

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Comprehensive Management Information System
 RULE NO.: 6A-1.0014

PURPOSE AND EFFECT: The purpose of this rule development is to review existing requirements of the statewide management information system which is necessary in order to implement changes recommended by school districts and to review changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUBJECT AREA TO BE ADDRESSED: DOE Information Data Base Requirements, 2004-2005.

SPECIFIC AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1002.22(3)(d)3., 1008.385(2), 1010.305(3), 1001.23 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lavan Dukes, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)245-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled “DOE Information Data Base Requirements: Volume I – Automated Student Information System, ~~2004~~ 2003” “DOE Information Data Base

Requirements: Volume II – Automated Staff Information System, ~~2004~~ 2003,” and “DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995.” These publications which include the Department procedures for the security, privacy, and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from the Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

Specific Authority 1001.02(1), 1008.385(3) FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2) FS. History—New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-4-96, 5-19-97, 10-13-98, 10-17-00, 5-19-03, 7-20-04, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specifications for New School Buses
 RULE NO.: 6A-3.0291

PURPOSE AND EFFECT: The purpose of this rule development is to adopt revised specifications that ensure new Florida school buses incorporate the latest safety and reliability-related technological improvements available from all manufacturers. The effect is to improve the safety, efficiency, and reliability of new school buses, through incorporation of proposed changes, including, in part revision of warranty requirements, fuel filtration requirements, transmission model numbers, lighting options, floor covering requirement, mirror requirements, firewall insulation requirements, circuit breakers requirements, heater/defroster requirements and the addition of driver’s post-trip passenger check system requirement.

SUBJECT AREA TO BE ADDRESSED: Requirements for newly purchased school buses.

SPECIFIC AUTHORITY: 1001.02, 1006.25 FS.

LAW IMPLEMENTED: 1006.22, 1006.25 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Schroyer, Director, Fleet Management, School Transportation

Management Section, Department of Education, 325 West Gaines Street, Room 1114, Tallahassee, Florida, (850)245-9795

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Market Classification, Maturity Standards and Processing or Packing Restrictions for Hybrids
RULE TITLE: Oranges: 2004-2005 Anhydrous Acid Maturity Standards

RULE CHAPTER NO.: 20-13
RULE NO.: 20-13.0011

PURPOSE AND EFFECT: Lowering minimum acid requirement for fresh oranges by 10% as allowed by statute.

SUBJECT AREA TO BE ADDRESSED: Lowering minimum acid requirement for fresh oranges.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.19 FS.

LAW IMPLEMENTED: 601.111, 601.19 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Visitor Searches
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify when written consent is required for searches of visitors.
SUBJECT AREA TO BE ADDRESSED: Visitor searches.

RULE NO.: 33-601.726

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.726 Visitor Searches.

(1) No change.

(2) Authorized visitor searches include:

(a) through (i) No change.

(j) Careful search by touching of clothing worn next to the body such as stockings, socks and diapers, using sufficient pressure to detect contraband items. If it is necessary to remove the diaper of an infant or toddler, parental consent shall be obtained as provided in subsection (3), and it shall be done in the privacy of a search room and by an officer of the same sex.

(3) through (5) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Formerly 33-601.708, Amended 5-27-02,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Property
RULE NO.: 33-602.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates may possess either a state-issued laundry bag or a laundry bag purchased from the canteen.

SUBJECT AREA TO BE ADDRESSED: Inmate property.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.
 (1) through (17) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04.

APPENDIX ONE
 PROPERTY LIST

No change other than item below
 Quantity Unit Value Articles
 1 each Laundry bag (state issue or canteen)

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
 RULE TITLE: Forms and Instructions
 PURPOSE AND EFFECT: The purpose of this rulemaking is to revise the District’s Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit, Form 547.27 (8/03) and incorporate the revision date into Rule 40D-1.659, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rulemaking is necessary to incorporate revisions to Form 547.27, Information for General Environmental Resource Permits for Minor Surface Water Systems and incorporate the revision date into the District’s rules.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) JOINT APPLICATION FOR: ENVIRONMENTAL RESOURCE PERMIT/AUTHORIZATION TO USE STATE OWNED SUBMERGED LANDS/FEDERAL DREDGE AND FILL PERMIT FORM 5.47.27/ERP (___ ~~8/03~~)

(2) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 5-26-95, 10-19-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
 RULE TITLE: Forms and Instructions
 PURPOSE AND EFFECT: The purpose of this rulemaking is to streamline the permitting process for outparcels by incorporating a new District Form, TSV-009.02 (___/04) into Rule 40D-1.659, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Rulemaking is necessary to incorporate a new District Form, TSV-009.02 (___/04), General Environmental Resource Permit (ERP) Application for Modification Related to Outparcel Construction Within Permitted Commercial Projects, into Rule 40D-1.659, F.A.C. This form should help streamline the permitting process for “outparcels” as setforth in paragraph 40D-4.331(2)(a), F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (20) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

(15) GENERAL ENVIRONMENTAL RESOURCE PERMIT (ERP) APPLICATION FOR MODIFICATION RELATED TO OUT PARCEL CONSTRUCTION WITHIN PERMITTED COMMERCIAL PROJECTS Form No. TSV-009.02 (/04).

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 5-26-95, 10-19-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Consumptive Use of Water	40D-2
RULE TITLES:	RULE NOS.:
Publications Incorporated by Reference	40D-2.091
Revocation and Cancellation of Permits	40D-2.341

PURPOSE AND EFFECT: These rule amendments will create a simple administrative procedure to allow District staff to cancel Water Use Permits when such permits are no longer desired by the permittees.

SUBJECT AREA TO BE ADDRESSED: Administrative cancellation of Water use Permits at the request of permittees.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.306, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) “Basis of Review for Water Use Permit Applications” ~~January 1, 2003;~~
- (2) “Standby Alternative Source” Form 48.10-009 (10/01) WUP-9;
- (3) “Irrigation Water Use Form – Annual Crops” Form 46.20-010 WUP-10 (10/01);
- (4) “Irrigation Water Use – Annual Recreational/Aesthetic/Golf” Form 46.20-009 WUP-11 (10/01);
- (5) “Irrigation Water Use – Summer/ & Fall Seasonal”, 46.20-011 WUP-13 (10/01); and
- (6) “Irrigation Water Use – Winter/ & Spring Seasonal”, 46.20-012 Form WUP-12 (10/01) ~~are hereby incorporated by reference into this Chapter and are available from the District upon request.~~

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 1-1-03.

40D-2.341 Revocation and Cancellation of Permits.

(1) The Governing Board shall permanently or temporarily revoke a permit in whole or in part, at any time after notice and hearing, if it finds that the use is no longer reasonable beneficial or is no longer in the public interest.

(2) In determining whether the use is not reasonable beneficial or in the public interest, the Governing Board shall consider:

(a) Any material false statement in an application to continue, initiate, or modify a use, or for any material false statement of fact required of the user pursuant to the provisions of this Chapter;

(b) Any willful violation of the material terms or conditions of the permit;

(c) Any violation of any provision of this Chapter which the Permittee does not resolve; or

(d) Nonuse of the water supply allowed by the permit for a period of 2 years or more unless the user can prove that his nonuse was due to extreme hardship caused by factors beyond his control; or

(e) Whether the withdrawal causes significant adverse impacts to the water resources, environmental systems, or existing legal users, and the Permittee does not modify the activities or satisfactorily mitigate the impacts.

(3) The District may administratively cancel a permit when the permittee or permittee’s authorized agent requests the permit to be canceled; the permit has been abandoned, except as described in paragraph 40D-2.341(2)(d), F.A.C.; or the permit has become null and void as set forth in subsection 40D-2.351(4), F.A.C.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.171, 373.243 FS. History—Readopted 10-5-74, Formerly 16J-2.15, Amended 10-1-89.

