for each pay period during the contract period identifying each worker by name, address, home telephone number, and social security number or documentation showing that the worker was eligible for employment in the United States during the contract for his/her services, and a description of work performed during each pay period by each worker, and the amount paid each pay period to each worker. A business entity may maintain such records or contract for their maintenance by the PEO to which the records pertain.

(b) For every contract for temporary labor: work slips for each day temporary labor services were used identifying each worker by name, address, home telephone number, and social security number or documentation showing that the worker was eligible for employment in the United States during the contract for his/her services, and a description of work performed each pay period by each worker, and the amount paid each pay period to each worker and by the business entity to the temporary labor company. A business entity may maintain such records or contract for their maintenance by the temporary labor provider to which the records pertain.

(5) Account records. Every employer shall maintain monthly, quarterly, or annual statements for all open or closed business accounts established by the employer or on its behalf with any credit card company or any financial institution, such as bank, savings bank, savings and loan association, credit union, or trust company. All contracts to which the business was or is a party for services performed by an independent contractor, or in the event a written contract was not executed, written documentation including the name, business address, telephone number, and FEIN or social security number if an FEIN is not held, of each independent contractor; and proof of workers' compensation insurance held by each independent contractor during the life of the contract for his/her services or records sufficient to prove that the independent contractor was not required pursuant to Chapter 440, F.S., to have workers' compensation insurance coverage during that time period;

(6) Disbursements. Every employer shall maintain a journal of its check and cash disbursements as well as a copy of each cashier's check, bank check, and money order, indicating

chronologically the disbursement date, to whom the money was paid, the payment amount, and the purpose. All check ledgers and bank statements for checking, savings, credit union, or any other bank accounts established by the business entity or on its behalf; and

(7) Employee leasing company, labor pool, and temporary labor service records. All federal income tax forms prepared by or on behalf of the business and all State of Florida, Division of Unemployment Compensation UCT-6 forms and any other forms or reports prepared by the business or on its behalf for filing with the Florida Division of Unemployment Compensation.

(a) Every employee leasing company licensed under Chapter 468, F.S., including a professional employer organization, shall maintain:

1. Records that indicate the Federal Employer Identification Number of each client company.

2. The application of each client company and contract between the employee leasing company and the client company whereby the employee leasing company assigned its employees to a client company.

3. Records that indicate the name, gross pay, deductions from gross pay, net pay, and rate of pay for every employee assigned to each client company.

(b) Every labor pool under Chapter 448, F.S., shall maintain:

1. The written itemized statement showing in detail the wages and each deduction made from wages paid to each day laborer.

2. The annual earnings summary provided to each day laborer.

(c) Every temporary labor service shall maintain records that identify the name, Social Security Number or IRS Tax Identification Number of each employee who the temporary labor service provided to a client, and the payments to and the pay period, type of service, and location of service performed by each such employee. In addition, the temporary labor service shall maintain records of payments that it received from the client.

(8) Subcontractor invoices. Every employer shall maintain all invoices received from a subcontractor for work or service performed by the subcontractor for the employer.

(9) Workers' compensation insurance and certificates of election to be exempt.

(a) Every employer shall maintain all workers' compensation insurance policies obtained by the employer or on the employer's behalf and all endorsements, declaration pages, certificates of workers' compensation insurance, notices of cancellation, notices of non-renewal, or notices of reinstatement of such policies.

(b) Every employer shall maintain all premium audits, including premium self-audits, together with supporting documentation and correspondence provided by the employer to its workers' compensation carrier.

(c) Every contractor shall maintain evidence of workers' compensation insurance of every subcontractor and for every subcontractor that is a corporation or limited liability company that has an officer or a member who elects to be exempt from the coverage requirements of the workers' compensation law the contractor shall maintain a valid certificate of election to be exempt issued to the officer or member under Section 440.05, F.S.

(d) Every corporation that is actively engaged in the construction industry and has officers who possess valid certificates of election to be exempt issued under Section 440.05, F.S., shall maintain written statements of those exempt officers affirmatively acknowledging each such officer's exempt status. A written statement may be in the form of a copy of a completed DWC 250 (rev. 9/01) Notice of Election to be Exempt as adopted in paragraph 69L-6.009(1)(a), F.A.C.

(e) Every employer who claims that an employee or officer of a corporation is exempt from the coverage requirements of the workers' compensation law shall maintain a valid certificate of election to be exempt issued under Section 440.05, F.S. for that employee or officer of a corporation.

(10) Contracts. Each employer shall maintain:

(a) All complete executed written contracts between it and a general contractor, subcontractor, independent contractor, or employee leasing company licensed under Chapter 468, F.S., that specify the terms of reimbursement and performance of any work or service while engaged in any employment under any appointment or contract for hire or apprenticeship.

(b) Any records that establish the statutory elements of independent contractor prescribed in Section 440.02(15)(d), F.S., for each worker who claims to be or who the employer claims to be an independent contractor and not an employee under the workers' compensation law.

(11) Records retention. An employer under the workers' compensation law shall maintain the records specified in this Rule for the current calendar year to date and for the preceding three calendar years, in original form, whether paper, film, machine readable electronic material, or other media. A legible copy of the original record is an acceptable substitute for the original.

(12) Records location. An employer shall maintain the records specified in this rule at the corporate registered office, principal place of business, or job site in Florida.

Specific Authority 440.05(10), 440.107(5), 440.107(2), 440.591 FS. Law Implemented 440.05(10), 440.107(3), 440.107(5), 440.107(2), 440.591 FS. History—New 2-2-00, Formerly 38F-6.015, Amended 3-26-03, Formerly 4L-6.015, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dan Sumner, Deputy Director of Workers' Compensation,
Division of Workers' Compensation, Department of Financial
Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tanner Holloman, Director of
Workers' Compensation, Division of Workers' Compensation,
Department of Financial Services

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

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: RULE NO.:
Penalty Calculation Worksheet 69L-6.027

PURPOSE AND EFFECT: The purpose and effect of the rule is to adopt a penalty calculation worksheet for use by the Bureau of Compliance in calculating penalties for employers who are found to be out of compliance with Chapter 440, Florida Statutes. The worksheet is utilized either as an independent excel spreadsheet or as a component of the Bureau's CCSA (Coverage and Compliance Automated System) database.

SUMMARY: The purpose of the rule is to facilitate the calculation of penalties pursuant to Section 440.107, F.S., for failure to maintain workers' compensation insurance on employees through the adoption of a form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There is expected to be a small cost savings to the state by reducing the number of employee hours used to calculate penalties. No external economic impact is expected because the worksheet is based on a statutory formula, and the amount of the penalties will not change.

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: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107 FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., December 1, 2004

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.027 Penalty Calculation Worksheet.

(1) For purposes of calculating penalties to be assessed against employers pursuant to section 440.107, Florida Statutes, the Division shall use form # DFS-F4-1595 (rev. 9/04) which is incorporated herein by reference.

(2) Copies of this form DFS-F4-1595 (rev. 9/04) are available from the Division of Workers' Compensation, Department of Financial Services, Larson Building, Tallahassee, Florida 32399-4226.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dan Sumner, Deputy Director of Workers' Compensation,
Division of Workers' Compensation, Department of Financial
Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Tanner Holloman, Director of
Workers' Compensation, Division of Workers' Compensation,
Department of Financial Services

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

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: RULE NO.:
Forms Adopted 69O-149.022

PURPOSE, EFFECT AND SUMMARY: To adopt forms for medical discount plans.

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: 636.232 FS.

LAW IMPLEMENTED: Chapter 636 Part II FS.

IF REQUESTED IN WRITING 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: 1:00 p.m., November 22, 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 IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.022 Forms Adopted.

(1) The forms adopted in subsection (2), below, shall be used, as applicable, by insurers making form filings for life and accident insurance, annuities, and health insurance. All the forms in subsection (2), below, are hereby adopted and incorporated by reference. All forms ~~may be obtained from the Document Processing Section, Division of Administration, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0344.~~ Forms are also available and may be printed from the Office's website: www.fldfs.state.fl.us. ~~All forms may be reproduced at will.~~

(2)(a) Form OIR-B2-1507, "Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter", rev. 9/04 ~~9/02~~.

(b) Form OIR-B2-1507 A, "Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet", rev. 9/04 ~~9/02~~.

(c) through (jjj) No change.

(kkk) Form OIR-B2-XXXX, "Discount Medical Plan", 09/04.

Specific Authority 624.308 FS. Law Implemented 627.410 FS. History--New 10-29-91, Amended 5-15-96, 4-4-02, 5-2-02, 6-19-03, Formerly 4-149.022, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Robleto, Bureau Chief, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Life and Health Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2004

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE CHAPTER TITLE: Prepaid Limited Health Service Organizations and Discount Medical Plan Organizations
 RULE CHAPTER NO.: 69O-203

RULE TITLES: Definitions
 Standards for Discount Medical Plans
 Standards for the Form and Content of Advertisements or Merchandising Materials

RULE NOS.: 69O-203.201
 69O-203.202
 69O-203.203
 69O-203.204

Filing, Approval of DMPO Plans, Rates and Related Forms

PURPOSE, EFFECT AND SUMMARY: To implement discount medical plans filing and review standards as promulgated in HB 1629.

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: 636.232 FS.

LAW IMPLEMENTED: Chapter 636, Part II FS.

IF REQUESTED IN WRITING 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: 1:00 p.m., November 22, 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 RULES IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

PREPAID LIMITED HEALTH SERVICE ORGANIZATIONS AND DISCOUNT MEDICAL PLAN ORGANIZATIONS

PART II DISCOUNT MEDICAL PLAN ORGANIZATIONS

69O-203.201 Definitions.

(1) Charges as referred to in these rules mean both the periodic charges, defined herein and any one-time processing fee as provided in Section 636.208, Florida Statutes.

(2) Contract or Form means the document, by whatever name called; such as agreement, certificate or handbook which describes the benefits under the discount medical Plan.

(3) Discount Medical Plan (Plan) is any arrangement or contract purchased by a member that provides access at a discount to one or more medical services as defined by Section 636.202(4), Florida Statutes.

(4) DMPO is the Discount Medical Plan Organization licensed under Part II of Chapter 636 of the Florida Statute that arranges for plan members, for a charge, to have access to providers of medical services at a discount. It is the entity that contracts with providers, provider networks, or other DMPOs, to provide discount medical services to Plan members and determines the charges to the members.

(5) Periodic Charges as referred to in these rules mean any fees, dues, charges, or other considerations paid by or on behalf of a member for the right of the member to receive benefits of a Plan.

Specific Authority 636.232 FS. Law Implemented Chapter 636, Part II FS. History—New _____.

69O-203.202 Standards for Discount Medical Plans.

(1) Contracts for all Plans shall include all elements contained in this section:

- (a) Name and address of the DMPO;
 - (b) Telephone number for member assistance and Plan information;
 - (c) Contracts shall include the name of the group, if applicable, and the name of the member;
 - (d) Effective date and term of contract;
 - (e) Space for charges and any one-time processing fee;
 - (f) Mode of payment (monthly, quarterly, etc. with provision for change of mode if applicable);
 - (g) Renewal, termination and cancellation conditions;
 - (h) Benefits to be provided;
 - (i) All limitations, exclusions and exceptions;
 - (j) Provisions for adding new family members;
 - (k) All plan contracts and application forms shall have a unique form number in the lower left hand corner; and
 - (l) Member complaint procedure.
- (2) The contract shall contain the entire agreement with the member. If a group arrangement is involved, contract terms may be included in a member handbook if incorporated by reference.

Specific Authority 636.232 FS. Law Implemented Chapter 636, Part II FS. History—New _____.

69O-203.203 Standards for the Form and Content of Advertisements or Merchandising Materials.

(1) Such materials must comply with the standards of Section 636.210 and 212, Florida Statutes, and must be truthful and not misleading in fact or implication. Words or phrases shall be clear and understandable.

(2) Deceptive Words, Phrases, or Illustrations Prohibited.

(a) Words, phrases, or illustrations shall not be used in a manner through which they mislead or have the capacity or tendency to deceive or mislead.

(b) No advertising shall give false information, contain untrue, deceptive, or misleading words, phrases, statements, references, or illustrations as to the contract benefits, health conditions covered, charges or processing fee.

(c) An advertisement shall not contain descriptions of a contract limitation, exception, or reduction, worded in a positive manner to imply that it is a benefit. Words and phrases used in an advertisement to describe such contract limitations, exceptions, and reductions shall fairly and accurately describe the negative features of such limitations, exceptions, and reductions of the contract offered.

(d) The term “insurance” may not be used as a descriptive term for DMPO benefits. However, the term “insurance” may be used in a disclaimer of any relationship between DMPO benefits and insurance including the disclosures required in Section 636.212, Florida Statutes.

Specific Authority 636.232 FS. Law Implemented Chapter 636, Part II FS. History—New _____.

69O-203.204 Filing, Approval of DMPO Plans, Rates and Related Forms.

(1) The DMPO shall file all charges with the Office and shall file for approval by the Office each of the following before use:

- (a) All Plan contracts, to be used or issued in connection with any Plan; and
- (b) Any periodic charge for any Plan that is in excess of \$30.00 per month.

(2) All filings shall be submitted to the Office electronically to <https://iportal.fldfs.com>.

(3) A filing shall consist of the following items:

(a) A letter explaining the type and nature of the filing. The letter shall indicate if the filing is for a new Plan, rate revision or a resubmission. If the filing is a resubmission, the letter shall indicate when the previous filing was submitted, the Florida filing number, the date of the disapproval or withdrawal and previous correspondence between the DMPO and the Office.

(b) Form OIR-1507, “Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter,” completely filled out in accordance with Form OIR-1507A, “Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet” as adopted by Rule 69O-149.022, F.A.C.

(c) The material being submitted, which may include one or more of the following:

- 1. Charges; or
- 2. Contracts, applications or other forms.

(d) Discount Medical Plan Organization Review Standards Checklist, OIR-B2-1607, as adopted by Rule 69O-149.022, F.A.C.