WATER USE PERMIT
INFORMATION MANUAL

1.13 REVOCAION AND CANCELLATION OF PERMITS

A permit may be revoked, following notice and hearing, for the following reasons:

1. Non-use of the water granted in the permit for a period of at least 2 years, unless the Permittee can demonstrate extreme hardship.

2. If it can be demonstrated that the Permittee made false statements in the permit application or supporting materials.

3. If the withdrawal causes significant adverse impacts to the water resources, environmental systems, or existing legal users, and the Permittee does not modify the activities or satisfactorily mitigate the impacts.

4. If the permittee willfully violates any of the terms or conditions of the permit or any provision of Chapter 40D-2, F.A.C.

The District may administratively cancel a permit for the following reasons:

1. The permittee or permittee’s authorized agent requests that the permit be cancelled;

2. The permit has been abandoned, except as described in paragraph 40D-2.341(2)(d), F.A.C.; or

3. The permit has become null and void as set forth in subsection 40D-2.351(4), F.A.C.

The permittee requesting cancellation shall ensure that all ground water wells have been either properly capped or plugged and abandoned according to Rule 40D-3.531, F.A.C., and all surface water withdrawal points have been dismantled. Prior to an administrative cancellation, District staff shall perform a site visit to confirm these requirements have been

met. In the case where the permit has been abandoned as described above, all ground water wells must be plugged and abandoned according to Rule 40D-3.531, F.A.C., by the permittee.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

RULE TITLE: Transfer of Permits
RULE NO.: 40D-2.351

PURPOSE AND EFFECT: The proposed rule amendments will amend the procedure for requesting transfer of Water Use Permits.

SUBJECT AREA TO BE ADDRESSED: The transfer of Water Use Permits upon a change in ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.219 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.351 Transfer of Permits.

(1) Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue an existing, permitted water use and who have acquired ownership or legal control must notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of such water withdrawal facilities or such land. The applicant shall request such transfer using a “Notification and Request for Transfer of a Water Use Permit”, Form No. 04.10 R-025 (8/02). Where a permit has been issued to a party whose ownership or legal control of the permitted water withdrawal facilities subsequently terminates, the party subsequently controlling the permitted water withdrawal facilities may apply to transfer the permit to himself or herself

~~up to the renewal date of the transferor's permit notwithstanding the provisions of Chapter 40D-1.6105, F.A.C.~~ The District will transfer the permit provided all aspects of the permit except for ownership the source, use and withdrawal quantities remain the same. All terms and conditions of the permit shall become binding on the transferee.

(2) No change.

(3) Persons who apply to transfer a permit under paragraph (1) above and who propose to change the source, use or withdrawal quantities from those specified on the existing permit must also submit an application to modify the permit with the application to transfer the permit.

(4) If a permit is not transferred as described above, it shall become null and void and subject to cancellation under subsection 40D-2.341(3), F.A.C.

~~(5)(3)~~ Applications for partial transfers of permits shall be made in accordance with Section 1.10 of the District's Basis of Review for Water Use Permit Applications.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.219 FS. History--New 10-1-89, Amended 2-10-93, 3-30-93, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells
RULE CHAPTER NO.: 40D-3

RULE TITLE: Violations of Contractor Licensing Requirements
RULE NO.: 40D-3.038

PURPOSE AND EFFECT: The rule amendment will require water well contractors to promptly provide the District information regarding changes in their mailing addresses.

SUBJECT AREA TO BE ADDRESSED: Violations of Contractor Licensing Requirements.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.323(8), 373.337 FS.

LAW IMPLEMENTED: 373.323, 373.324, 373.333, 373.336 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.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-3.038 Violations of Contractor Licensing Requirements.

(1) No change.

(2) A contractor is required to inform the District within 15 days of any change in the contractor's mailing address.

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

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.323(8), 373.337 FS. Law Implemented 373.323, 373.324, 373.333, 373.336 FS. History--New 7-1-90, Amended 12-31-92, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells
RULE CHAPTER NO.: 40D-3

RULE TITLE: Suspension, Revocation and
RULE NO.: Cancellation of Permits

40D-3.341

PURPOSE AND EFFECT: This rule amendment will create a simple administrative procedure to allow District staff to cancel well construction permits when such permits are no longer desired by the permittee.

SUBJECT AREA TO BE ADDRESSED: The administrative cancellation of Well Construction Permits at the request of permittees.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309 FS.

LAW IMPLEMENTED: 373.306, 373.309, 373.313 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.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-3.341 Suspension, ~~and~~ Revocation and Cancellation of Permits.

(1) The Governing Board may suspend or revoke a permit, at any time after notice and hearing, based on one or more of the following grounds:

- (a)(1) Material misstatement or misrepresentation in the application for a permit;
- (b)(2) Failure to comply with the provisions set forth in the permit;
- (c)(3) Disregard or violation of any of these rules or Chapter 373, Part III, F.S.; or
- (d)(4) Material change of circumstances or conditions from those existing at the time such permit was issued.

(2) The District may administratively cancel a permit upon the request of the permittee or permittee’s authorized agent, and confirmation by the District that no activity has taken place under the permit.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.309, 373.313 FS. History—Readopted 10-5-74, Formerly 16J-3.11(4), Amended 7-1-90, 7-2-98, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Individual Environmental	
Resource Permits	40D-4
RULE TITLE:	RULE NO.:
Publications and Agreements	
Incorporated by Reference	40D-4.091

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to provide greater flexibility for permit applicants regarding design and performance criteria of retention/detention pond side slopes.

SUBJECT AREA TO BE ADDRESSED: This proposed rulemaking will amend Section 6.4.1 of the Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District regarding retention/detention pond side slopes. The revisions express the preferred design and performance criteria and provide greater flexibility for the permit applicants. Subsection 40D-4.091(1), F.A.C., will be amended to incorporate the revisions to the Basis of Review.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) “Basis of Review for Environmental Resource Permit Applications with the Southwest Florida Water Management District, _____ ~~June 7, 2004~~. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, _____.

ENVIRONMENTAL RESOURCE PERMITTING
INFORMATION MANUAL
BASIS OF REVIEW

6.4 Retention and Detention Areas ~~Wet Detention Areas~~

6.4.1 Dimensional Criteria (as measured at or from the control elevation).

a. through b. No change.

c. Side slopes – for purposes of public safety, water quality treatment enhancement and maintenance, all retention or detention areas should have stabilized side slopes no steeper than 4:1 (horizontal:vertical) out to a depth of two feet below the control elevation. Except as provided for in paragraph 6.4.1(d), constructed side slopes steeper than 3.5:1 (horizontal:vertical) shall be considered a substantial deviation from the permitted design.

d. For purposes of public safety, side slopes designed or permitted steeper than 4:1 will require a six foot chain link fence or other equivalent protection sufficient to prevent accidental incursion into the retention or detention area. In determining the sufficiency of other protection measures, consideration shall be given to the depth and morphometry of the detention or retention area, surrounding land uses, degree of public access, and likelihood of accidental incursion completely surrounding the retention or detention area for purposes of public safety.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits
 RULE CHAPTER NO.: 40D-4

RULE TITLE: Modification of Permits
 RULE NO.: 40D-4.331

PURPOSE AND EFFECT: The purpose of this rule amendment is to direct an Environmental Resource Permit applicant to use Form TSV-009.02 (___/04) to expedite the permitting process of certain out parcels.

SUBJECT AREA TO BE ADDRESSED: Modification of Environmental Resource Permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416(1) FS.

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.331 Modification of Permits.

An application for modification of an environmental resource permit shall be processed in accordance with this rule, unless the permit is revoked, suspended or expired.

- (1) No change.
- (2) Applications to modify a construction permit shall be made:

(a) By formal application and review using the same criteria as new applications, pursuant to Rules 40D-4.101, 40D-4.301, and 40D-4.302, F.A.C. unless the proposed modification involves an outparcel construction within a permitted commercial project. A request for modification involving construction within an outparcel of a permitted commercial or industrial development should be made using District Form No. TSV-009.02 (___/04), adopted by reference in Rule 40D-1.659, F.A.C.

(b) By letter, provided the requested modification does not:

- 1. through 7. No change.
- (3) through (4) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource Permits
 RULE CHAPTER NO.: 40D-4

RULE TITLE: Revocation and Cancellation of Permits
 RULE NO.: 40D-4.341

PURPOSE AND EFFECT: This rule amendment will create a simple administrative procedure to allow District Staff to cancel Environmental Resource Permits when such permits are no longer desired by the permittee.

SUBJECT AREA TO BE ADDRESSED: The administrative cancellation of Environmental Resources Permits at the request of permittees.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.149, 373.171, 373.309 FS.

LAW IMPLEMENTED: 373.429, 373.430(1) FS.

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.341 Revocation and Cancellation of Permits.

(1) The Governing Board may modify or revoke a permit at any time after notice and hearing if it determines that a stormwater management system, dam, impoundment, reservoir, appurtenant work, or works has become a danger to the public health or safety or if its operation has become inconsistent with the objectives of the District or is in violation of any rule or order of the District, or the conditions of the permit.

(2) The District may administratively cancel a permit upon the request of the permittee or permittee’s authorized agent, and confirmation by the District that no activity has taken place under the permit.

Specific Authority 373.016, 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.429, 373.430(1) FS. History–Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 7-2-98,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental
 RULE CHAPTER NO.: 40D-4

Resource Permits
 RULE TITLE: Transfer of Permits
 RULE NO.: 40D-4.351

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to adopt an expedited process for the review of Statement of Completion and certified As-Built construction drawing submittals.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will modify the process for requests to transfer permits from construction to operation phase.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416(2), 403.805 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.351 Transfer of Permits.

(1) No change.

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

(c) Within forty-five (45) days of receiving a complete request to convert a construction permit to its operation phase and to transfer the permit to the operation and maintenance entity, the District shall approve the request or notify the permittee that deficiencies in the permitted facility, system or activity, must be corrected prior to conversion and transfer. Within forty-five (45) days of receipt of notification from the permittee that all deficiencies have been corrected and of verification of such by the District, the District will convert the construction permit to its operation phase and transfer the

permit to the operation and maintenance entity. If the District fails to take action to convert or transfer the permit within this time period, the conversion and transfer shall be deemed approved.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416(2), 403.805 FS. History–New 10-1-84, Amended 6-29-93, 10-3-95, 7-23-03,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: General Environmental Resource Permits
 RULE CHAPTER NO.: 40D-40

Conditions for Issuance of General Permits
 RULE TITLE: for Minor Surface Water Management
 RULE NO.: 40D-40.301

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to create a general Environmental Resource Permit to authorize the construction, operation and maintenance of the surface water management systems serving certain minor residential subdivisions.

SUBJECT AREA TO BE ADDRESSED: The development of conditions for issuance of general Environmental Resource Permits for surface water management systems serving certain minor residential subdivisions.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.427 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only: 1(800)231-6103.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-40.301 Conditions for Issuance of General Permits for Minor Surface Water Management Systems.

(1) To obtain this general permit, an applicant must provide reasonable assurance that the following conditions are met and certify that:

(a) Except for minor residential subdivisions meeting the criteria in subsection (2), the total land area does not equal or exceed 10 acres;

(b) Except for minor residential subdivisions meeting the criteria in subsection (2), the area of impervious surface shall not exceed two acres.

(c) The proposed activities will consist of the dredging or filling of less than 100 square feet in wetlands or other surface waters. Road or driveway crossings of ditches constructed in uplands will not be counted against the 100 square foot limit;

(d) The activities will not utilize pumps for storm water management;

(e) The activities will not utilize storm drainage facilities larger than one 24-inch diameter pipe, or its equivalent;

(f) Discharges from the site will meet state water quality standards;

(g) The proposed building floors will be above the 100 year flood elevation;

(h) The proposed activities do not cause significant adverse impacts to occur individually or cumulatively;

(i) The surface water management system can be effectively operated and maintained; and

(j) The surface water management system will meet the applicable water quality design criteria in the Basis of Review incorporated by reference described in subsection 40D-4.091(1), F.A.C. Alternatively, individual lots in minor residential subdivisions may meet the applicable criteria in subsection (2).

(2) Additional criteria for minor residential subdivisions:

(a) Roadways within the proposed subdivision shall not exceed two acres of impervious surface.

(b) Roadways within the subdivision shall consist of paved or unpaved stabilized roads with an unyielding subgrade.

(c) The drainage system shall not act in a manner that would divert and channelize large areas of overland sheet flow, thereby creating point source discharges that will adversely effect wetlands, or areas beyond the applicant's perpetual control.

(d) Point discharges shall not exceed the capacity of receiving waters.

(e) All terminal discharge structures shall be designed to withstand the 25-year, 24-hour post-development discharge without functional failure.

(f) The proposed post-development impervious surface (excluding roadways) will not exceed a five percent (5%) increase over pre-developed conditions.

(g) Proposed or projected construction shall maintain a minimum 75 foot vegetated buffer and a 25 foot perpetually undisturbed buffer upland of all wetlands and other surface waters. Only the 25 foot perpetually undisturbed buffer shall be required adjacent to an isolated wetland entirely located within an individual residential lot.

(h) Proposed or projected construction shall maintain a minimum 75 foot buffer adjacent to all project boundaries.

(i) The applicant's demonstration of compliance with this subsection shall include provision of a typical lot layout showing proposed driveways, buildings, and other impervious areas and the anticipated percentage of impervious surfaces resulting from projected construction on individual residential lots.

(j) The boundaries of the surface water management system, wetlands, surface waters and buffers shall be recorded in plats or easements and included in any declaration of covenants, conditions, easements and restrictions and shall be identified in all sales contracts by the developer. These recorded documents shall be perpetual and applicable to all future sales of property within the development. Language shall also be contained in the recorded documents notifying all individual lot owners that permits are required if any of the following items are proposed:

1. Alteration to the surface water management system

2. Construction of additional impervious surfaces (including man-made ponds or lakes).

3. Encroachment into the wetlands, wetland buffers, or adjacent off-site property line buffers.

4. Fill encroachment into the 100-year floodplain.

(3)(2) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.427 FS. History—New 3-1-88, Amended 10-3-95, 10-16-96, 9-26-02, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: General Environmental Resource RULE CHAPTER NO.: 40D-40

Permits RULE NO.: 40D-40.302

RULE TITLE: Conditions for Issuance of General Permits
PURPOSE AND EFFECT: This rulemaking will clarify the conditions for issuance of General Environmental Resource Permits.

SUBJECT AREA TO BE ADDRESSED: Conditions of Issuance for the various types of environmental resource permitting general permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 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 District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-40.302 Conditions for Issuance of General Permits.

In order to qualify for a general permit for construction and operation under this chapter, the applicant must provide reasonable assurance that the surface water management system meets all conditions of subsection 40D-40.302(1), F.A.C., all thresholds in subsection 40D-40.302(2), F.A.C., and all applicable ~~the additional conditions of at least one other subsections 40D-40.302(3) and 40D-302(4), F.A.C. of this rule.~~ To obtain a general site conditions assessment permit under this chapter, the applicant must provide reasonable assurance that all conditions of subsection 40D-40.302(5), F.A.C., are met. To obtain a permit for construction of incidental site activities under this chapter, the applicant must provide reasonable assurances that all conditions of subsections 40D-40.302(1) and 40D-40.302(6), F.A.C. are met.