Specific Authority 636.232 FS. Law Implemented Chapter 636, Part II FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Robleto, Bureau Chief, Bureau of Life and Health
Forms and Rates, Office of Insurance Regulation
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Lisa Miller, Deputy Directory, Life
and Health Forms and Rates, Office of Insurance Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 20, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 17, 2004

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

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

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. 27, July 2, 2004, issue of the Florida Administrative Weekly. These changes are being made in response to comments received from the Joint Administrative Procedures Committee and as the result of further Board review at its duly noticed meeting on October 12, 2004.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Institutions Each institution applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission ~~the following specific information,~~ in English. Institutions providing information to students in a language other than English must retain a translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (4) No change.

(5) Standard 5: Recruitment and Admissions. In all admissions and recruitment-related activities, the institution shall comply with the fair consumer practices provisions of Sections 1005.04 and 1005.34, F.S., and Rule 6E-1.0032, F.A.C., and the rule regarding Agents, Rule 6E-2.010, F.A.C.

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

7. An institution shall not permit the payment of cash or other nonmonetary incentives, such as but not limited to travel or gift certificates, to any student or prospective student as an inducement to enroll. An institution shall not use the word “free” or its synonyms in reference to any equipment, tuition, books, or other items in conjunction with recruiting or advertising. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C.

8. through (c)6. No change.

(6) Standard 6: Finances.

(a) No change.

1. ~~Provisional License: Approved Applicant Status:~~

a. through b. No change.

c. If the corporation that controls the institution is ongoing, the institution shall provide a financial statement of the parent corporation compiled, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.

d. No change.

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

3. License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an

explanation of the financial condition of the institution including a financial improvement plan or teach-out plan or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

(7) through (10) No change.

(11) Standard 11: Publications and Advertising.

(a) through (n) No change.

o. A description of each course offered, including identifying number, title, credit or clock hours awarded, a description of the contents of the course including language of instruction if other than English, and prerequisites, if any;

p. through u. No change.

v. A detailed description of all financial aid offered by the institution. This shall include, but is not limited to, scholarships, in-house loan and grant programs, third-party loan and grant programs, and federal or state financial aid. Any student eligibility standards and conditions shall be stated for each type of financial aid offered. Tuition or fee discounts are not permissible; any reductions of tuition or fees must comply with subsection 6E-1.0032(7), F.A.C. Obligations to repay loans shall be clearly disclosed and explained to students, along with anticipated repayment terms, dates and amounts;

w. through dd. No change.

ee. If the institution offers courses taught in any language other than English, then the catalog must contain the following disclosure:

COMPLETING A COURSE OR PROGRAM IN A LANGUAGE OTHER THAN ENGLISH MAY REDUCE EMPLOYABILITY WHERE ENGLISH IS REQUIRED.

3. through (12) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History-Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 7-20-04,

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.: RULE CHAPTER TITLE:

9B-3 Florida Building Commission:
Operational Procedures

RULE NO.: RULE TITLE:
9B-3.047 State Building Code Adopted

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. 13, March 26, 2004, issue of the Florida Administrative Weekly:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code, 2004 edition, as revised by the Florida Building Commission on June 30, 2003, is hereby adopted and incorporated by reference as the building code for the State of Florida.

(2) No change.

PROPOSED EFFECTIVE DATE IS July 1, 2005.

Specific Authority 553.73(1),(7), FS. Law Implemented 553.72, 553.73(3),(7),(9) FS. History-New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 7-1-05.

NOTE: The Florida Building Commission has approved an effective date of July 1, 2005, for the 2004 Edition of the Florida Building Code. The new effective date and the following changes to sections of the Florida Building Code were adopted as a result of public comments received at the rule making hearing on August 31, 2004:

2004 Florida Building Code, Building Volume Chapter 21, Masonry

Section 2109 Empirical Design of Masonry

Section 2109.1.1 Limitations, revise to read as follows:

Section 2109.1.1 Limitations. Empirical masonry design shall not be utilized for any of the following conditions:

1. The design or construction of masonry structures located in areas where the basic wind speed exceeds 100 ~~110~~ mph (177 km/hr).

2. No change.

Chapter 23, Wood Section

2308 Conventional Light-Frame Construction

Section 2308.2, Limitations, delete the exception under item 4. 2308.2 Limitations. Buildings are permitted to be constructed in accordance with the provisions of conventional light-frame construction, subject to the following limitations, and to further limitations of Sections 2308.11 and 2309.12.....

4. Wind speeds shall not exceed 100 miles per hour (mph) (44 m/s) (3-second gust). ~~Exception: Wind speeds shall not exceed 110 mph (48.4 m/s) 3-second gust for buildings in Exposure Category A or B.~~

2004 Florida Building Code, Residential Volume

Chapter 2, Definitions

Section R202 Definitions

Revise the definition of Fire Separation Distance to read as follows:

Fire Separation Distance. The distance measured from the building face to the closest interior lot line, to the centerline of a street, alley, a fire separation distance easement, or public way, or to an imaginary line between two buildings on the property. The distance shall be measured at right angles from the lot line.

Add a new definition, Fire Separation Distance Easement, to read as follows:

Fire Separation Distance Easement. For the purpose of determining a fire separation distance easement shall be defined as a legal binding restriction placed on a property that would prohibit construction within it's confines.

Chapter 3, Building Planning

Section R301 Design Criteria

Section R301.2.1.1, Design criteria, is revised to read as follows:

Section R301.2.1.1 Design criteria. Construction in regions where the basic wind speeds from Figure R301.2(4) equal or exceed ~~100~~ 140 miles per hour (177.1 km/h) shall be designed in accordance with one of the following except as allowed in the specific chapter of this code: (following text remains unchanged).

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., December 7, 2004

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32819

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. 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 THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

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.: 33-601.800
RULE TITLE: Close Management
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. 39, (September 24, 2004), issue of the Florida Administrative Weekly:

33-601.800 Close Management.

(1) through (18) No change.

(19) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services ~~the General Counsel~~, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (k) No change.

(l) Form N11-046, Close Management Housing Unit Instructions, effective date _____ ~~4-8-04~~.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE NO.: 59A-11.0125
RULE TITLE: Spontaneous Fetal Demise

NOTICE OF WITHDRAWAL

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-51.002
RULE TITLE: Licensure by Examination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendments, as noticed in Vol. 30, No. 30, of the Florida Administrative Weekly on July 23, 2004, has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Manual Recount Procedures for Touchscreen Voting Systems
RULE NO.: 1SER04-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: As a result of an administrative ruling issued on August 27, 2004, by the administrative law judge in American Civil Liberties Union of Florida, Inc., et al. v. Florida

Department of State, Case No. 04-2341RX, subsection (7) of Rule 1S-2.031, F.A.C., has been declared to be invalid. The invalidated provision provided that no manual recount shall be conducted on touchscreen voting systems. Although the administrative law judge concluded that the Department of State did not act arbitrarily or capriciously as defined in Section 120.52(8)(e), F.S., when it promulgated subsection 1S-2.031(7), F.A.C., the administrative law judge found that not providing a process in rule for conducting a manual recount of the touchscreen voting systems was in contravention of express statutory language in Section 102.166, Florida Statutes.

As a result of this decision, no statewide uniform standards for conducting manual recounts of touchscreen voting systems currently exist. The absence of a rule with applicable standards and procedures will have an adverse effect on the conduct of elections in the State of Florida. In the event that the results of a machine recount under Section 102.141, Florida Statutes, trigger the requirement for a manual recount under Section 102.166, Florida Statutes, counties with touchscreen voting systems would have to conduct a manual recount without applicable standards or procedures, unless an emergency rule is immediately adopted. Ad hoc, ex-post manual recount processes of touchscreen voting systems conducted on a county-by-county basis, reminiscent of the circumstances giving rise to the intensely litigated 2000 General Election, may violate the equal protection and due process clause of the U.S. Constitution. See *Bush v. Gore* 531 U.S. 98 (U.S. 2000).

The emergency rulemaking is necessary: 1) To put into place specified and uniform standards for conducting manual recounts of touchscreen voting systems prior to the 2004 General Election and 2) To ensure and maintain the efficiency, integrity and public confidence in the electoral process. Considering the immediacy of the election and the lack of a currently effective rule on manual recounts of touchscreen voting systems, the Department of State finds that the adoption of this emergency rule is necessary to prevent an immediate danger to the public health, safety and welfare.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Division of Elections 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 adoption of the rule. The time period for general rulemaking takes at least 60 days and would prevent the timely adoption of this rule before the 2004 General Election. In light of the timing of the administrative ruling, there is insufficient time to promulgate a permanent rule to apply to the 2004

General Election. Nonetheless, the Department of State has provided ample opportunity for public input as to a proposed emergency rule for a manual recount of touchscreen voting systems. On August 30, 2004, the Division of Elections issued a written request for public comment directed to the 15 County Supervisors of Elections with certified touchscreen voting systems in Florida, the manufacturers of these certified voting systems in Florida, and all other interested parties, including advocacy groups, concerned citizens, and petitioners in *American Civil Liberties Union of Florida, Inc., et al. v. Florida Department of State*, Case No. 04-2341RX. On October 12, 2004, the Department of State held a meeting open to all interested parties and the media for the purpose of receiving any additional recommendations with regard to the content of an emergency rule for conducting manual recounts on touchscreen voting systems. In drafting the emergency rule, the Department of State did not incorporate recommendations that disregarded or were inconsistent with the primary purpose of a manual recount, which is to determine whether there is a clear indication on the ballot that the voter has made a definite choice. This emergency rule does not incorporate recommendations that would have infused greater human error into the manual recount process, posed significant logistical obstacles to implementation, or injected unnecessary federal court involvement in the state election process.

SUMMARY OF THE RULE: The rule provides a uniform and orderly process for affected counties with touchscreen voting systems to conduct a manual recount of overvotes and undervotes within the existing parameters and capabilities of such systems currently certified by the State of Florida for the 2004 General Election.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Maria I. Matthews, Assistant General Counsel, Division of Elections, Department of State, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

THE FULL TEXT OF THE EMERGENCY RULE IS:

1SER04-1 Manual Recount Procedures for Touchscreen Voting Systems.

(1) All procedures relating to manual recounts of votes cast on touchscreen voting systems shall be open to the public.

(2) At least two members of the canvassing board shall be present during all times a manual recount of votes cast on touchscreen voting systems is being conducted.

(3) All recounts are to be ordered by the board responsible for certifying the results of the race or issue being recounted.

(4) As used in this emergency rule, the term (a) "ballot image" means an electronic record of the content of a ballot cast by a voter and recorded by the voting device; (b) "ballot image report" means the printout of ballot images for each machine or precinct generated pursuant to subsection (7)(a); (c) "complete canvass report" means the voting system report from the machine recount that contains the results for each contest in each precinct (such report includes the total votes for each candidate or issue, the total number of undervotes and overvotes for each candidate or issue, and the total ballots cast for each race or issue); (d) "overvote" means that the elector designated more names than there are persons to be elected to an office or designated more than one answer to a ballot issue; and (e) "undervote" means that the tabulator recorded no vote for the office or issue or that the elector did not designate the number of choices allowed for the office or issue.

(5) Pursuant to Section 102.166, F.S., the purpose of the review of overvotes and undervotes in a manual recount is for the canvassing board to determine whether such review of an overvoted or undervoted ballot cast by a voter in the recounted race or issue reveals a "clear indication on the ballot that the voter has made a definite choice."

(6) The following standards apply in a manual recount of overvotes and undervotes as provided specifically by Section 102.166, F.S., on a touchscreen voting system, to determine whether there is a clear indication on the ballot image report that the voter has made a definite choice:

(a) A clear indication on the ballot that the voter made a definite choice not to cast an overvote shall be determined by the presence on the ballot image of a selection in the race or issue or of an indication of an undervote in the manner proscribed by paragraph (6)(b). Touchscreen voting systems do not permit a voter to cast an overvote; therefore, the canvassing board shall accept the machine recount as conclusive that there are no overvotes in the manually recounted race or issue.

(b) The clear indication that the voter has made a definite choice to undervote shall be determined by the presence of the marking, or the absence of any marking, that the manufacturer of the certified voting system indicates shall be present or absent to signify an undervote. The following represents the manufacturer indicated markings of an undervote for each respective certified voting system:

1. ES&S iVotronic touchscreen voting system. A clear indication that the voter made a definite choice to undervote shall be determined by the word "undervote" on the ballot image for the affected race or issue, as illustrated in Form DS-DE 72, eff. 10/04, hereby incorporated herein by reference and available from the Division of Elections, and as may be amended.

2. Sequoia touchscreen voting system. A clear indication that the voter made a definite choice to undervote shall be determined by the absence on the ballot image of any numeric codes designated for the candidates or choices for the affected race or issue, or by the presence on the ballot image of less than the maximum number of numeric codes that may be present for any affected race in which the voter is permitted to select more than one candidate, each as illustrated in Form DS-DE 72, eff. 10/04, hereby incorporated herein by reference and available from the Division of Elections, and as may be amended.

3. Diebold touchscreen voting system. A clear indication that the voter made a definite choice to undervote shall be determined by the absence of an "X" within the brackets ([]) located next to the candidates or choices for the affected race or issue, or by the presence on the ballot image of Xs within the brackets located next to the candidates for the affected race which total a number less than the number of candidates for which the voter is permitted to cast a vote, each as illustrated in Form DS-DE 72, eff. 10/04, hereby incorporated herein by reference and available from the Division of Elections, and as may be amended.

(c) If a voter marks fewer candidates than there are positions to be elected for those offices, the votes for all of those marked candidates shall count. For example, if the voter is allowed to vote for 5 candidates in a special district election ("Vote for 5") and the voter marks 2 candidates, the votes for those two marked candidates shall count.