(1) Conditions.

~~(a)~~ The surface water management system must meet the conditions specified in Rules 40D-4.301 and 40D-4.302, F.A.C.

~~(b) The permittee must have obtained a Works of the District permit or other approval from the District if the permittee proposes to connect to, place structures in or across, or otherwise make use of works owned by the District.~~

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History—New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, 7-16-02, 9-26-02, 8-3-03, 2-19-04,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Complementary or Alternative

Veterinary Medicine 61G18-31

RULE TITLE: RULE NO.:

Complementary or Alternative 61G18-31.001
Veterinary Medicine

PURPOSE AND EFFECT: The Board proposes the development of a new rule chapter for the purpose of promulgating the proposal of newly created administrative rule(s) regarding complementary or alternative veterinary medicine.

SUBJECT AREA TO BE ADDRESSED: Complementary or Alternative Veterinary Medicine.

SPECIFIC AUTHORITY: 474.202(13) FS.

LAW IMPLEMENTED: 474.202(13) FS.

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

TIME AND DATE: 10:45 a.m. – 11:45 a.m., Wednesday, December 7, 2004

PLACE: The Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827, (407)825-1234

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board’s office using the Florida Dual Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: RULE NO.:

Concentrations in Accounting and Business 61H1-27.002

PURPOSE AND EFFECT: Pursuant to Section 473.306, F.S., the Board deems it necessary to amend this rule to add approval for examination those individuals who have completed a program that is approved by the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy.

SUBJECT AREA TO BE ADDRESSED: Concentrations in Accounting and Business.

SPECIFIC AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.304, 473.306 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: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-27.002 Concentrations in Accounting and Business.
(1) through (6)(b) No change.

(7) Individuals who have graduated from accounting programs approved by the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy and whose educational degrees are from accredited institutions as set forth in subsection 61H1-27.001(1), F.A.C., shall be deemed to have met the requirements set forth in subsections 61H1-27.002(1)-(3), F.A.C.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.304, 473.306 FS. History--New 12-4-79, Amended 2-3-81, 8-1-83, 3-21-84, 6-10-84, 6-5-85, 10-28-85, Formerly 21A-27.02, Amended 5-22-88, 3-21-89, 5-20-91, 12-2-92, Formerly 21A-27.002, Amended 11-2-95, 11-3-97, _____.

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 Pharmacy

RULE TITLE: Remote Medication Order Processing for Community Pharmacies
RULE NO.: 64B16-28.405

PURPOSE AND EFFECT: The Board proposes a new rule to update the practice of remote medication order processing by community pharmacies.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule defines the terms of practice for remote medication order processing, and also establishes the requirements for engaging in remote medication order processing in community pharmacies.

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.019, 465.022, 465.026 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: Danna Droz, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.405 Remote Medication Order Processing for Community Pharmacies.

(1) Definitions.

(a) “Medication” means a medicinal drug or proprietary preparation.

(b) “Remote prescription processing” means any aspect of the practice of pharmacy except the physical transfer of prescription from the patient, sales transaction or delivery, final dispensing to the patient, and includes:

1. Receiving, interpreting, or clarifying a prescription.
2. Entering prescription data into the pharmacy’s record.
3. Verifying or validating a prescription.
4. Performing prospective drug use review.
5. Obtaining refill or substitution authorization.
6. Interpreting or acting on clinical data.
7. Performing a therapeutic intervention.
8. Providing drug information.

(c) “Prospective drug use review” means an evaluation of prescriptions and patient medication records for:

1. Over-utilization or under-utilization of medication.
2. Therapeutic duplication of medication.
3. Drug-disease contraindications.
4. Drug interactions.
5. Incorrect drug dosage or duration of drug treatment.
6. Clinical abuse or misuse of medication.

(2) General Requirements.

(a) A pharmacist who participates in remote prescription processing shall have an active license in the state of Florida.

(b) A community pharmacy may utilize remote prescription processing if:

1. The pharmacist performing remote prescription processing has access to sufficient patient information necessary for prospective drug use review.
2. The dispensing pharmacist performs the final check before a prescription is dispensed to a patient.

(c) If a pharmacist performing remote prescription processing is not an employee of the community pharmacy, the community pharmacy shall have a written agreement or contract with the pharmacist or entity that employs the pharmacist. The written agreement or contract shall:

1. Outline the services to be provided.
2. Delineate the responsibilities of each party including compliance with federal and state laws and regulations governing the practice of pharmacy as well as federal and state medical privacy requirements, and,

3. Provide that the parties have access to or share a common electronic file such that the pharmacist performing remote prescription processing has sufficient patient information necessary for prospective drug use review.

(d) A community pharmacy that utilizes remote prescription processing shall refer to remote prescription processing in its policy and procedures manual.

(3) Policy and Procedures. The community pharmacy’s policy and procedures manual shall:

(a) Be accessible to each party involved in remote prescription processing.

(b) Be available for inspection by the Board.

(c) Outline the responsibilities of each party involved in remote prescription processing.

(d) Include a current list of the name, address, telephone number and license number of each pharmacist involved in remote prescription processing.

(e) Include policies and procedures for:

1. Protecting the confidentiality and integrity of patient information.

2. Ensuring that a pharmacist performing prospective drug use review have access to appropriate drug information resources.

3. Maintaining records to identify the name, initials, or identification code of each person who performs any processing function for a prescription.

4. Complying with federal and state laws and regulations.

5. Ensuring the participation of any pharmacist involved in remote prescription processing in the community pharmacy’s continuous quality improvement program.

6. Reviewing the written policies and procedures and documenting the review each year.

(4) Records.

(a) A community pharmacy involved in remote prescription processing shall maintain a record that identifies the name, initials, or identification code of each person who performed a processing function for every prescription. The record shall be available by prescription or by patient name.

(b) The record may be maintained in a common electronic file if the record is maintained in such a manner that date processing system can produce a printout which identifies every person who performed a processing function for a prescription.

(c) The record shall be readily retrievable for at least the past two (2) years.

(d) The record shall be available for inspection by the Board.

Specific Authority 465.005, 465.0155, 465.022 FS. Law Implemented 465.019, 465.022, 465.026 FS. History—New _____.

DEPARTMENT OF HEALTH

Dental Laboratories

RULE CHAPTER TITLE: **Discipline** RULE CHAPTER NO.: **64B27-2**

PURPOSE AND EFFECT: The Department proposes to promulgate new rules regarding disciplinary matters including, but not limited to, disciplinary guidelines, mediation and citations.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 456.004 FS.

LAW IMPLEMENTED: 456.004 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Optical Establishments

RULE CHAPTER TITLE: **Discipline** RULE CHAPTER NO.: **64B29-2**

PURPOSE AND EFFECT: The Department proposes to promulgate new rules regarding disciplinary matters including, but not limited to, disciplinary guidelines, mediation and citations.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 456.004 FS.