(7) Subject to an order issued pursuant to subsection (3), the following procedures apply to manual recounts of undervotes on touchscreen voting systems involving all county, multi-county, federal or statewide offices or issues required by law to be recounted:

(a) The canvassing board shall order the printing of one (1) official copy of the ballot image report from each touchscreen voting machine that has recorded undervotes for the affected race or issue. If the certified system does not permit the printing of a ballot image report by touchscreen voting machine, then the canvassing board shall order the printing of the ballot image report for each precinct that has recorded undervotes for the affected race or issue. The ballot image report for each certified voting system shall be substantially in the form provided in Form DS-DE 72, eff. 10/04, hereby incorporated herein by reference and available from the Division of Elections, and as may be amended. If the certified voting system is capable of electronic sorting and identifying of undervotes, the canvassing board must order the printing of the ballot image report using such capabilities. The county supervisor of elections shall maintain a custody log for each ballot image report and otherwise assure that the ballot image report remains secure and free of tampering at all times.

(b) The ballot image report shall be examined by the counting teams for the race or issue being recounted to identify and highlight ballot images containing undervotes for the affected race or issue and to determine if there is a clear indication on the ballot image containing the undervote that the voter made a definite choice. A certified voting system that includes a means for electronically sorting and identifying undervotes must be used to identify and highlight ballot images with undervotes in place of the counting team process.

(c) If an objection is made by a representative (designated pursuant to paragraphs 1S-2.031(6)(f)-(i), F.A.C., and as incorporated by reference in paragraph (h) of this subsection) to a decision of the counting team, an attachment shall be made to the ballot image report that contains the names of the members of the counting team, the counting team's initial determination, the reasoning behind the objection, and the name and representative capacity of the person making the objection. An objection must be based solely on departures from the procedures outlined in this rule for determining the clear indication on the ballot that the voter has made a definite choice to undervote.

(d) All objections pursuant to subsection (7) of this rule must be resolved by the canvassing board. If the canvassing board determines that the counting team departed from the procedures outlined in this rule for determining the clear indication on the ballot that the voter has made a definite choice to undervote, then the canvassing board shall correct such departure by applying the applicable standard.

(e) The counting teams shall maintain a running tally of the number of undervotes totaled per touchscreen voting machine in each precinct. After a review of ballot image reports containing undervotes from the voting machine or the precinct, the counting team shall tabulate the total number of undervotes for such precinct. The counting teams shall compare the total number of undervotes manually recounted for each precinct to the total number of undervotes reported by the voting system in the complete canvass report for each precinct.

(f) If the comparison of the undervotes in the manual recount matches the total number of undervotes reported for such precinct in the complete canvass report, then the counting team shall certify the results of the machine recount to the canvassing board. If there is a discrepancy between the number of undervotes in the manual recount and the machine recount, then the counting teams shall re-tabulate the number of undervotes for such precinct up to two additional times to resolve such discrepancy. If, after re-tabulating the number of undervotes for each such precinct, the discrepancy remains, then the canvassing board shall investigate and resolve the discrepancy with respect only to such precinct. In resolving the discrepancy, the canvassing board shall review the records produced by the voting system and may request the verification of the tabulation software as provided in Section

102.141(5)(b), F.S., and conduct any necessary diagnostic examinations; provided, however, that in no event shall the canvassing board order or conduct any diagnostic examination that may result in the clearing of any vote totals or in any way affecting the memory of machine.

(g) All three (3) members of the canvassing board must be present for any determination or decision made pursuant to this rule and the determination or decision must be by majority vote.

(h) The following provisions of Rule 1S-2.031, F.A.C., shall be applied to manual recounts of touchscreen voting systems: paragraphs (6)(b) through (e), (6)(g) through (j), (6)(r). The provisions of paragraph (6)(k) of Rule 1S-2.031, F.A.C., are incorporated by reference, except that the references to activities relating to containers and seal numbers are deleted for purposes of this rule. The provisions of paragraph (6)(f) of Rule 1S-2.031, F.A.C., are incorporated herein by reference, except that all references to overvotes are deleted for purposes of this rule.

(i) Any manual recount conducted pursuant to this rule must be completed in such a manner as to provide the canvassing board sufficient time to comply with the provisions of Section 102.112, F.S. Pursuant to Section 102.112, F.S., any returns not received by the department by the time specified in subsection (2) of Section 102.112, F.S., shall be ignored and the results on file at that time shall be certified by the department.

Specific Authority 102.166 FS. Law Implemented 102.166 FS. History--New 10-15-04.

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

EFFECTIVE DATE: October 15, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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DEPARTMENT OF THE LOTTERY

RULE TITLE:

Instant Game Number 565,

"HOLIDAY BINGO"

RULE NO.:

53ER04-62

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game Number 565, "HOLIDAY BINGO" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department.

The rule sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-62 Instant Game Number 565, "HOLIDAY BINGO."

(1) Name of Game. Instant Game Number 565, HOLIDAY BINGO.

(2) Price HOLIDAY BINGO lottery tickets sell for \$2.00 per ticket.

(3) HOLIDAY BINGO lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning HOLIDAY BINGO lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any HOLIDAY BINGO lottery ticket, or as to the prize amount, the Void if Removed Number under the latex shall prevail over the bar code.

(4) The "CALLER'S CARD" play symbols are as follows:

B	B	B	B	B	B
01	02	03	04	05	06
B	B	B	B	B	B
07	08	09	10	11	12
B	B	B	I	I	I
13	14	15	16	17	18
I	I	I	I	I	I
19	20	21	22	23	24
I	I	I	I	I	I
25	26	27	28	29	30
N	N	N	N	N	N
31	32	33	34	35	36
N	N	N	N	N	N
37	38	39	40	41	42
N	N	N	G	G	G
43	44	45	46	47	48
G	G	G	G	G	G
49	50	51	52	53	54
G	G	G	G	G	G
55	56	57	58	59	60
O	O	O	O	O	O
61	62	63	64	65	66
O	O	O	O	O	O
67	68	69	70	71	72
O	O	O			
73	74	75			

(5) The player's cards play symbols are as follows:

01	02	03	04	05	06
07	08	09	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48
49	50	51	52	53	54
55	56	57	58	59	60
61	62	63	64	65	66
67	68	69	70	71	72
73	74	75	FREE		

(6) Determination of Prizewinners.

(a) There are four player's cards numbered 1 through 4 and one Caller's Card on each HOLIDAY BINGO ticket. A "FREE" space will appear in the center of each player's card. A "FREE" space can substitute as a number in a pattern of which it is a part.

(b) A ticket whose numbers on one of the player's cards match the Caller's Card numbers in one of the following patterns shall entitle the claimant to the prize shown for that pattern on that card:

1. Horizontal line of five numbers (or four numbers and one "FREE" space).
2. Vertical line of five numbers (or four numbers and one "FREE" space).
3. Diagonal line of four numbers and one "FREE" space.
4. Four corners (consisting of four numbers).
5. "X" (consisting of eight numbers and one "FREE" space).

Prizes that appear in the player's cards area are: FREE TICKET, \$3, \$10, \$25, \$50, \$100, \$150, \$200, \$250, \$500, and \$10,000. Prize amounts for a particular pattern are different on each player's card.

(7) Players may win on one or more player's cards per ticket; however, players may not win more than one prize on each player's card.

(8) A claimant who is entitled to a prize of a "FREE TICKET" shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a HOLIDAY BINGO lottery ticket that entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 565 are as follows:

GAME PLAY	WIN	ODDS OF		NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL
		1 IN		
LINE - CARD 1	\$2	11.54		436,800
LINE - CARD 2	\$3	8.33		604,800
LINES - CARD 1, 2	\$3 Cash + \$2 Ticket	150.00		33,600
LINE - CARD 3	\$10	25.00		201,600
LINES - CARD 1, 3	\$10 Cash + \$2 Ticket	150.00		33,600
4 CORNERS - CARD 1	\$25	300.00		16,800
LINE - CARD 4	\$25	300.00		16,800
LINES - CARD 1, 2, 4	\$28 Cash + \$2 Ticket	4,000.00		1,260
LINES - CARD 1, 2, 3, 4	\$38 Cash + \$2 Ticket	4,800.00		1,050
4 CORNERS - CARD 2	\$50	400.00		12,600
4 CORNERS - CARD 3	\$100	6,000.00		840
"X" - CARD 1	\$150	84,000.00		60
4 CORNERS - CARDS 1, 3 + LINE-CARD 4	\$150	84,000.00		60
4 CORNERS - CARD 2 + "X" - CARD 1	\$200	84,000.00		60
4 CORNERS - CARD 4	\$200	252,000.00		20
4 CORNERS - CARDS 1, 2, 3 + LINE-CARD 4	\$200	252,000.00		20
"X" - CARD 2	\$250	252,000.00		20
"X" - CARD 3	\$500	360,000.00		14
"X" - CARD 4	\$10,000	1,260,000.00		4

(10) The estimated overall odds of winning some prize in Instant Game Number 565 are 1 in 3.71. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 565, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a HOLIDAY BINGO lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for HOLIDAY BINGO lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 10-15-04.

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

EFFECTIVE DATE: October 15, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 564, HOLIDAY RICHES
 RULE NO.: 53ER04-63
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 564, "HOLIDAY RICHES," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER04-63 Instant Game Numbers 564, HOLIDAY RICHES.

(1) Name of Game. Instant Game Number 564, "HOLIDAY RICHES."

(2) Price. HOLIDAY RICHES lottery tickets sell for \$5.00 per ticket.

(3) HOLIDAY RICHES lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning HOLIDAY RICHES lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any HOLIDAY RICHES lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
7	8	9	10	11	12
SEVEN	EIGHT	NINE	TEN	ELEVN	TWELV
13	14	15	16	17	18
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
19	20	21	22	23	24
NINTN	TWENTY	THYONE	THYTWO	THYTHR	THYFOR
25	26	27	28	29	
THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
7	8	9	10	11	12
SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELVE
13	14	15	16	17	18
THIRTEEN	FOURTEEN	FIFTEEN	SIXTEEN	SEVENTEEN	EIGHTEEN
19	20	21	22	23	24
NINETEEN	TWENTY	THIRTYONE	THIRTYTWO	THIRTYTHREE	THIRTYFOUR
25	26	27	28	29	
THIRTYFIVE	THIRTYSIX	THIRTYSEVEN	THIRTYEIGHT	THIRTYNINE	

(6) The prize symbols and prize symbol captions are as follows:

\$1.00	\$2.00	\$4.00	\$5.00	\$10.00	\$15.00
ONE	TWO	FOUR	FIVE	TEN	FIFTEEN
\$25.00	\$50.00	\$75.00	\$100	\$200	\$500
THIRTYFIVE	FIFTY	SEVENTYFIVE	ONE HUNDRED	TWO HUNDRED	FIVE HUNDRED
\$1,000	\$10,000	\$50,000			
ONE THOUSAND	TEN THOUSAND	FIFTY THOUSAND			

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to 15 sets of matching numbers. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$500, \$1,000, \$10,000, and \$50,000.



(b) A ticket having a "WIN \$50" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 564 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 25 POOLS OF 120,000 TICKETS PER POOL
\$1 x 5	\$5	1 IN 30.00	100,000
(\$1 x 3) + \$2	\$5	30.00	100,000
\$1 + (\$2 x 2)	\$5	30.00	100,000
\$5	\$5	30.00	100,000
\$1 x 10	\$10	60.00	50,000
\$2 + (\$4 x 2)	\$10	60.00	50,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	50,000
\$1 + (\$2 x 2) + \$5	\$10	120.00	25,000
\$10	\$10	120.00	25,000
\$1 x 15	\$15	60.00	50,000
\$15	\$15	60.00	50,000
\$5 x 5	\$25	300.00	10,000
(\$5 x 3) + \$10	\$25	400.00	7,500
\$5 + (\$10 x 2)	\$25	300.00	10,000
(\$2 x 5) + \$5 + \$10	\$25	300.00	10,000
(\$1 x 5) + (\$2 x 10)	\$25	400.00	7,500
\$25	\$25	600.00	5,000
\$50 (COIN)	\$50	107.14	28,000
\$5 x 15	\$75	20,000.00	150
\$5 + (\$10 x 7)	\$75	20,000.00	150
(\$5 x 5) + \$50	\$75	20,000.00	150
(\$10 x 5) + \$25	\$75	20,000.00	150
\$75	\$75	20,000.00	150
\$10 + (\$15 x 6)	\$100	800.00	3,750
(\$5 x 10) + (\$10 x 5)	\$100	800.00	3,750
\$25 x 4	\$100	800.00	3,750
(\$25 x 2) + \$50	\$100	1,200.00	2,500
\$100	\$100	1,200.00	2,500
\$50 x 10	\$500	75,000.00	40
(\$25 x 10) + (\$50 x 5)	\$500	60,000.00	50
\$500	\$500	75,000.00	40
\$100 x 10	\$1,000	250,000.00	12
\$200 x 5	\$1,000	250,000.00	12
(\$50 x 10) + (\$100 x 5)	\$1,000	250,000.00	12
\$500 x 2	\$1,000	250,000.00	12
\$1,000	\$1,000	300,000.00	10
\$1,000 x 10	\$10,000	750,000.00	4
(\$500 x 10) + (\$1,000 x 5)	\$10,000	1,000,000.00	3
\$10,000	\$10,000	1,000,000.00	3
\$50,000	\$50,000	1,000,000.00	3

(10) The estimated overall odds of winning some prize in Instant Game Number 564 are 1 in 3.77. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 564, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a HOLIDAY RICHES lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for HOLIDAY RICHES lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 10-15-04.

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

EFFECTIVE DATE: October 15, 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."

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."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that on October 4, 2004, it Issued an Order Granting Variance Request in response to a petition filed on July 6, 2004, by Patricia Serley of Otis Elevator regarding The Imperial (Case VW 2004-076), seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

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

The Bureau of Elevator Safety hereby gives notice that on October 7, 2004, it issued an Order Granting the Petition for Variance filed on July 9, 2004, by Steve Powell of KONE Inc. on behalf of Plantation Cove (case VW 2004-077). The petition sought a variance from Rules 100.3a, and of A.S.M.E. 17.1, 1996 edition, and Rule 2.29.2, A.S.M.E. 17.2 as adopted by Rule 61C-5.001, Florida Administrative Code. A variance was granted because the Department determined that the new technology, namely the KONE MonoSpace © elevator system provides the same or greater safety.

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

The Bureau of Elevator Safety hereby gives notice that on October 7, 2004, it issued an Order Granting the Petition for Variance filed on July 9, 2004, by Steve Powell of KONE Inc. on behalf of La Bellasara Condominium (case VW 2004-078). The petition sought a variance from Rules 100.3a, and of ASME 17.1, 1996 edition, and Rule 2.29.2, A.S.M.E. 17.2 as adopted by Rule 61C-5.001, Florida Administrative Code. A variance was granted because the Department determined that the new technology, namely the KONE MonoSpace © elevator system provides the same or greater safety.

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

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on July 9, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of Courthouse Centre (VW2004-079), seeking a waiver from Rules 100.3a , 101.6, 105.1, 105.3b, 105.3c, 107.1e, 200.4a, 200.4b and 204.1e, of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room, not have access to the overspeed governor from outside the hoistway, that the machine and sheaves be anchored to beams, foundations or floors, a minimum of 24 inches clearance between the cartop and the lowest elevator equipment in the overhead above the car, guardrail spacing and exit cover being openable only from the top of the car. A variance was granted because the Department determined that the new technology, namely the Schindler 400A Machine room-less elevator system provides the same or greater safety.

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

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on July 27, 2004, by Robert Gerdt of Otis Elevator regarding Radisson Lido Beach Resort (Case VW 2004-083), seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

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

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on July 27, 2004, by Robert Gerdt of Otis Elevator regarding Azure Condominiums (Case VW 2004-084), seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

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

The Bureau of Elevator Safety hereby gives notice that it has issued an Order on the Petition for Variance filed by Frank Henderson of Otis Elevator Company on behalf of Le Meridian Condominium (Petition VW 2003-101). The Bureau's Order, filed on October 4, 2004, denied the petition for variance. The variance was denied because the Department determined that there was insufficient information provided to act upon the petition and its request for additional information was not responded to.

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

The Bureau of Elevator Safety hereby gives notice that it has issued an Order on the Petition for Variance filed by Robert Nieman of ADX Communications, Pensacola (Petition VW 2003-120). The Bureau's Order, filed on October 4, 2004, denied the petition for variance. The variance was denied because the Department determined that there was insufficient information provided to act upon the petition and its request for additional information was not responded to.

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

NOTICE IS HEREBY GIVEN that on September 23, 2004, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 100.3a and 101.6 and, ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, Florida Administrative Code, which prohibit the locating the elevator motor in the hoistway, requires hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc, requesting a variance to allow the

installation of MonoSpace® elevator systems in the following location: The Waterfront "B", Venice, Florida (Petition VW 2004-122).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on October 7, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Jacquelin Bridals II (Petition VW 2004-128).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on October 7, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b, and 212.1, ASME 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Ringling Square Office Building (Petition VW 2004-129).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

NOTICE IS HEREBY GIVEN that on October 12, 2004, Bureau of Elevator Safety received a Petition for Emergency Variance from 101.7, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring 7 feet clearance in all machine room spaces. The petition was received from Kerry Goelz of Greater Bay Construction Co., Inc on behalf of Seaside Oaks Condominium located at 1308 Gulf Blvd., Indian Rocks Beach, Florida (Petition VW 2004-130).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that it has received a Petition, filed on September 29, 2004, from Marc Halimi, seeking a waiver or variance of subsection 64B5-2.0146(2), Florida Administrative Code, with respect to the requirement the applicant successfully complete remediation to the level of a graduating senior and obtain a letter from the dean of the dental school. The Board will consider the Petition on November 18, 2004, at 6:00 p.m., by telephone conference call. The meet-me number is (850)487-8587.

Comments on this Petition should be filed with the Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the Petition, contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4474.

The Board of Dentistry hereby gives notice that it has received a Petition, filed on October 18, 2004, from Carla Vanessa Ruiz, seeking a waiver or variance of subsection 64B5-2.0146(2), Florida Administrative Code, with respect to the requirement the applicant successfully complete remediation to the level of a graduating senior and obtain a letter from the dean of the dental school. The Board will consider the Petition on November 18, 2004, at 6:00 p.m., by telephone conference call. The meet-me number is (850)487-8587.

Comments on this Petition should be filed with the Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the Petition, contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4474.

The Board of Medicine hereby gives notice that it has received a petition filed by Wadi Rouel, M.D., on October 14, 2004, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to verification of medical school education.

Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN that the Board of Orthotists and Prosthetists issued a Final Order on March 4, 2004, in response to a petition for a waiver filed by John C. Reets. Petitioner sought a waiver of Section 468.803(3)(a)1., Florida Statutes, with respect to an applicant's educational requirement of a Bachelor of Science degree.

The Board voted to DENY petitioner's request, as it does not have the jurisdictional authority to waive a statutory requirement.

For a copy of the petition, contact Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399.

The Board of Pharmacy hereby gives notice that it has denied the Petition for Waiver and Variance filed by John Coppola. The Notice of Petition for Waiver was published in Vol. 30, No. 4, of the January 23, 2004, Florida Administrative Weekly. The Board of Pharmacy considered the Petition at its meeting held on February 10, 2004. The Board voted to deny the petition because it seeks a waiver of a statutory requirement and such relief is not authorized under the provisions of Section 120.542, Florida Statutes. The Order was filed with the Agency Clerk of the Department of Health on March 11, 2004. Comments or a request to obtain a copy of the Order on this disposition should be filed with the Board of Pharmacy Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

The Board of Psychology hereby gives notice of the issuance of an Order regarding the Petition for Variance for Heide Catherina Coppotelli, Ph.D. The Notice of Petition for Variance was published in Vol. 30, No. 20, of the May 14, 2004, Florida Administrative Weekly. The Board considered the instant Petition at a duly-noticed public meeting, via telephone conference call, held on June 18, 2004.

The Board's Order, filed on June 25, 2004, grants the Petition, finding that a variance is warranted on the basis that the underlying purpose of the statute, as implemented by Rule 64B19-12.007, Florida Administrative Code, has been met in that she will have been assisted through a temporary period of financial hardship while working with an underserved population in another state. Petitioner anticipates returning to Florida and generating future licensure revenues. 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 her because of her present circumstances.

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.

The Board of Psychology hereby gives notice of the issuance of an Order regarding the Amended Petition for Variance or Waiver for Dr. Kayan Aratow-Kulaksiz. The Notice of Amended Petition for Variance or Waiver was published in Vol. 30, No. 23, of the June 4, 2004, Florida Administrative Weekly. The Board considered the instant Amended Petition at a duly-noticed public meeting, via telephone conference call, held on June 18, 2004.

The Board's Order, filed on June 30, 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 because of her present circumstances.

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

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold telephone conference calls to which all persons are invited.

COMMITTEE: Nominating Committee

DATE AND TIME: November 8, 2004, 11:00 a.m.

COMMITTEE: Legislative Committee

DATE AND TIME: November 9, 2004, 10:00 a.m.

COMMITTEE: NACW Convention Committee

DATE AND TIME: November 9, 2004, 3:00 p.m.

COMMITTEE: Annual Report

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

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Subcommittee on Managed Marshes** announces a Quarterly Field Trip and Business Meeting to which all interested persons are invited to attend.

DATE AND TIME: November 4, 2004, 9:00 a.m.

PLACE: Indian River Mosquito Control District, 5655 41st Street, Vero Beach, FL 32963

CONTACT PERSON: Doug Carlson, (772)562-2393.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Shrimp Liaison Working Group:

DATE AND TIME: November 10, 2004, 9:00 a.m. – 12:00 Noon

PLACE: Courtyard Orlando Airport, 7155 North Frontage Road, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss marketing programs funded with Federal relief funds.

Anyone requiring assistance due to physical impairment, please contact: Amanda MacKee, Florida Department of Agriculture and Consumer Services, 2051 East Dirac Drive, Tallahassee, Florida 32310, (850)488-0163, Fax (850)922-3671.

DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces the following public meeting of the DOE/General Managers of the Florida Public Broadcasting Network, to which all persons are invited:

DATE AND TIME: Tuesday, November 9, 2004, 8:30 a.m.

PLACE: WEDU-TV, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business related to the administrative services provided by the Department of Education to the Public Broadcasting stations in Florida.

For additional information, contact: Ashley Roseborough, (850)245-0516, e-mail: Ashley.Roseborough@fldoe.org.

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel; all persons are invited.

Teacher Hearing Panel

DATE AND TIME: November 5, 2004, 9:00 a.m.

PLACE: Radisson Barcelo Hotel, 8444 International Drive, Orlando, Florida 32819, (407)345-0505

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, 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 **Commission for Independent Education** announces a meeting to which all persons are invited.

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

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct informal hearings, licensure hearings, disciplinary matters, licensure extensions, motions, petitions for variance and waivers, and other general Commission business.

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

Any person requiring a special accommodation for this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)388-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a Workshop meeting on Chapter 9B-1, F.A.C., to which all persons are invited. The workshop meeting will be held at:

Workshop Meeting on Chapter 9B-1, F.A.C.

DATE AND TIME: November 4, 2004, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to the review programmatic issues of Chapter 9B-1, F.A.C., for recommended changes.

Workshop Meeting on Chapter 9B-1, F.A.C.

DATE AND TIME: November 5, 2004, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to the review programmatic issues of Chapter 9B-1, F.A.C., for recommended changes.

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819, 1(800)627-8258

A copy of the workgroup agenda may be obtained from the Florida Building Commission website, www.floridabuilding.org.

Any person requiring a special accommodation at the workgroup meeting because of a disability or physical impairment should contact Ms. Sandi Curlee, Department of Community Affairs, (850)922-6074, at least ten days before the workgroup meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Secure Airports for Florida's Economy (SAFE) Council** announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: November 8, 2004, 3:00 p.m. – 5:00 p.m.

PLACE: Marriott Suites – Clearwater Beach on Sand Key, Longboat Key Conference Room, 1201 Gulf Blvd., Clearwater Beach, FL 33767 (To attend via telephone the number to call is: 1(866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct necessary business of the Council.

For more information, contact: Ms. Judy Blanchard, (321)690-3386.

To obtain a copy of the agenda write: The SAFE Council, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

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, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Department of Transportation** (FDOT), District One and the Turnpike Enterprise announce their public hearings to which all interested persons are invited. Specific notice is provided to the Polk, Lee, Sarasota/Manatee, Charlotte and Collier Metropolitan Planning Organizations (MPOs) and the County Commission Chairpersons for Polk, Manatee, Sarasota, Charlotte, Lee, Collier, Hendry, Glades, Okeechobee, Highlands, Hardee and DeSoto Counties.

DATE AND TIME: Thursday, November 18, 2004, 9:30 a.m.

PLACE: Terry Park (meeting facility), 2890 Palm Beach Boulevard, Fort Myers, Florida

DATE AND TIME: Wednesday, December 8, 2004, 10:00 a.m.

PLACE: Bartow Public Library, 2150 S. Broadway Avenue, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearings will consist of presentations by the Department on the FDOT Tentative Five Year Work Program for fiscal years 2005/2006-2009/2010, followed by a public testimony period. These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. At each hearing, the public is invited to review the District One Tentative Five Year Work Program. Department staff will be available prior to and immediately following for informal discussion and assistance. A court reporter will be available to accept public comments, if desired, for entry into the public record.

The proposed projects have been developed in accordance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968. Under Title VI and Title VIII of the United States Civil Rights Act any person(s) or beneficiary who believes he or she has been subjected to discrimination because of race, color, religion, sex, age, national origin, disability or familial status may file a written complaint to the Florida Department of Transportation, Equal Opportunity Office in Tallahassee or contact the District's Title VI and Title VIII Coordinator as shown below:

CENTRAL OFFICE: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450

DISTRICT 1: Florida Department of Transportation, District 1, 801 North Broadway, Bartow, Florida 33830

If requested and in compliance with the Americans with Disabilities Act, the Department will provide special assistance at the public hearings for those persons who are disabled. Those persons requiring special assistance must send written notification to the Department at least 10 days prior to the public hearing to: Cindy Clemmons-Adente, Florida Department of Transportation, 801 North Broadway, Bartow, Florida 33830.

A copy of the agenda may be obtained from Cindy Clemmons-Adente at the same address, or by calling (863)519-2362.

Written comments from all interested parties will be accepted by the Department at the public hearing and within ten days after the public hearing. Comments should be mailed to: Stan Cann, P.E., District Secretary, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831.

For information about additional public meetings in your area call: Cindy Clemmons-Adente, District Office, (863)519-2362 or Debbie Tower, Southwest Area Office, (239)461-4300.

The **Florida High Speed Rail Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2004, 10:00 a.m. – conclusion

PLACE: Orlando Airport Hyatt Regency, Ballroom C, 4th Level, Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Florida High Speed Rail Authority business.

Information may be obtained by contacting: Nazih Haddad, 605 Suwannee Street, Tallahassee, Florida 32399-0450, (850)414-4500.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the Authority at least 48 hours before the meetings by contacting: Betty Sizemore, (850)414-5244.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a public meeting of the Gift Fruit Advisory Council to which all persons are invited.

DATE AND TIME: Friday, October 22, 2004, 11:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will meet to finalize their programs for this season and review the changes to their budget as a result of the hurricane damage to the crop. The Council will also discuss any other issues that may properly come before the Council.

If you would like to attend this meeting via telephone conference you may do so by calling 1(800)416-4254.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting: Mr. Bill Jones, (863)499-2500.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2004, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blainstone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Control Release and Addiction Recovery matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blainstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 040301-TP – Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc.

DATE AND TIME: November 19, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 040972-SU – Application for Rate Increase in Pinellas County by Ranch Mobile, WWTP, Inc.

DATE AND TIME: Wednesday, December 1, 2004, 6:00 p.m.

PLACE: Ranch Mobile Clubhouse, 6800 150th Avenue, North, Clearwater, Florida 33764

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit customers to give testimony regarding the rates and service of Ranch Mobile, WWTP, Inc.