LAW IMPLEMENTED: 456.004 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Department of Health, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLES: RECORDS NOS.:
 Records of Drugs, Cosmetics and Devices 64F-12.012
 Prescription Drugs; Receipt, Storage and Security 64F-12.013

PURPOSE AND EFFECT: The 2003 Legislature passed Senate Bill 2312, The Prescription Drug Protection Act, that provided for a phase-in of enhanced drug regulation intended to further safeguard and protect the prescription drug supply in Florida. Prior to July 1, 2006, a two-tiered pedigree paper requirement exists. A pedigree paper is a document that traces all previous distributions of a prescription drug either back to the manufacturer if the drug is on a specified list, or back to the last authorized distributor of record for all other prescription drugs. Prior to July 1, 2006, the pedigree paper is required to be provided by a wholesale distributor to a customer who is a wholesale distributor. However, effective July 1, 2006, a pedigree that traces all previous distributions of all prescription drugs back to the manufacturer must be provided by a wholesale distributor to all customers who acquired the prescription drug through a wholesale distribution. In other words, the pedigree is not required to go to the patient or ultimate consumer because a patient will either have the prescription drug dispensed or administered to him or her. The wholesale industry has indicated that in order for it to efficiently and effectively comply with the full pedigree requirements that go into effect on July 1, 2006, that a process for electronic pedigrees must be authorized. This rule development workshop is intended to begin gathering information and input from industry to craft a rule that will facilitate industry's compliance with the pedigree requirements through a process that takes advantage of electronic technology without compromising the legislative intent to document and authenticate all prior distributions of a prescription drug in order to prevent or deter the introduction of diverted, counterfeit, or contraband prescription drugs into Florida's drug supply. The Bureau of Statewide Pharmaceutical Services contemplates multiple workshops will be necessary to develop proposed rules on this subject.

SUBJECT AREA TO BE ADDRESSED: Parameters for the use of technology, such as electronic signatures and pedigrees to meet the pedigree paper requirements in Section 499.0121(6)(f), F.S., that will go into effect on July 1, 2006.

SPECIFIC AUTHORITY: 499.003(31), 499.0121(6), 499.05 FS.

LAW IMPLEMENTED: 499.003(31), 499.0121(5)(d), (6)(f) FS.

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

TIME AND DATE: 11:00 a.m. – 3:30 p.m., Wednesday, December 8, 2004

PLACE: Capital Circle Office Complex, Building 4052, Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Sandra Stovall, Compliance Manager, Bureau of Statewide Pharmaceutical Services, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us

THE BUREAU WILL ACCEPT SUGGESTIONS FROM THE PUBLIC RELATED TO AGENDA ITEMS FOR THE FIRST MEETING. AN AGENDA WILL BE PUBLISHED ON THE BUREAU'S WEBSITE AT www.doh.state.fl.us/pharmacy/drugs 10 DAYS PRIOR TO THE SCHEDULED WORKSHOP.

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

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: RECORDS NOS.:
 Calculation of Investment Income 690-170.003

PURPOSE AND EFFECT: To recognize the different risk characteristics of different lines of business in determining the underwriting profit factor. The rule is being amended to be responsive to industry issues and comments made concerning the current method of determining these factors.

SUBJECT AREA TO BE ADDRESSED: Calculation of Underwriting Profit Factors.

SPECIFIC AUTHORITY: 624.308(1), 627.062(2)(b)4., 627.0651(2)(d) FS.

LAW IMPLEMENTED: 624.307(1), 627.062(2)(b)4., 627.0651(2)(d) FS.

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

TIME AND DATE: 1:30 p.m., December 7, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Calculation and Use of Investment Income in Motor Vehicle Insurance Rates
 RULE NO.: 690-175.001

PURPOSE AND EFFECT: To recognize the different risk characteristics of different lines of business in determining the underwriting profit factor. The rule is being amended to be responsive to industry issues and comments made concerning the current method of determining these factors.

SUBJECT AREA TO BE ADDRESSED: Calculation of Underwriting Profit Factors.

SPECIFIC AUTHORITY: 624.308(1), 627.0651(2)(d) FS.

LAW IMPLEMENTED: 624.307(1), 627.031(1),(2), 627.0651(1) FS.

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

TIME AND DATE: 1:30 p.m., December 7, 2004

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON.

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices for the Peace Manasota Basin Area
 RULE CHAPTER NO.: 5M-5

RULE TITLES: Purpose 5M-5.001
 Approved Citrus BMPS 5M-5.002
 Presumption of Compliance 5M-5.003
 Notice of Intent to Implement 5M-5.004
 Record Keeping 5M-5.005

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUMMARY: The rule establishes a procedure for submitting a "Notice of Intent to Implement," that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S. for those pollutants addressed by the practices. Once filed with FDACS, the Notice of Intent shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(d), F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to FDACS inspection.

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

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

SPECIFIC AUTHORITY: 403.067(7)(d) FS.

LAW IMPLEMENTED: 403.067(7)(d) FS.

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

TIME AND DATE: 1:00 p.m., December 3, 2004

PLACE: Florida Department of Agriculture and Consumer Services, Eyster Auditorium, Conner Building, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249, Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-5.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History--New _____.

5M-5.002 Approved Citrus BMPS.

The document titled *Best Management Practices for Citrus Groves in the Peace River and Manasota Basins (October 2004)* is hereby incorporated and adopted by reference in this rule for DeSoto, Hardee, Sarasota, Manatee and that part of Charlotte County within the jurisdictional boundaries of the Southwest Florida Water Management District. Copies of the document may be obtained from the Peace River Manasota Basins Citrus BMP Steering Committee, c/o Peace River Valley Citrus Growers Association, 10 East Oak Street, Suite B, Arcadia, Florida 34266.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History--New _____.

5M-5.003 Presumption of Compliance.

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices the applicant must:

(1) Conduct an assessment of the subject properties using the Citrus Grower Best Management Practices Checklist incorporated in the document titled *Best Management Practices for Citrus Groves in the Peace River and Manasota Basins (October 2004)*.

(2) Submit a Notice of Intent to Implement as outlined in Rule 5M-5.004, F.A.C.

(3) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(4) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History--New _____.

5M-5.004 Notice of Intent to Implement.

A Notice of Intent to Implement Non-Regulatory and Incentive Based Programs identified in the documents titled *Best Management Practices for Citrus Groves in the Peace River and Manasota Basins (August 2004)* shall be submitted to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301.

(1) Such notice shall identify practices the applicant will implement. The notice shall also include: the name of the property owner; the location of the property; the property tax ID number; a timeline for implementation; the gross acreage on which each practice will be implemented; the name and contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent.

(2) Once filed, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(d), F.S.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History--New _____.

5M-5.005 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive based programs identified in the Notice of Intent to Implement. All documentation is subject to FDACS inspection.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chuck Aller, Director, Office of Agricultural Water Policy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

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

PURPOSE AND EFFECT: The purpose of this rule is to indicate that the Policies and Procedures Manual of the Campus Security/Police Department of the Florida School for the Deaf and the Blind has been revised and language no longer required by statute has been removed.

SUMMARY: This rule establishes guidelines and directives for the Florida School for the Deaf and the Blind Campus/Security Police Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None

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

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

LAW IMPLEMENTED: 1002.36(4)(d) FS.

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

TIME AND DATE: 9:00 a.m., December 11, 2004

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-12.002 Campus Security/Police Department.

(1) through (4) No change.

~~(5) The Board of Trustees shall obtain a security bond for each FSDB Campus Police Officer in the amount of \$5,000.00 payable to the Governor.~~

~~(5)(6)~~ The Board of Trustees shall satisfy all requirements specified in Section 1002.36(8), F.S.

~~(6)(7)~~ FSDB shall prepare an annual report of crime statistics in the format prescribed by the Board of Trustees. The report shall be submitted to the Board of Trustees, the Commissioner of Education, and shall be made available upon request.

~~(7)(8)~~ Each campus security/police officer shall be provided with the "Florida School for the Deaf and the Blind Campus Security/Police Manual" revised August 2004 ~~June 2003~~, adopted by the Board of Trustees pursuant to the provisions of Sections 1002.36(4)(c), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

~~(8)(9)~~ A copy of the Florida School for the Deaf and the Blind Campus Security/Police Manual may be obtained from the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084 at a price to be established by the President but which shall not exceed actual cost of preparation, printing or reproduction and mailing.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History--New 4-8-92, Amended 10-26-94, 4-28-97, 1-19-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 41, October 8, 2004

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

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

PURPOSE AND EFFECT: The purpose of this Rule is to establish the role of the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes guidelines for the Florida School for the Deaf Human Resource, Management and Development Department. The Policies and Procedures were reviewed and amended to comply with state and federal mandates.