A copy of the agenda for this meeting may be obtained by writing: Division of 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.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Haiti Advisory Group** announces a meeting to which all interested parties are invited to attend.

DATE AND TIME: Friday, November 5, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: The Biltmore Hotel, 1200 Anastasia Ave., Coral Gables, Florida 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters related to critical needs for the reconstruction of Haiti.

PLEASE NOTE: This meeting will be held on an as needed basis.

For additional information, please contact: Michael Pilver, Executive Office of the Governor, (850)487-2568.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Local Emergency Preparedness Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Wednesday, November 17, 2004, 10:00 a.m.

PLACE: Northeast Florida Regional Council Board Room, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Jeanie Palmer, 279-0880, Ext. 146, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes may attend and speak at the meeting.

The **Treasure Coast Regional Planning Council** announces a meeting of the Florida District X, Local Emergency Planning Committee to which all persons are invited.

DATE AND TIME: November 18, 2004, 10:00 a.m.

PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X Local Emergency Planning Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: November 19, 2004, 9:30 a.m.

PLACE: Ramada Inn, 1200 S. Federal Highway, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Central Region Recreation Advisory Council Meeting to which all persons are invited.

MEETING: Central Region Recreation Advisory Council

DATE AND TIME: Wednesday, November 3, 2004, 9:30 a.m. – 12:00 Noon

PLACE: Ranger Drainage District, 19950 Nugent Street, Orlando, FL 32833

TOUR: Management Review Team Tour

DATE AND TIME: Wednesday, November 3, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Hal Scott Conservation Area

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Central 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.

The **St. Johns River Water Management District** announces the following Projects and Land Committee Meetings which may be conducted by means of or in conjunction with communications technology. All persons are invited.

DATE AND TIMES: Monday, November 8, 2004, 2:00 p.m. – 4:00 p.m. – Public Workshop on District Population and Water Use Projections for Regional Water Supply Planning; 4:00 p.m. – 5:00 p.m. – Committee business meeting

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Workshop – presentation by District staff of projections for regional water supply planning followed by discussion and opportunity for comments from interested parties; Business meeting – discussion and consideration of District business including regulatory and non-regulatory matters.

An agenda can be obtained by writing: St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177 or by calling Sonia Blake, Water Resources Department, (386)312-2330.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on Tuesday, November 9, 2004 at 8:45 a.m. at the St. Johns River Water Management District office located at 4049 Reid Street (Hwy. 100, West), Palatka, Florida.

The **St. Johns River Water Management District** announces the following public meetings and hearings. All persons are invited.

MEETING OF GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, November 9, 2004, 8:15 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, November 9, 2004, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Finance and Administration agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, November 9, 2004, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, November 9, 2004, 1:00 p.m. (If necessary, this meeting may continue at 8:00 a.m. on the next consecutive day.)

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

NOTE: A copy of the agenda may be obtained at the SJRWMD website (www.sjrwmd.com) or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing, (386)329-4500.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting to which all interested persons are invited:

CITRUS COUNTY TSALA-APOPKA CHAIN OF LAKES TASK FORCE OF THE CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL

DATE AND TIME: Monday, November 8, 2004, 5:00 p.m.
PLACE: Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of Task Force business.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

LAKE PANASOFFKEE RESTORATION COUNCIL MEETING

DATE AND TIME: Monday, November 8, 2004, 5:00 p.m.
PLACE: Sumter County Courthouse Commission Chambers, 209 North Florida Street, Bushnell, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Council business.

BASIN BOARD EDUCATION COMMITTEE MEETING

DATE AND TIME: Tuesday, November 9, 2004, 9:30 a.m.
PLACE: Weedon Island Education Center, 1800 Weedon Island Drive, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Committee business.

FRED AND IDAH SCHULTZ NATURE PRESERVE DEDICATION

DATE AND TIME: Wednesday, November 10, 2004, 3:00 p.m.

PLACE: Nature Preserve, Pembroke Road, Gibsonton, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED:
Dedication of the Nature Preserve. Driving tours available following ceremony.

These are public meeting(s) and agenda(s) are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** (SWFWMD) announces the following meetings that some members of the District's Governing and Basin Boards may attend:

MANATEE COUNTY LEGISLATIVE DELEGATION MEETING

DATE AND TIME: Monday, November 8, 2004, 2:00 p.m.
PLACE: County Commission Chambers, 112 Manatee Avenue, West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of District legislative and funding priorities.

PINELLAS COUNTY LEGISLATIVE DELEGATION MEETING

DATE AND TIME: Tuesday, November 9, 2004, 9:00 a.m.
PLACE: Park Station, 5851 Park Boulevard, Pinellas Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of District legislative and funding priorities.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, November 8, 2004, 10:00 a.m.
PLACE: The South Florida Water Management Headquarters, B-1 Building, Storch Room, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Meeting of the Everglades Technical Oversight Committee (TOC) to discuss August interim water quality levels in the Arthur R. Marshall Loxahatchee National Wildlife Refuge.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/org/ema/toc/draftagenda.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: Dr. Garth Redfield, Environmental Monitoring and Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATES AND TIMES: Wednesday, November 10, 2004, 9:00 a.m. – completed

PLACE: Sheraton Resort – Key Largo, 97000 Overseas Highway, Key Largo, Florida 33037 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District, et al.* United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, M. Collins, H. English, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton; Executive Director H. Dean; District attorneys S. Wood, D. MacLaughlin, S. Echemendia, Kirk Burns and Scott Glazier.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.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 Garrett Wallace, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: November 10, 2004, 9:00 a.m.

PLACE: Sheraton Resort – Key Largo, 97000 Overseas Highway, Key Largo, Florida 33037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition & Management Plan which lands are further described as follows:

A copy of the agenda may be obtained at the (1) District Website

(<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ruth Clements, Department Director, Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220, West Palm Beach, FL 33406, (561)682-6271.

Part of the East Coast Buffer Project comprised of three parcels referred to as South Florida Water Management District Tract Numbers 50-100-004, 50-100-005 and W9-100-001 in Sections 3, 11 and 24 of Township 45 South, Range 41 East and Hiatus all within Palm Beach County, Florida together with Sections 1, 2 and 12 of Township 42 South, Range 41 East and Sections 6, 7 and 8 of Township 42 South, Range 42 East, Palm Beach County, Florida.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, November 15, 2004, 10:00 a.m. – 3:00 p.m.

PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Comprehensive Everglades Restoration Program (CERP) Issues Workshop.

A copy of the agenda may be obtained at the (1) District Website 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.

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, 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: Monday, November 15, 2004, 4:00 p.m. – 7:00 p.m.

PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Recreational Advisory Committee Meeting.

A copy of the agenda may be obtained at the (1) District Website 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.

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, 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: Monday, November 18, 2004, 10:00 a.m. – 12:00 Noon

PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Supply Side Management Issues Workshop Meeting.

A copy of the agenda may be obtained at the (1) District Website 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.

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, in the 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: Monday, November 22, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Initial Reservations Workshop Meeting.

A copy of the agenda may be obtained at the (1) District Website 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.

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, 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:

DATES AND TIME: December 8, 2004 and/or December 9, 2004, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

Part of the Water Conservation Area project comprised of four (4) parcels referred to as SFWMD Tract Nos. 27-100-050, 27-100-051 and 27-100-064 and 27-100-065 consisting of approximately 420 acres, more or less, and lying in Sections 01, 32 and 36, Townships 52 and 53 South, Ranges 35, 37 and 38 East in Miami-Dade County, Florida.

Part of the Avatar Properties Component Area of the Kissimmee River Pool "A" Project Area comprised of 15 parcels referred to as SFWMD Tract Nos. 19-100-003, 19-100-056, 19-100-074, 19-100-079, 19-100-089, 19-100-092, 19-100-093, 19-100-099, 19-100-109, 19-100-110, 19-100-111, 19-100-112, 19-100-115, 19-100-116 and 19-100-118 consisting of approximately 36 acres, all in Sections 07 and 12, Township 32 South, Ranges 31 and 32 East in Polk County, Florida.

Part of the Kissimmee River project comprised of sixteen parcels referred to as SFWMD Tract Nos. 19-103-559, 19-103-560, 19-103-561, 19-103-562, 19-103-563, 19-103-565, 19-103-566, 19-103-567, 19-103-665, 19-103-666, 19-103-667, 19-103-668, 19-103-669, 19-103-670, 19-103-671 and 19-103-672 consisting of approximately 15 acres and lying in Sections 21, 22 and 27, Township 36 South, Range 33 East, within Okeechobee County, Florida.

A copy of the agenda may be obtained at the (1) District Website

(<http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ruth Clements, Department Director, Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220, West Palm Beach, FL 33406, (561)682-6271.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Finance, Audit and Program Performance Committee Meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2004, 10:00 a.m. – completion

PLACE: 2740 Centerview Drive, Room 330, Rhyne Building, Tallahassee, FL, (850)410-5700; Conference Call Number 1(866)248-0556, Room #7742855

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Nominating Committee Meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 10, 2004, 1:00 p.m. – completion

PLACE: 2740 Centerview Drive, Room 330, Rhyne Building, Tallahassee, FL, (850)410-5700; Conference Call Number 1(866)248-0556, Room #7742855

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

LAND AND WATER ADJUDICATORY COMMISSION

The Florida **Land and Water Adjudicatory Commission** announces a meeting to which all persons are invited.

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

PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regularly scheduled Cabinet meeting. The Florida Land and Water Adjudicatory Commission will consider adoption of proposed rule Chapter 42XX-1, F.A.C., Tesoro Community Development District. Proposed rule Chapter 42XX-1, F.A.C., which addresses the establishment, boundaries, and board of supervisors of the Tesoro Community Development District, was published in the Florida Administrative Weekly on October 8, 2004, (Vol. 30, No. 41). For more information about the Cabinet meeting agenda, copies of the proposed rule, or for information concerning special accommodations because of a disability or physical impairment, please contact: Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, November 15, 2004, 9:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the Board of Directors.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org.

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.

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, November 3, 2004, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based. Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ELDER AFFAIRS

The **State Long-Term Care Ombudsman Council**, Executive Committee announces a quarterly meeting to which all interested persons are invited.

DATE AND TIME: November 3, 2004, 10:00 a.m. – 5:00 p.m.
 PLACE: Sheraton Suites, 4400 W Cypress Street, Tampa, FL 33607, (813)873-8675

For additional information, contact: Martie Daemy, (813)558-5590.

The **State Long-Term Care Ombudsman Council**, Policy and Procedure Committee announces a quarterly meeting to which all interested persons are invited.

DATE AND TIME: November 4, 2004, 2:00 p.m. – 5:00 p.m.
 PLACE: Sheraton Suites, 4400 W Cypress Street, Tampa, FL 33607, (813)873-8675

For additional information, contact: Martie Daemy, (813)558-5590.

The **State Long-Term Care Ombudsman Council**, Ways and Means Committee announces a quarterly meeting to which all interested persons are invited.

DATE AND TIME: November 4, 2004, 2:00 p.m. – 5:00 p.m.
 PLACE: Sheraton Suites, 4400 W Cypress Street, Tampa, FL 33607, (813)873-8675

For additional information, contact: Martie Daemy, (813)558-5590.

The **State Long-Term Care Ombudsman Council**, Legislative Committee announces a quarterly meeting to which all interested persons are invited.

DATE AND TIME: November 4, 2004, 2:00 p.m. – 5:00 p.m.
 PLACE: Sheraton Suites, 4400 W Cypress Street, Tampa, FL 33607, (813)873-8675

For additional information, contact: Martie Daemy, (813)558-5590.

The **State Long-Term Care Ombudsman Council** announces a quarterly meeting to which all interested persons are invited.

DATE AND TIME: November 5, 2004, 8:30 a.m. – 3:00 p.m.
 PLACE: Sheraton Suites, 4400 W Cypress Street, Tampa, FL 33607, (813)873-8675

For additional information, contact: Martie Daemy, (813)558-5590.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a teleconference meeting of the Business and Legislative Planning Work Group of the Governor’s Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Friday, November 5, 2004, 11:00 a.m.
 PLACE: Anyone interested in participating may telephone (850)414-1711 or Suncom 994-1711

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 seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a teleconference meeting of the Public Information and Communications Work Group of the Governor’s Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Monday, November 8, 2004, 10:00 a.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 seven (7) days prior to the meeting.

The **Agency for Health Care Administration** would like to announce a meeting of the Bone Marrow Transplant Panel to which all interested persons are invited to attend.

DATE AND TIME: Saturday, November 19, 2004, 3:00 p.m. – 6:00 p.m.

PLACE: Courtyard by Marriott, located within Orlando International Airport, Orlando, Florida (Anyone interested in participating by telephone may call (850)413-9245, Suncom 293-9245).

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to review scientific research to determine approved coverage for the latest medically acceptable bone marrow transplant procedures, pursuant to Section 627.4236, Florida Statutes.

For additional information, please contact: Dennis Halfhill, (850) 921-5505, email: halfhild@fdhc.state.fl.us.

The **Agency for Health Care Administration** will hold an Advocacy and Consumer Workgroup meeting to which all interested persons are invited to participate.

This meeting was previously scheduled for September 17, 2004 and was cancelled.

DATE AND TIME: November 17, 2004, 10:00 a.m. – 12:00 Noon

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The anticipated agenda includes the following topics: EQRO, ACS/Med Options, Pediatric ER Diversion, Minority Physician Network, etc.

Please contact Darlene McDonald, (850)922-5380, if you have any questions or any recommendations for agenda items.

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE OF CHANGE – The **State Technology Office**, Wireless 911 Board announces the following meeting schedule change information:

Wireless 911 Board Meeting

DATES AND TIME: November 17-18, 2004, 9:00 a.m. – 5:00 p.m.

PLACE: Ocean Walk Resort, Daytona Beach, Florida

If accommodation due to disability is needed in order to participate, please notify the State Technology Office/Wireless 911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: November 15-16, 2004, 8:30 a.m.

PLACE: Crowne Plaza Orlando Airport, 5555 Hazeltine National Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

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, November 18, 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)921-2560 or Suncom 291-2560)

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 **Department of Business and Professional Regulation, Division of Hotels and Restaurants** announces a meeting of the Hotels and Restaurants Advisory Council to which all persons are invited:

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

PLACE: The Boardroom of the Florida Restaurant Association, 230 South Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Hotels and Restaurants Advisory Council.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the meeting by contacting: Lee M. Cornman, Operations Review Specialist, (850)488-1133.

If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by contacting: Lee Cornman, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, (850)488-1133.

THE PERSON TO BE CONTACTED REGARDING THE PUBLIC MEETING IS: Lee M. Cornman, Operations Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, The Johns Building, 725 South Bronough Street, Tallahassee, FL, (850)488-1133.

The **Board of Accountancy** announces the following public meetings to which all persons are invited:

Probable Cause Panel

DATE AND TIME: Thursday, December 2, 2004, 9:00 a.m.

Budget Task Force Meeting

DATE AND TIME: Thursday, December 2, 2004, 2:00 p.m. or as soon thereafter as possible (This meeting was rescheduled from October 7, 2004.)

Board Meeting

DATE AND TIME: Friday, December 3, 2004, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. The Budget Task Force will meet to discuss the budget. This is a public

meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and/or the Board agenda may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: John W. Johnson, (850)487-1395. If you are hearing or speech impaired, please contact the agency, 1(800)955-8711.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The **Florida Business Partners for Juvenile Justice** announces a meeting to which all interested persons are invited.

Board Meeting Conference Call

DATE AND TIME: Monday, November 1, 2004, 9:00 a.m. – 10:00 a.m.

DEPARTMENT OF HEALTH

The **Department of Health, Board of Dentistry** announces an official business meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATES AND TIME: November 18, 2004, 6:00 p.m.

PLACE: Telephone Number (850)487-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board of Dentistry.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

The **Board of Nursing**, North Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: November 8, 2004, 5:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number, (850)245-5725

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Optometry** will hold a duly noticed Rules Workshop, to which all persons are invited to attend.

DATE AND TIME: Thursday, November 18, 2004, 3:00 p.m.

PLACE: Adams Mark Hotel, 225 Coastline Drive, Jacksonville, FL 32202, (904)663-9095

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B18, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Optometry, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/optometry/op_home.html.

The **Board of Optometry**, Probable Cause Panel will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, November 18, 2004, 6:00 p.m.

PLACE: Adams Mark Hotel, 225 Coastline Drive, Jacksonville, FL 32202, (904)663-9095

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

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

PLACE: Adams Mark Hotel, 225 Coastline Drive, Jacksonville, FL 32202, (904)663-9095

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/optometry/op_home.html.

The **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: November 16, 2004, 9:30 a.m.

PLACE: This meeting will be conducted via telephone conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed and current research projects, including review and comment on the final report of the "Karst Study" of groundwater at onsite sewage treatment and disposal sites in Manatee Springs State Park.

A copy of the agenda and the call-in phone numbers may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, e-mail: Susan_Polangin@doh.state.fl.us.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Susan Polangin, (850)245-4070, at least one week prior to the meeting.

The **Florida Diabetes Advisory Council (DAC)** announces a meeting to which all interested persons are invited. to attend.

DATE AND TIME: Friday, November 5, 2004, 9:00 a.m. – 1:00 p.m.

PLACE: Tampa Airport Marriott (Tampa International Airport), Tampa, FL

This is a public meeting. If you would like to attend, have questions, or need more information, please contact Trina Thompson, (850)245-4330 by November 1, 2004. All requests for special accommodations must be received by 5:00 pm on November 3, 2004.

The Florida **Department of Health**, Drug Wholesaler Advisory Council announces a conference call to which all interested persons are invited to participate.

DATE AND TIME: November 16, 2004, 9:30 a.m.

PLACE: The call-in number is 1(800)416-4132 (For those in the Tallahassee area, 922-7892 or Suncom 292-7892)

GENERAL SUBJECT MATTER TO BE CONSIDERED The agenda will include Welcome/Introductions, Approval of Minutes from August 12, 2004, Meeting; New Business; Old Business; Open Discussion; Next Meeting Date.

Please contact: Maxine Wenzinger, (850)922-5190, if you have any questions.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Office on Homelessness hereby notices a date change for a conference call for the Barrier and Support Services Committee of the Council on Homelessness.

The meeting originally noticed for November 2, 2004, 2:00 p.m. – 3:00 p.m. has been changed to:

DATE AND TIME: November 3, 2004, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call Number (850)410-0968

Please contact: Office on Homelessness, (850)922-4691, if you have any questions.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of this meeting.

The **Department of Children and Family Services**, District 11 announces a series of CBC contract negotiating sessions to which all interested persons are invited to participate.

DATE AND TIME: Monday, November 1, 2004 and every working day through Friday, December 31, 2004, 9:00 a.m. – 5:00 p.m. if necessary, between the Department and Our Kids (Lead Agency)

PLACES: District 11, 401 N. W. 2nd Ave., Miami, FL 33128; Department offices, 1317 Winewood Blvd., Tallahassee, FL 32399 (Dates, times and locations are subject to change.)

For confirmations, please contact: Peter D. Coats, PIO, District 11, (305)377-7018 or Grace Curtis, (305)377-5002.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a meeting of the Board of Directors to which all interested parties are invited:

DATE AND TIME: December 3, 2004, 9:00 a.m. – adjourned

- Fiscal Committee
- Guarantee Committee
- Universal Cycle Committee
- Multifamily Revenue Bond Committee
- Board Meeting

PLACE: Hilton Key West Resort & Marina, 245 Front Street, Key West, FL 33040, (305)294-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider, review, and take action on matters brought to the Fiscal Committee and to consider recommendations made by the Fiscal Committee to the Board;
2. Consider, review, and take action on matters brought to the Guarantee Committee and to consider recommendations made by the Guarantee Program Committee to the Board.

3. Consider, review, and take action on matters brought to the Universal Cycle Committee and to consider recommendations made by the Universal Cycle Committee to the Board.
 4. Consider, review, and take action on matters brought to the Multifamily Revenue Bond Committee and to consider recommendations made by the Multifamily Revenue Bond Committee to the Board. Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds of pending multifamily issues, which have satisfied the requirements for funding.
 5. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
 6. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
 7. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
 8. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
 9. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
 10. Consideration of policy issues concerning ongoing and upcoming Single-family Bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
 11. Consideration of all necessary actions with regard to the Multifamily Bond Program.
 12. Consideration of approval of underwriters for inclusion on approved master list and teams.
 13. Consideration of all necessary actions with regard to the HOME Rental Program.
 14. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
 15. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
 16. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
 17. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
 18. Consideration of all necessary actions with regard to the Home Ownership Programs.
 19. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
 20. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
 21. Consideration of workouts or modifications for existing projects funded by the Corporation.
 22. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
 23. Consideration of funding additional reserves for the Guarantee Fund.
 24. Consideration of audit issues.
 25. Evaluation of Professional and Consultant performance.
 26. Such other matters as may be included on the Agenda for the December 3, 2004, Board Meeting.
- A copy of the agenda may be obtained approximately two days prior to the meeting by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, Corporation's website: www.floridahousing.org.
- Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the 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 the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she 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.

FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay**, Inc. announces a regular meeting of the Board of Directors to which all interested persons are invited to participate.

DATE AND TIME: Friday, October 29, 2004, 10:00 a.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION

The **Florida Self-Insurers Guaranty Association, Inc.** announces a telephone conference meeting of the Finance Committee of its Board of Directors. All interested persons are invited to attend.

DATE AND TIME: Friday, November 5, 2004, 10:00 a.m.
 PLACE: Florida Hotel and Motel Association Building, 200 W. College Avenue, Suite 115, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business. Information on the meeting may be obtained by contacting: Brian Gee, Executive Director, (850)222-1882.

COUNCIL FOR EDUCATION POLICY, RESEARCH AND IMPROVEMENT

The **Council for Education Policy, Research and Improvement** announces a public meeting.

DATES AND TIMES: November 9, 2004, 4:00 p.m. – 6:30 p.m.; November 10, 2004, 8:30 a.m. – 1:30 p.m.
 PLACE: Ft. Lauderdale, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will take action on a baccalaureate proposal submitted by Daytona Beach Community College, review a draft of the Master Plan component on Leadership and discuss other ongoing projects and assignments.

For a copy of the agenda go to the Council website: www.cepri.state.fl.us.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Health Insurance Plan (FHIP)** created pursuant to Section 627.64872, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Wednesday, November 10, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Financial Services, Office of Insurance Regulations, 200 E. Gaines Street, Rm. 116, Larson Building, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200, facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they

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.

VISIT FLORIDA

The **VISIT FLORIDA**, Board of Directors announces a public meeting of the Rural Tourism Committee of the New Product Development Council.

DATE AND TIME: Monday, November 15, 2004, 10:00 a.m. – adjournment

PLACE: The “Auditorium” at Stephen Foster Folk Culture Center State Park, Highway 41 N., White Springs, FL 32096, Downtown White Springs, Florida, (386)397-2733

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss current and future work of the Committee.

For further information contact: Sherri Martin, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 366.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

SUNSHINE STATE ONE CALL OF FLORIDA

The **Sunshine State One Call of Florida, Inc. (SSOCOF)** announces its Board and Committee meetings to which all interested persons are invited. Dress is business casual.

PLACE: SSOCOF Call Center, 11 Plantation Road, DeBary, FL 32713

DATE AND TIMES: November 18, 2004, 8:00 a.m. – Committee Meetings

8:00 a.m. Operations Committee – Patrick Thompson

- Review FY 2004/05 Monthly and YTD Call Center Statistics and Positive Response System Update
- Hurricane Recovery
- Mapping Presentation – Billie Dugger, GIS Technical Specialist
- Review Renewal of Irth Software Usage Agreement
- Review Irth System Enhancement – Electronic Monthly Billing Detail
- IT Audit Update – Jeff Rodger

10:00 a.m. Break

10:15 a.m. Damage Prevention Committee – Tim McKeown

- Review Stratification Report for Damages Reported
- Review Enforcement Pilot Program Results and Enforcement Citation Form

- Develop Introduction letter to Members concerning Damage Reporting
- Review Noncompliance Statistics
- Excavator Liabilities
- Damage Reporting
- Paint Bag Project Update
- Review Damage Prevention Advertising Campaign and the Locate Rodeo
- Member Request for Damage Prevention Annual Report Addendum

12:00 Noon Lunch – provided at call center for meeting participants and SSOCOF employees

1:00 p.m. Executive Review Committee – Mike Borg

- Semi-annual and annual review for the Executive Director

1:45 p.m. Finance Committee – David Wheeler

- Review FY 2004/05 Monthly and YTD Financial Reports
- Review Contracts Approved Report and Delinquent Account Write-Off Report
- Gevity Update – Employee Retirement Program Presentation
- FY 2005-06 Preliminary Capital Budget Item List
- Review “Revenue Neutral” Ticket Price Methodology

3:30 p.m. Break

3:45 p.m. Legislative Committee – Roger Zwygart

- Legislative Awareness Plan and SSOCOF White Paper

5:00 p.m. Adjourn

Note: All committees should be prepared to commence if the previous committee finishes before allotted time. If a committee needs additional time, that time will be allotted after the last scheduled committee has met.

DATE AND TIME: November 19, 2004, 8:00 a.m. – Board Meeting

8:00 a.m. Secretary’s Report – Ed Misicka

- Roll Call
- Self Introductions
- Audience participation request
- Approval of September 24, 2004 Board Meeting Minutes and Approval of November 19, 2004 Board Meeting Agenda

8:15 a.m. Consent Agenda – Michael Borg

- Call Center Statistics
- Financial Report
- Attrition Report
- Noncompliance Statistics
- Customer Satisfaction Survey Responses
- Contracts Approved Report
- Delinquent Account Write-Offs
- Action Item Summary

8:30 a.m. Executive Director’s Report – Mark Sweet, Executive Director

8:45 a.m. Trip Reports – SOCS Meeting, OCOA and AGT User Group Meetings

9:15 a.m. Legal Report – Dave Erwin, General Counsel

9:45 a.m. Break

10:00 a.m. Committee Reports

- Operations Committee – Patrick Thompson
- Damage Prevention Committee – Tim McKeown
- Finance Committee – Dave Wheeler
- Legislative Committee – Roger Zwygart
- IT Audit Committee – Jeff Rodger
- Executive/Executive Review Committee – Mike Borg

12:00 Noon Lunch – provided at call center for meeting participants and SSOCOF employees

1:00 p.m. Resume Committee Reports

1:30 p.m. Open Discussion

2:00 p.m. Problem Resolution

2:30 p.m. Adjourn

Attention: Please deliver this to the primary contact for Sunshine State One-Call of Florida and/or someone who plays an active role in underground facility damage prevention.

Persons requiring some accommodation at this meeting because of a physical impairment should call the one-call notification center at (386)575-2000, at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center, 1(800)955-8771.

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 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 FOR CONSTRUCTION
MANAGEMENT SERVICES FOR
A CONTINUING CONTRACT

The Florida School for the Deaf and the Blind (FSDB) requests qualifications from construction management firms to provide construction management services for a continuing contract. The firm selected under this contract will be responsible for assigned facility projects in which construction costs do not exceed \$1,000,000. This contract will have an initial period of one year with the option to renew for two additional one-year periods.

Selection of finalists for interview will be made on the basis of construction manager qualifications including experience and ability, financial capability, administrative ability/office staff,

scheduling expertise, cost estimating and cost control ability, on-site staff, information systems, and distance to site. Firms must be properly licensed in the State of Florida at the time of submittal. The selection will be made in accordance with Section 255.29, F.S.

INSTRUCTIONS

Firms interested in being considered for this Continuing Contract must submit four (4) copies of their submittals with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085 dated 3/00.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.
6. Copies of the firm's current Florida Professional Registration License.
7. For Corporations only: If the firm offering services is as corporation, it must be properly registered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Registration.