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: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

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

TIME AND DATE: 9:00 a.m., December 11, 2004

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-16.002 Human Resources, Management and Development.

(1) through (2) No change.

(3) The Department of Human Resources Management and Development shall provide for the content and custody of employee personnel records which shall be subject to the provisions of Chapter 1012, F.S.

(4) No change.

(5) The Human Resources Management and Development Policies and Procedures Manual, revised August 2004 ~~June 2003~~, adopted by the Board of Trustees pursuant to the

provisions of Sections 1002.36(4)(c), F.S., shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

(6) No change.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(f)2. FS. History--New 10-26-94, Amended 11-30-98, 9-29-99, 7-30-01, 1-19-04,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 41, October 8, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to address the process for impoundment and subsequent distribution of publications, and to amend an incorporated form for consistency with reasons for rejection as provided in the rule.

SUMMARY: The proposed rule clarifies the process for impoundment and subsequent distribution of publications and revises an incorporated form to include all reasons for rejection as provided in the rule.

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, 944.11 FS.

LAW IMPLEMENTED: 944.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: 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:

33-501.401 Admissible Reading Material.

(1) through (6) No change.

(7) Incoming publications previously rejected by the literature review committee. An incoming publication that has previously been rejected by the department's literature review committee due to inclusion of subject matter held to be inadmissible per the criteria established in subsection (3) shall not be reviewed again unless the publisher presents proof to the literature review committee that it has been revised and in the revision process the material resulting in the original rejection has been removed. When a rejected publication is received at an institution, it shall be impounded and shall not be issued to inmates. The warden or designee shall notify the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, within 15 calendar days of receipt that the publication has been rejected by the department's literature review committee and cannot be received. Form DC5-101 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is ~~July 2, 2003~~. For purposes of this subsection, the warden's "designee" may include the mailroom supervisor. A Notice of Rejection or Impoundment of Publications, Form DC5-101, shall address only one publication. If a single mailing notice includes more than one rejected publication, a Notice of Rejection or Impoundment of Publications, Form DC5-101 shall be prepared for each.

(8) Incoming publications that have not been previously rejected by the literature review committee.

(a) The warden or designee shall impound and not issue to inmates any publication that he or she finds to be inadmissible pursuant to the criteria in subsection (3) within 15 calendar days of receipt of the publication at the institution. If only a portion of a publication meets one of the criteria for rejection established in subsection (3), the entire publication shall be impounded. For the purposes of approving the impoundment of publications, the warden's "designee" shall be limited to the assistant warden.

(b) The warden or designee shall advise the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, of the specific reasons for the impoundment within 15 calendar days of receipt of the publication at the institution and shall provide two copies of the form to the inmate. The warden or designee of the institution that originated the impoundment shall also provide a copy of the completed form to the publisher, mail order distributor, bookstore or sender,

and to the literature review committee. The copy of the impoundment notice that is sent to the literature review committee shall also include as attachments a copy of the publication's front cover or title page and a copy of all pages cited on Form DC5-101, Notice of Rejection or Impoundment of Publications, as including inadmissible subject matter. The actual date that Form DC5-101, Notice of Rejection or Impoundment of Publications, is mailed to the publisher, mail order distributor, bookstore or sender shall be documented by date stamp on the copies provided to the publisher or sender and the institution's copy. A Notice of Rejection or Impoundment of Publications, Form DC5-101, shall only address one publication. If a single mailing or package includes more than one publication and more than one are determined to be inadmissible, separate Notice of Rejection or Impoundment of Publications, Form DC5-101, shall be prepared for each.

(c) through (d) No change.

(9) through (12) No change.

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

(a) When publications are rejected for reasons not relating to subject matter, inmates shall file an informal grievance as prescribed by Rule 33-103.005, F.A.C. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, that documents the rejection, must be attached to the informal grievance. The complaint must be filed within 15 days from the date of rejection.

(b) When publications are impounded or rejected pursuant to the criteria established in subsections (3) and (10) of this rule, inmates shall bypass the informal and formal institutional level of review, and file grievances direct to the office of the secretary. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, which documents the impoundment or rejection, must be attached to the grievance. The complaint must be filed within 15 days from the date of impoundment or rejection. The grievance appeal shall be addressed to the office of the secretary and not to the literature review committee or to the library services administrator.

(a) through (d) renumbered (c) through (f) No change.

(14) Literature Review Committee.

(a) through (d) No change.

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

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

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

~~3. Institution staff shall stamp the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, "Received by (signature of inmate) on (date)" in the upper right hand corner on page 1 of the form.~~

~~3.4.~~ The stamped Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be presented to the inmate. The inmate shall be required to sign and date the form. The inmate shall be issued the publication only after he or she has signed and dated the form.

~~4.5.~~ The signed form shall be retained by institutional or service center staff as documentation that the inmate was issued the publication.

(15) through (24) No change.

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

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: October 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions
RULE NO.: 33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a specific disciplinary charge and penalty to be used for inmate possession or use of a cell phone or other wireless communication device rather than using the general charge of possession of contraband.

SUMMARY: The proposed rule provides for penalty of 60 days in disciplinary confinement and a loss of all gain time for inmate possession or use of a cell phone or other wireless communication device.

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 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Disciplinary	Maximum Disciplinary Actions
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SECTION 1 through SECTION 2 – No change.
SECTION 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED

3-1 through 3-12 No change.
3-13 Possession or use of a cellular telephone or any other type of wireless communication device 60 DC + All GT

3-14 ~~3~~ Introduction of any contraband 60 DC + All GT

SECTION 4 through SECTION 11 – No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History—New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, _____

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: October 12, 2004

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: RULE NO.:

Continuing Education Credit Requirements 61G10-18.001

PURPOSE AND EFFECT: The proposed rule amendment deletes the continuing education credit requirements regarding licensees who have held a license for more than 24 months and whose license period ends during the biennium ending November 20, 2003.

SUMMARY: The proposed rule amendment sets forth the requirements regarding continuing education courses and credits for the licenser of landscape architects.

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

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

SPECIFIC AUTHORITY: 455.2124, 481.306, 481.313 FS.

LAW IMPLEMENTED: 481.313, 553.841 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-18.001 Continuing Education Credit Requirements.

Every person licensed pursuant to Chapter 481, Part II Florida Statutes, must obtain at least sixteen (16) continuing education credits per biennium. There shall be no carryover of hours permitted from one licensure biennium to the next.

~~(1) Licensees who have held a license for more than 24 months and whose license period ends during the biennium ending November 30, 2003 must complete the following continuing education requirements:~~

~~(a) A minimum of four (4) of the required sixteen credits must be obtained by either completing the four (4) hour core curriculum course on the Uniform Building Code or passing the equivalency test of the Building Code Training Program prescribed by Sections 553.841 and 481.313(5), Florida Statutes; and~~

(b) A minimum of two (2) of the required sixteen credits must be obtained by completing a course on Florida's laws and rules affecting the practice of landscape architecture according to Chapter 481, Florida Statutes, per biennium; and

~~(e) A minimum of six (6) of the remaining hours of continuing education credits must be obtained from any of the following:~~

~~1. Courses in landscape architecture subjects can be taken only at universities and colleges which are accredited by an accrediting agency that is recognized by the United States Department of Education, including accredited junior and community college programs. Each transcript documented semester university or college hour credit is the equivalent of two continuing education credits. A "course in a landscape architecture subject" is a course that is defined in subsection 61G10-18.006(5), F.A.C.;~~

~~a. Any continuing education credit from an academic institution must be submitted to the Department ninety (90) days prior to the licensee's renewal on November 30th, 2003.~~

~~b. A certified copy of the transcript from the registrar of the academic institution shall be evidence of the continuing education credit for the academic institution.~~

~~2. The completion of courses approved by the Board and offered by continuing education providers approved by the Board for the provision of continuing education credit hours, providing the courses shall be consistent with Rule 61G10-18.003, F.A.C.~~

~~3. Continuing education course credit will be calculated as one credit per fifty minutes of course attendance.~~

~~(2) through (6) renumbered (1) through (5) No change.~~

~~Specific Authority 455.2124, 481.306, 481.313 FS. Law Implemented 481.313, 553.841 FS. History--New 9-19-01, Amended 7-3-03, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions
RULE NO.: 61G18-23.002

PURPOSE AND EFFECT: The propose rule is intended to address the eligibility of exemption from licensure renewal requirements for a licensee who is the spouse of a member of the U.S. Armed Forces.