Submittals must be received no later than 4:00 p.m. local time on November 29, 2004, and should be mailed or delivered to the Florida School for the Deaf and the Blind, Attn: Mr. John Connor, Purchasing Director, 207 N. San Marco Ave., Building #28, St. Augustine, FL 32084-2799. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants will be short-listed on December 6, 2004. Interviews will be conducted with the short-listed firms on December 15, 2004. A final selection will be made after the interviews have taken place. The selected firm will be given official notice of selection results by FAX and or mail.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building #28, St. Augustine, FL and may be viewed during regular working days between the hours of 7:00 a.m. and 4:00 p.m., beginning 24 hours after the selection. Final selection results will also be posted in the Florida Administrative Weekly. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, F.S.

PUBLIC ANNOUNCEMENT FOR PROCUREMENT OF
PROFESSIONAL ARCHITECTURAL SERVICES FOR A
CONTINUING CONTRACT

The Florida School for the Deaf and the Blind (FSDB) requests qualifications from Architectural firms to provide basic architectural and engineering services for a Continuing Contract. The firm selected under this Continuing Contract will be responsible for assigned facility projects having estimated construction costs and study fees not exceeding \$1,000,000 (construction) and \$50,000 (study fees) respectively, as provided for in Section 287.055, Florida Statutes. This contract will have an initial period of one year with the option to renew for two additional one-year periods. Selection of finalists will be held in accordance with Section 287.055, Florida Statutes.

INSTRUCTIONS

Firms interested in being considered for this Continuing Contract must submit four (4) copies of their application with table of contents and tabbed sections containing the following information:

1. Letter of interest detailing the firm's competence in various aspects of architecture, including small projects, remodeling, additions, reroofing, studies, instructional and governmental projects. Include a list of sample projects.
2. A current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter Certificate showing validation date and designation of professionals qualifying the corporation to practice in the disciplines for which it is applying.
5. A current, completed SF-254.
6. A current, completed SF-255, with resumes of proposed personnel to be assigned.

Submittals must be received no later than 4:00 p.m. local time on November 29, 2004, and should be mailed or delivered to the Florida School for the Deaf and the Blind, Attn: Mr. John Connor, Purchasing Director, Building #28, 207 N. San Marco Ave., St. Augustine, FL 32084-2799. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants will be short-listed on December 6, 2004. Informal discussions with the short-listed firms will be conducted on December 14, 2004. A final selection will be made after the informal discussions have taken place. The selected firm will be given official notice of selection results by FAX and/or mail.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building #28, St. Augustine, FL, and may be viewed during regular working days between

the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after the selection. Final selection results will also be posted in the Florida Administrative Weekly. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Applicants are advised that plans and specifications for A/E projects may be reused.

Advertisement for Architectural Services

Pursuant to the provisions of Section 287.055, Florida Statutes, the "Consultants' Competitive Negotiations Act", Daytona Beach Community College hereby publicly announces it will consider qualified professional firms, registered to do work in the State of Florida, for a project requiring architectural and engineering services.

The project is the design of a new Hospitality/Museum Building for the Daytona Beach Campus. The scope of work will include the development of educational specifications, site planning, building design and contract administration. The facility will be approximately 60,000 gross square feet. The estimated construction budget is \$10 million inclusive of design fees and furnishings.

Proposals are due by 12:00 Noon, November 12, 2004. Interested parties may obtain information by contacting: DBCC Facilities Planning Department, (386)506-4322, e-mail: McReed@dbcc.edu.

**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

**REQUEST FOR PROPOSAL NO. 04-100
STATION MAINTENANCE SERVICES FOR
SFRTA/TRI-RAIL'S COMMUTER RAIL STATIONS**

The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, operates Tri-Rail, a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Request for Proposal (RFP) is to enter into an Agreement with a qualified Contractor to provide facilities maintenance services at commuter rail stations and parking areas operated by Tri-Rail. The services required will include daily janitorial services, trash removal and disposal, landscaping, pest control, mechanical, electrical and HVAC maintenance, and other duties as assigned. The term of the Agreement will be three (3) years with SFRTA's option of extending the term for two (2) additional one-year periods.

A REQUEST FOR DOCUMENTS should be directed to Mr. Robert Becker at SFRTA, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is Fifty Dollars (\$50.00) non-refundable. Checks or money orders made payable to SFRTA should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about November 2, 2004.

A PRE-PROPOSAL CONFERENCE will be held in the SFRTA Board Room at the address above on November 10, 2004 at 10:00 a.m. The purpose of the meeting will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED PROPOSALS: All proposals must be received in a sealed envelope no later than 5:00 p.m. on December 2, 2004 at the SFRTA office in Pompano Beach.

SFRTA reserves the right to postpone, to 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.

DBE PARTICIPATION: SFRTA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination. SFRTA's DBE program goal is 12% of total contract expenditures.

INVITATION TO BID NO. 04-718

TICKET STOCK FOR TICKET VENDING MACHINES ADVERTISEMENT

South Florida Regional Transportation Authority (SFRTA), an agency of the state of Florida, operates Tri-Rail a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Invitation To Bid (ITB) is to enter into an Agreement for the purchase of Ticket Stock for Ascom Model B8050 Ticket Vending Machines located at TCRA stations. Ticket Stock shall consist of Magnetic Strip tickets (offset strip, non-thermal), Non-Magnetic tickets and

Registration Paper furnished on rolls. Purchase Orders for Ticket Stock will be issued on an as needed basis over the term of the Agreement.

A REQUEST FOR DOCUMENTS should be directed to Anne M. Lodato at SFRTA, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)788-7912. The cost of the solicitation documents is \$25.00, non-refundable. Checks or money orders, made in favor of SFRTA, should be forwarded to Anne M. Lodato at the address above. Solicitation documents will be available on or about October 25, 2004.

A PRE-BID CONFERENCE will be held in SFRTA's Board Room at 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, on November 9, 2004 at 10:00 a.m.. The purpose of the Pre-Bid Conference will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is highly recommended.

REQUESTS FOR CLARIFICATION regarding specifications or bid documents must be submitted to SFRTA no less than ten (10) days before the bid opening date.

RECEIPT OF SEALED BIDS: All Bids must be received in a sealed envelope no later than 3:00 p.m. on November 29, 2004 at the address above. All envelopes must bear the SFRTA provided label which clearly indicates the BIDDER'S NAME, ITB NUMBER & TITLE, and BID OPENING DATE.

SFRTA reserves the right to postpone, to accept, or reject any and all Bids in whole or in part. All Bidders must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All Bids must remain in effect for one hundred eighty (180) days from the date of Bid Opening.

TERM: The term of the Agreement shall be for One (1) year, with four (4) one (1) year option periods.

FUNDING: This project is funded in part by a grant from the Federal Transit Administration. Any resultant Agreement shall be subject to all Federal rules and regulations.

DBE PARTICIPATION: SFRTA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBE's will be afforded full consideration of their responses and will not be subject to discrimination. SFRTA's goal for this solicitation is twelve percent (12%) of total contract expenditures.

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."

TURNER CONSTRUCTION COMPANY

Invitation for all Trades Bids

Turner Construction Company, 1399 S. W. 1st Ave 2nd floor, Miami, FL 33130 is requesting sealed bids on Project BR-832, Florida International University School of Law. This Project is a 3 Story, 160,000 SF Building. A Pre-Bid Conference will be held at 10:00 a.m., Friday, November 5, 2004, FIU Campus Support Complex room (CSC) 1123. For on-line viewing and/or purchasing of Bid package, access www.t-square.com, click on Plan Well Enterprise and enter Guest Access Project Number: TSQ1_9872C0 and Password: FIU LAW. One (1) Bid Package will be made available for viewing at the above noted address. Turner must receive letters of interest no later than 9:00 a.m., November 8, 2004. Please fax letters of interest Headed "FIU School of Law" to (786)621-9111 Attention: Andy Hernandez. The Sealed Bids (2 originals, one each in two separate envelopes) are Due by November 12, 2004, 2:00 p.m. to Turner (Faxed Bids are not acceptable). Turner reserves the right to reject any and all bids and to waive any and all informalities. M/WBE businesses are encouraged to apply. Subcontractors must be pre-qualified by Turner prior to Bid Date, and may be required to provide a Bid Bond for this project. Pre-Qualification packages are available between 8:30 a.m. and 5:30 p.m., Monday thru Friday at Turner Construction Company's Office. Pre-Qualification Packages must be completed and returned to Turner Construction Company Attention: Andy Hernandez no later than November 10, 2004.

Invitation for all Trades Bids

Turner Construction Company, 1399 S. W. 1st Ave 2nd floor, Miami, FL 33130 is requesting sealed bids on Project BR-832, Florida International University School of Law. This Project is a 3 Story, 160,000 SF Building. A Pre-Bid Conference will be held at 10:00 a.m., Friday, November 5, 2004, at FIU Campus Support Complex room (CSC) 1123. For on-line viewing and/or purchasing of Bid package, access www.t-square.com, click on Plan Well Enterprise and enter Guest Access Project Number: TSQ1_9872C0 and Password: FIU LAW. One (1) Bid Package will be made available for viewing at the above noted address. Turner must receive letters of interest no later than 9:00 a.m., November 8, 2004. Please fax letters of interest Headed "FIU School of Law" to (786)621-9111 Attention: Andy Hernandez. The Sealed Bids (2 originals, one each in two separate envelopes) are Due by November 12, 2004, 2:00 p.m. to Turner (Faxed Bids are not acceptable). Turner reserves the right to reject any and all bids and to waive any and all informalities. M/WBE businesses are encouraged to apply. Subcontractors must be pre-qualified by Turner prior to Bid Date, and may be required to provide a Bid Bond for this

project. Pre-Qualification packages are available between 8:30 a.m. and 5:30 p.m. Monday thru Friday at Turner Construction Company's Office. Pre-Qualification Packages must be completed and returned to Turner Construction Company Attention: Andy Hernandez no later than November 10, 2004.

**Section XII
Miscellaneous****DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES****Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, notice is given that Bajaj USA LLC., intends to allow the relocation of FORTIS USA INC., d/b/a SCOOTERS OF PALM BEACH and FORTIS AUTO MALL, as a dealership for the sale of motor scooters, from its present location at 12550 South Military Trail, B-1, Boynton Beach, Florida 33436, to a proposed location at 1140 Holland Drive, Suite #5, Boca Raton (Palm Beach County), Florida 33487, on or after October 13, 2004.

The name and address of the dealer operator(s) and principal investor(s) of FORTIS USA INC., d/b/a SCOOTERS OF PALM BEACH and FORTIS AUTO MALL are dealer operator: Edson Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487; MaryAnn Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487; principal investor(s): Edson Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487; MaryAnn Teixeira, 4154 Birchwood Drive, Boca Raton, Florida 33487.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Albert Kolvites, Managing Member, Bajaj USA LLC., 409 Littlefield Avenue, South San Francisco, California 94080-6106.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the State Board of Administration (the Board) of its estimate of the borrowing capacity and the projected year-end (as of December 31, 2004) fund balance for the Florida Hurricane Catastrophe Fund (the Fund), in compliance with the requirements of Section 215.555(4)(c)2., Florida Statutes. This estimate is as of October 1, 2004. The projected balance of the Fund as of December 31, 2004, is estimated to be \$6,120.0 million. The Fund's estimated borrowing capacity, defined as the maximum amount that the Board is able to raise through the issuance of revenue bonds under Section 215.555(6), Florida Statutes, pursuant to the limitations in Section 215.555(4), Florida Statutes, is \$8,880.0 million. This estimate is for tax-exempt debt. During the 2004 legislative session, the Legislature enacted changes to Section 215.555, Florida Statutes, and provided an upper limit on the Board's potential liability to reimburse participating insurers for losses sustained by hurricane damage. This limit is \$15 billion for a contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in limit does not increase in any one year by an amount greater than the dollar growth in cash balance. Therefore, the Board's obligation is to raise up to \$8,880.0 million, rather than the total capacity determined by using all of the available 6 percent emergency assessment capability.

This estimate is based on the Board's good faith assessment of the current global market conditions and is net of required debt service reserve funds and the costs of issuing the bonds. These conditions may or may not be the same if and when the Board determines that it is necessary to seek the issuance of revenue

bonds. The Board's estimate is also based upon projected year-end reimbursement premiums. Emergency assessments are based on data available as of this estimate. This estimate is provided to comply with the requirements of Section 215.555(4)(c)2., Florida Statutes, and should only be relied upon after careful consideration of all relevant assumptions and reservations, including those set forth below.

Assumptions:

- 1) The Board assumes that both the annual reimbursement premiums and the 6% emergency assessment described in Section 215.555(6)(b)2., Florida Statutes, will be used as the revenue source to service the debt and to provide debt service coverage.
- 2) The debt service coverage ratio is assumed to be 2.01. This means that the revenue stream available to service the debt is 2.01 times the amount actually needed to service the debt. The debt service coverage ratio is sensitive to actual reimbursement premiums collected during the year. Changes in deductible distributions and other factors that impact actual reimbursement premiums may impact the coverage ratio.
- 3) The Board has assumed interest rates reflecting market conditions on October 1, 2004. Many factors will impact the interest rates that will ultimately be used when the Board determines that bonds must be issued. It is impossible to predict with any certainty what those rates will be.
- 4) In accordance with the requirements of Section 215.555(6)(a)2., Florida Statutes, the Board has completed the bond validation process. The circuit court hearing held on November 12, 1996, resulted in a favorable ruling. The validation was then immediately appealed to the Florida Supreme Court. The Florida Supreme Court ruled on September 18, 1997, that the bonds are valid.
- 5) In response to the private letter ruling received in March 1998, and renewed on June 13, 2003, the Internal Revenue Service ruled that interest on the bonds issued under Section 215.555(6), Florida Statutes, is exempt from federal taxation.

Reservations:

- 1) Since no bonds have ever been issued on behalf of the Fund, there are a number of uncertainties. Among these are the following: the financial condition of the insurance industry at the time of a catastrophic loss, the stability of the revenue stream, and potential litigation.
- 2) A more general uncertainty is the condition of the financial markets at the time the bonds are issued and the degree of familiarity of potential investors with the Fund.
- 3) Another general uncertainty is the ability of the capital markets to absorb a bond issue of this magnitude at the time of the bond issuance.

As of October 1, 2004, the Board's good faith estimate of its bonding capacity is \$8,880.0 million to reach the current statutory upper limit of \$15 billion (based on the Board's projected fund balance of \$6,120.0 million). The Board recognizes the importance of this estimate and is committed to make every effort to assure its ability to issue up to \$8,880.0 million in bonds, if and when the necessity arises.

LAND AND WATER ADJUDICATORY COMMISSION

NOTICE OF RECEIPT OF PETITION

LAKWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 7

On July 30, 2004, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Lakewood Ranch Community Development District 7 (the "District"). The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (FAC), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition filed by Schroeder-Manatee Ranch, Inc., requests the Commission establish a community development district located entirely within Manatee County, Florida. The land area proposed to be served by the District comprises approximately 1,615 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There are no excluded parcels located within the boundaries of the proposed District. The Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the land within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 814 single family home sites. The District, if established, currently intends to participate in the provision of various community facilities and services to the property in the District to include, public roads, stormwater management, utilities, and landscape.

SUMMARY OF ESTIMATED REGULATORY COSTS: In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, Florida Statutes. The complete text of the SERC (as amended) is contained at Exhibit "7" to the Petition. The SERC (as amended) estimates that the principal individuals and entities likely to be required to comply with the rule are the ultimate property owners within the District. Prior to the sell out of the real estate, all of the undeveloped land owned by the developer and any other landowner will also be under the jurisdiction of the District. The SERC (as amended) indicates that the costs to state governmental entities to review and enforce the rule will be modest. Costs to Manatee County are offset by the required

filing fee paid to Manatee County by the Petitioner. The proposed District will incur costs associated with its administration and management which will be offset by assessments to be imposed by the District. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC (as amended) provides that the District plans to provide various community facilities and services to the property in the District. According to the SERC (as amended) the District plans to fund, own, operate and maintain the stormwater management system and landscape. The District will also fund and construct the public roadways and utilities, and the District will dedicate them to Manatee County. 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. Finally, the SERC (as amended) concludes that the rule's effect on small businesses will be minimal or positive and that Manatee County is not a "small" county as defined by Section 120.52, Florida Statutes. The SERC (as amended) analysis is based on a straightforward application of economic theory with input received from the developer's engineer and other professionals associated with the developer.

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

DATE AND TIME: Wednesday, November 17, 2004, 10:00 a.m.

PLACE: Lakewood Ranch Town Hall, 8175 Lakewood Ranch Boulevard, Bradenton, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Jonathan T. Johnson, (850)222-7500, at least five (5) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Dade District: 11
 ID # 0400011 Decision: A Issue Date: 10/18/2004
 Facility/Project: South Miami Hospital
 Applicant: South Miami Hospital, Inc.
 Project Description: Establish a 15-bed Level III NICU
 Proposed Project Cost: \$3,700,000

County: Jackson District: 2
 ID # 0400012 Decision: A Issue Date: 9/29/2004
 Facility/Project: Sunland II and Sunland V
 Applicant: State of Florida
 Project Description: Delicense two ICF/DD beds at Sunland II and add two ICF/DD beds at Sunland V
 Proposed Project Cost: \$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-.602, Florida Statutes (F.S.) and 408.031-.045, F.S. Fixed need pool projections are for hospice programs planned for January 2006, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Fixed need pool projections as published in the October 8, 2004 edition of the Florida Administrative Weekly, are being revised due to an error in the fixed need pool calculations. The fixed need pool is revised as follows:

Hospice Program Net Need	
Service Area	Net Need
State Total	0

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for outpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending the Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: Effective November 1, 2004, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the revised methodology used to calculate per diems including appropriations from the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206.

1. The Agency is seeking to amend the Title XIX Outpatient Hospital Reimbursement Plan regarding the billing of Medicaid outpatient clinic facility fees and physician services to allow for payments to public hospitals for the cost of providing health care services to Medicaid recipients, where the public hospital assumed the fiscal and operating responsibilities for one or more primary care centers previously operated by the Florida Department of Health or the local county government.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid Outpatient Hospitals will be rates resulting from the revised methodology used to calculate per diems including the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206.

JUSTIFICATION: The justification for the proposed rate change is based on the legislative direction provided in 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206.

The Agency is proposing the above rates and changes in methodology, effective November 1, 2004. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than November 12, 2004.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy of the Plan when available.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for outpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for outpatient hospitals, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

FINAL RATES: Effective October 1, 2004, the final rates for Medicaid outpatient hospitals will be rates resulting from the revised methodology used to calculate per diems from the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206.

The Agency may provide for supplemental payments to hospitals under the Medicaid hospital outpatient upper payment limit program. For each class of hospitals (non-State government-owned or operated facilities and privately owned and operated facilities), the outpatient upper payment limit is calculated as the difference between hospital outpatient Medicaid costs and hospital outpatient Medicaid payments. Effective October 1, 2004, Special Medicaid Payments in the interim amount of \$8,383,500 will be made to Rural Hospitals participating in the Rural Disproportionate Share Hospital (DSH) program, in the same proportion as the rural DSH payments.

Effective October 1, 2004, Special Medicaid Payments in the interim amount of \$7,829,815 will be made on a quarterly basis to hospitals providing enhanced services to low-income individuals through agreements with local county or other governmental entities. The amount of the Special Medicaid Payment to each hospital is proportional to the amount of the intergovernmental transfer received from the local county or governmental entity.

METHODOLOGIES: The methodology underlying the establishment of the final rates for Medicaid Outpatient Hospitals will be rates resulting from the current methodology used to calculate per diems including the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206.

JUSTIFICATION: The justification for the final rate change is based on the legislative direction provided in 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206.

The Agency is proposing the above rates and changes in methodology, effective October 1, 2004. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the final reimbursement plan incorporating the above changes are available from the contact person listed above.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the final rates, the methodologies underlying the establishment of such rates, and justifications for the final rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

FINAL RATES: Effective October 1, 2004, the final rates for Medicaid inpatient hospitals will be rates resulting from the revised methodology used to calculate per diem rates in accordance with 2004-05 General Appropriations Act, Specific Appropriation 202.

Effective October 1, 2004, Special Medicaid Payments in the interim amount of \$2,116,857 will be made on a quarterly basis to hospitals providing low-income individuals access to primary care clinics. Hospitals that participated in the Primary Care DSH program in state fiscal year 2003-04 and are currently receiving Special Medicaid Payments for primary care are not eligible to receive funds under this section.

METHODOLOGIES: The methodology underlying the establishment of the final rates for Medicaid inpatient hospitals will be rates resulting from the revised methodology found in the 2004-05 General Appropriations Act, Specific Appropriation 202 for hospitals providing low-income individuals access to primary care clinics.

JUSTIFICATION: The justification for the final rate change is the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriations 222.

The Agency is proposing the above rates and changes in reimbursement methodology, effective October 1, 2002. Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the final rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Robert Butler, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the final reimbursement plan incorporating the above changes are available from the contact person listed above

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted a revised draft of a new policy for review and comment on MyFlorida.com at:

http://www.djj.state.fl.us/djj/djjservices/administration/policies_procedures/policyreview.shtml.

Quality Assurance "Conditional" Status (department-wide policy type B) – establishes that any Department of Juvenile Justice (DJJ) program, governed by quality assurance standards, that fails to meet the overall minimum levels of performance, and/or fails to achieve an overall compliance rating of at least 90% shall be placed on "conditional" status. Failure to improve within six months will result in contract action or, if the program is state operated, DJJ shall take action, including but not limited to: contracting the program to the private sector; initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds; redesign the program; or realign the program.

This policy, previously titled "Conditional" Status, was posted for two 20 working day review and comment periods. This third draft of the policy is being posted for another single 20 working day review and comment period. The closure date for submission of comments on this policy is November 30, 2004. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

DEPARTMENT OF HEALTH

On October 18, 2004 John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Christina A. Leedy, C.N.A, license number CNA 0301****5605. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 15, 2004 John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Janet Mashall, R.N., license number RN 1927202. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On October 15, 2004 John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of April Ashe, L.P.N, license number PN 1333331 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.

FLORIDA HOUSING FINANCE CORPORATION**NOTICE OF FUNDING AVAILABILITY
HOME INVESTMENT PARTNERSHIPS
PROGRAM HOME LOANS**

Pursuant to Federal Regulations 24 CFR Part 92 and Chapter 67-50, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") announces its intention to provide up to \$7,000,000 of State of Florida HOME allocation for qualified mortgage loans for down payment and closing costs assistance under the HOME Investment Partnerships Program (HOME). These HOME Loans are expected to be made available to low-income persons in conjunction with the Corporation's Single Family Mortgage Revenue Bond Program (SFMRB). Such loans will be in the form of zero percent interest, non-amortizing deferred second mortgage loan financing for owner-occupied residences in any county in the State of Florida, subject to the participation of qualified lending institutions and the counties they elect to serve. Access to these funds will be made available through Participating Lenders that have been selected to originate first mortgages under the Corporation's SFMRB Program through an application process. Participating lending institutions will make HOME Loan funds available on a first-come, first-served basis to eligible, low-income, first-time home buyers qualifying for a first mortgage under the Corporation's SFMRB Program. Applications for such loans may be obtained from the participating lending institutions.

HOME Loans must comply with Rule Chapter 67-50, F.A.C. and Federal Regulations 24 CFR Part 92. Any home mortgage lending institution that is a qualified FHA, VA, GNMA, FannieMae, FHLMC or USDA Rural Development (RD) originator and servicer or seller and servicer, as required by the program documents, that is interested in receiving an Invitation and Application to Participate in the program should contact the Corporation by telephone at (850)488-4197, by facsimile at (850)922-7253, or in writing at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any questions or concerns regarding the availability of HOME funds or requests for more information and/or a list of participating lending institutions, should be directed to: David J. Draper, Single Family Bonds Manager, (850)488-4197.

**NOTICE OF PROPOSED ISSUANCE
SINGLE FAMILY HOME OWNER MORTGAGE
REVENUE BONDS**

Pursuant to Rule 67-25.005, Florida Administrative Code, notice is hereby given that the Florida Housing Finance Corporation (the "Corporation") intends to issue bonds in an amount up to \$100,000,000 to provide funding for qualified mortgage loans for owner-occupied residences within the State of Florida. Proceeds of the bonds are expected to be available to eligible home buyers in any county of the State of Florida subject to the participation of lending institutions and the counties they elect to serve.

Any home mortgage lending institution that is a qualified FHA, VA, GNMA, FannieMae, FHLMC or USDA Rural Development (RD) originator and servicer or seller and servicer as required by the program documents and approved as a participant for the Single Family Mortgage Revenue Bond Program interested in receiving an Invitation and Application to Participate in this issue should notify the Corporation by telephone at (850)488-4197, by facsimile at (850)922-7253, or in writing to Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any questions or comments regarding the proposed issuance of bonds should be directed to: David J. Draper, Single Family Bonds Manager, (850)488-4197.

**NOTICE OF FUNDING AVAILABILITY
FLORIDA HOME OWNERSHIP
ASSISTANCE PROGRAM**

Pursuant to Section 420.5088, Florida Statute, and Chapter 67-45, Florida Administrative Code, the Florida Housing Finance Corporation (the "Corporation") announces its intention to provide up to \$4,000,000 for qualified mortgage loans for down payment and closing costs assistance under the Florida Home Ownership Assistance Program (HAP). These HAP Loans are expected to be made available to low-income persons in conjunction with the Corporation's Single Family Mortgage Revenue Bond Program (SFMRB). Such loans will be in the form of zero percent interest, non-amortizing deferred second mortgage loan financing for owner-occupied residences in any county in the State of Florida, subject to the participation of qualified lending institutions and the counties they elect to serve. Access to these funds will be made

available through Participating Lenders that have been selected to originate first mortgages under the Corporation's SFMRB Program through an application process. Participating lending institutions will make HAP Loan funds available on a first-come, first-served basis to eligible first-time home buyers qualifying for a first mortgage under the Corporation's SFMRB Program. Applications for such loans may be obtained from the participating lending institutions.

Any home mortgage lending institution that is a qualified FHA, VA, GNMA, FannieMae, FHLMC or USDA Rural Development (RD) originator and servicer or seller and servicer, as required by the program documents, that is interested in receiving an Invitation and Application to Participate in the program should contact the Corporation by telephone at (850)488-4197, by facsimile at (850)922-7253, or in writing at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. Any questions or concerns regarding the availability of HAP funds or requests for more information and/or a list of participating lending institutions should be directed to: David J. Draper, Single Family Bonds Manager, (850)488-4197.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 3C-105, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., November 19, 2004):

**APPLICATION FOR A
NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: South Bank of Florida, 200 East Robinson Street, Orlando, Florida 32801

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Date Received: October 12, 2004

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN October 11, 2004
 and October 15, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

5K-4.020	10/12/04	11/1/04	30/35	
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DEPARTMENT OF CORRECTIONS

33-204.002	10/12/04	11/1/04	30/36	
33-204.003	10/12/04	11/1/04	30/36	
33-302.110	10/15/04	11/4/04	30/30	30/38

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Mobile Home Relocation Corporation

61M-1.001	10/14/04	11/3/04	30/35	
61M-1.002	10/14/04	11/3/04	30/35	30/37
61M-1.003	10/14/04	11/3/04	30/35	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-210.340	10/12/04	11/1/04	30/36	
62-341.476	10/14/04	11/3/04	30/34	

DEPARTMENT OF HEALTH

Board of Chiropractic

64B2-16.0075	10/12/04	11/1/04	30/37	
64B2-16.010	10/12/04	11/1/04	30/37	
64B2-16.011	10/12/04	11/1/04	30/37	

Board of Hearing Aid Specialists

64B6-4.006	10/12/04	11/1/04	30/34	
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Board of Physical Therapy Practice

64B17-3.003	10/12/04	11/1/04	30/37	
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