SUMMARY: After the showing of proof to the Board, a licensee who is the spouse of a member of the Armed Forces of the United States and has been caused to be absent from the

State of Florida because of their spouse's duties with the Armed Forces shall be exempt from all licensure renewal provisions under these rules during such absence.

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

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

SPECIFIC AUTHORITY: 455.02(2), 474.206 FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-23.002 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions rules during such absence. The licensee must show proof to the Board of the absence and the spouse's military status. Such proof shall consist of copies of the military orders requiring the change of duty station and must be sent to the Board office in order to qualify for the exemption.

Specific Authority 455.02(2), 474.206 FS. Law Implemented 455.02(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
The Board of Veterinary Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

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

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

SUMMARY: The rule adds Professional Claims Adjuster (PCA) as a special designation for curriculum standards pursuant to Section 626.221, F.S.

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: 626.221 FS.

LAW IMPLEMENTED: 626.221 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 7, 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 IS: Audrey Huggins, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.320 Curriculum Standards for Special Designation.

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Huggins, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services

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

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE CHAPTER TITLE: Continuing Education
 RULE CHAPTER NO.: 69B-228

RULE TITLES: Purpose, Scope, Definitions, Instructors and Supervising Instructors, Course Approval; Requirements; Guidelines, Licensee Compliance; Requirements; Penalties for Non-Compliance
 RULE NOS.: 69B-228.010, 69B-228.020, 69B-228.030, 69B-228.060, 69B-228.080, 69B-228.220

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

SUMMARY: The scope of the rule is expanded to include all insurance adjusters rather than just workers' compensation adjusters. Also membership in the Florida Bar and two years of experience in the subject area taught will be a means of qualifying to teach continuing education courses for the Department of Financial Services licensees subject to the rule.

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, 648.26 FS.

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

IF REQUESTED IN WRITING 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 7, 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 RULES IS: Audrey Huggins, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

THE FULL TEXT OF THE PROPOSED RULES IS:

69B-228.010 Purpose.

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

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

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

69B-228.020 Scope.

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

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

69B-228.030 Definitions.

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

- (1)(a) ~~“Adjusting workers' compensation claims” means any of the following activities in connection with a workers' compensation claim:~~
 - 1. Direct contact with the injured worker;
 - 2. Preparing or signing reports;
 - 3. Investigating;
 - 4. Determining compensability, payment of medical bills, requiring medical examinations, or similar activity;
 - 5. Supervising the adjuster who is in direct contact, signs reports, investigates and determines compensability; or
 - 6. Reviewing or exercising any control of a workers' compensation claim.
- (b) The term does not include:
 - 1. Any activities for which adjuster licensure is not required; or

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

(2) through (9) renumbered (1) through (8) No change.
~~(9)(40)~~ “Course” shall mean any of the following which have been approved by the Department for the purpose of complying with continuing education requirements:

- (a) Any class or seminar for:
 - 1. through 2. No change.
 - 3. Adjusters ~~who handle workers' compensation claims,~~
 - 4. through 5. No change.
 - (b) Any self-study program for:
 - 1. No change.
 - 2. Limited surety agents, ~~or~~
 - 3. Professional bail bond agents, or
 - 4. Adjusters.
- (11) through (45) renumbered (10) through (44) No change.

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

69B-228.060 Instructors and Supervising Instructors.

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

- (a) For agent, ~~and~~ customer representative, and adjuster courses, at least 2 of the following:
 - 1. through 5. No change.
 - 6. Membership in the Florida Bar Association with minimum of 2 years of law practice or counsel in the subject area being taught.

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

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

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

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

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

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

- (c) renumbered (b) No change.
- (2) through (8) No change.

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

69B-228.080 Course Approval; Requirements; Guidelines.

- (1) through (2) No change.
- (3) The following are not eligible course topics or courses for continuing education:
 - (a) through (d) No change.
 - (d) Courses which are primarily intended to impart knowledge of specific products of specific companies, if the use of the products relates to the sales promotion or marketing of one or more of the products discussed;
 - ~~(e) Self-study courses for adjusters who handle workers' compensation claims.~~
 - (4) through (6) No change.
 - (7)(a) No change.
 - ~~(b) Courses for adjusters who handle workers' compensation claims will not be approved for more than 24 hours of credit per course regardless of total class hours, or number of consecutive sessions in a seminar, or volume of text required for self-study.~~
 - (c) through (d) No change.
 - (8) through (9) No change.
 - (10) Seminar Courses; Supplemental Requirements.
 - (a) through (d) No change.
 - (e) A resume shall be filed with the course application for each speaker of a session or workshop of an agent, customer representative, ~~workers' compensation~~ adjuster, or bail bond course application for the seminar study method. If the speakers change for each offering, new speaker resumes shall be sent to the Department to be filed in the course application file.
 - (f) For agent, customer representative, and ~~workers' compensation~~ adjuster seminar courses, if only speakers are used to present the material, the school official shall qualify as an instructor and shall file a Certification of Instructor Form.
 - (g) through (h) No change.
 - (11) through (13) No change.

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

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

- (1) through (4) No change.
- (5) Except as otherwise stated in this rule, credit shall be earned in the line of business for which the licensee is licensed.
 - (a) through (b) No change.
 - (c) Adjusters ~~who handle workers' compensation claims~~ shall earn credits in courses on adjusting workers' compensation subjects.
 - (d) through (t) No change.
 - (u) Persons who adjust ~~workers' compensation~~ claims who are also licensed as a life, health, property and casualty, industrial fire, surplus lines, or title agent, bail bond agent, or

as a customer representative or limited customer representative shall earn, in addition to the hours required for the agent or customer representative license, the total required hours for:

- 1. through 2. No change.
- (v) through (x) No change.
- (y) Credits earned by adjusters to satisfy the requirements of 24 hours of credit shall be earned as follows:
 - 1. No change.
 - 2. Ten hours in ~~workers' compensation~~ law and policy;
 - 3. Twelve hours in optional approved adjusting workers' compensation subjects or additional hours in ~~workers' compensation~~ law and policy, or ethics.
 - ~~4. Workers' compensation law and policy courses shall cover the requirements for benefits as found in Florida Statutes or Florida Administrative Code.~~
 - ~~(z)1. All lines adjusters who handle workers' compensation claims are required by Section 626.869, Florida Statutes, and this rule chapter to earn 24 hours of continuing education credit in Florida approved classroom courses.~~
 - 2. Any adjuster to whom this rule applies who also holds an agent's license shall meet each requirement separately.
 - 3. Credits shall not be credited to both requirements from the same course.
 - (aa) through (gg) renumbered (z) through (ff) No change.
 - (6) No change.
 - (7) Non-Resident Certification.
 - (a)+. Non-resident licensees who reside in a state that requires continuing education and that has a reciprocal agreement with Florida for continuing education may comply with Florida's continuing education requirement by meeting their home state's requirement and by submitting a properly completed Form DI4-463, Nonresident Agent Certification, rev. 7/97, which is adopted in Rule 69B-228.180, F.A.C., with supporting documentation attached as prescribed in the form.
 - ~~(b)2. Non-resident licensees who do not reside in a state that requires continuing education or that does not have a reciprocal agreement with Florida, but who are licensed in another state that does have a continuing education requirement and a reciprocal agreement with Florida, may comply with Florida's continuing education requirement by meeting that state's continuing education requirement and by submitting a properly completed Form DI4-463, Non-resident Agent Certification, rev. 7/97, which is adopted in Rule 69B-228.180, F.A.C., from that state with supporting documentation attached as prescribed in the form.~~
 - ~~(b) Nonresident adjusters who handle workers' compensation claims shall complete the total required hours of credit in Florida approved classroom courses or seminars for workers' compensation adjusters.~~
 - (8) through (12) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Audrey Huggins, Chief, Bureau of Licensing, Division of
 Agent and Agency Services, Department of Financial Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Mary Alice Palmer, Director,
 Bureau of Licensing, Division of Agent and Agency Services,
 Department of Financial Services
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: September 3, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: October 8, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Use of Filed Rates	69O-170.005
Rate Manual Filings and Revisions	69O-170.006
Annual Rate Filings	69O-170.007
Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms	69O-170.013
Actuarial Memorandum	69O-170.0135
Homeowners Insurance Ratemaking and Rate Filing Procedures	69O-170.014
Dwelling Insurance Ratemaking and Rate Filing Procedures	69O-170.0141
Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines	69O-170.0142
Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice Forms	69O-170.0143 69O-170.0155

PURPOSE, EFFECT, AND SUMMARY:

- Improve the ability of the Office to fulfill its’ statutory duty of reviewing rate filings to determine whether they are not excessive, inadequate or unfairly discriminatory by providing specific detail of the components to be provided in a rate filing essential for such determination;
- Delete outdated language and mandate electronic filing;
- Add specific filing details for medical malpractice coverage;
- Add provisions for streamlined rate filings;
- Adopt amended Form OIR-B1-583, Florida Expense Supplement Calculation of Company Loss Cost Multiplier, and other forms used in the rate filing process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.
 LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 624.424, 624.604, 624.605, 627.021, 627.062, 627.062(2), 627.0645, 627.065, 627.0651, 627.221, 627.301, 627.331 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: 1:30 p.m., December 7, 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, Office of Insurance Regulation, E-mail frank.dino@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULES IS:

69O-170.005 Use of Filed Rates.

(1) This rule applies to all property and casualty insurance to which Section 627.062 or 627.0651, F.S., applies.

~~(a) Section 627.062, F.S., applies to property, casualty and surety insurance on subjects of insurance resident, located, or to be performed in Florida.~~

~~(b) Section 627.062, F.S., does not apply to the following:~~

- ~~1. Reinsurance, except joint reinsurance as provided in Section 627.311, F.S.~~

~~2. Insurance against loss of or damage to aircraft, their hulls, accessories, or equipment.~~

~~3. Liability arising out of the ownership, maintenance, or use of aircraft, other than workers’ compensation and employer’s liability.~~

~~4. Insurance of vessels or craft, their cargoes, marine builders’ risks, marine protection and indemnity, or other risks commonly insured under ocean marine coverages.~~

~~5. Surplus lines insurance placed under the provisions of Sections 626.913 — 626.937, F.S.~~

~~6. Health insurance.~~

(2) Any Each insurer making a rate filing made with the Office shall pursuant to ~~Section 627.062, F.S., for all applicable classes, may elect whether to file rates are filed as “file and use” or “use and file:” as defined in Sections 627.062(2) or 627.0651(1), F.S.~~

(a) “File and use” is defined as a rate filing made at least 60 days before the proposed effective date and which filing is not implemented during the Office’s review of the filing and any proceeding or judicial review.

~~(b) "Use and file" is defined as rate filing made less than 60 days before the proposed effective date or no later than 30 days after the effective date.~~

~~(3) The filing of rates as required in Section 627.062(2)(a)1. and 2., F.S., requires that specific rates be filed and precludes the filing of ranges of rates.~~

~~(4) All rate filings shall be submitted pursuant to Rule 690-170.013, F.A.C. Each insurer making rate filings pursuant to Section 627.062 F.S., shall state in a cover letter or filing memorandum whether the filing is submitted as "file and use" or "use and file."~~

~~(5) If "file and Use" is selected, the insurer shall include, as part of the filing, the proposed effective date for new and renewal business.~~

~~(5)(6) For If "use and file" filings any filing which is not made within the timelines provided by statute, e.g., the filing is received by the Office more than 30 days after the effective date, shall be returned without review is selected, the insurer shall include, as part of the filing, final printed manual pages and effective dates for new and renewal business.~~

~~(6)(a) Changing the filing designation during the review of the filing from "file and use" to "use and file" or from "use and file" to "file and use", shall constitute a withdrawal of the filing and require a timely resubmission under the revised filing type as a new filing.~~

~~(b) Notwithstanding the above and with the approval of the Office, the effective date for a "file and use" filing may be amended to be shorter than the 90 or 60 days indicated in Sections 627.062 or 627.0651, F.S., as long as the amended effective date is subsequent to the approval of the Office and provides the required statutory policyholder notice.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062, 627.0651 FS. History—New 10-21-87, Formerly 4-72.005, Amended 1-27-92, Formerly 4-170.005, Amended _____.

690-170.006 Rate Manual Filings and Revisions.

~~(1) All companies authorized to write property, casualty, surety and private passenger automobile lines of insurance excluding worker's compensation, who have filings in force in the State of Florida, shall provide the Department of Insurance with a complete manual, for each applicable line which such insurer is authorized to write, concurrent with the insurer's next base rate filing made on or after March 1, 1989, or if no rate filing is made, no later than January 1, 1990. Each manual filed with the Department shall include all currently applicable rates, rules, definitions and symbol pages. In addition, private passenger automobile and homeowners manuals shall include all currently applicable underwriting rules. Each manual page shall reflect the Department stamp, or the insurer shall submit a letter signed by an officer certifying that the manual pages being submitting represent all pages which are current and on file with the Department. Each manual shall be supplied in paper form in a binder.~~

~~(1)(2) Thereafter, Each insurer shall submit revised manual pages and a checklist page or manual revision notice specifying the rule of application, effective date and the page number of:~~

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

~~(2)(3) In order to enable the Office to maintain complete and up to date rate manuals, the following shall be included on each manual page:~~

~~(a) Insurer Company Name(s);~~

~~(b) Line of Business and Program Name (if applicable);~~

~~(c) Page Number (each page should have a unique number); and~~

~~(d) Revision Date or other Date connected with the filing, e.g., filing date, effective date, editing date, etc. (specify the type of date used).~~

~~(3)(4)(a) Insurers Companies shall include a separate cover letter and manual for each line of business, as designated in paragraph (c)(d) below, and by program within each line. For every filing submit three copies of each manual page for each company. If the initial submission, as required by subsection (1), is not a filing but a complete unchanged manual, submit one copy of each manual for each company. These manuals shall be supplied in paper form.~~

~~(b) All filings and manual pages shall be filed on 8 1/2" by 11" paper or smaller.~~

~~(b)(e) Except for private passenger automobile insurance, homeowners and dwelling fire and liability, insurers authorized by a rating organization to utilize the rating organization's loss costs and rules, after those loss costs and rules have been approved for use by the Office, need only file the loss cost multiplier to be used with those loss costs companies that utilize rates and rules from a rating organization such as Insurance Services Office and Surety Association of America, etc., need only to file the rates, rules, deviations or effective dates, which are the exceptions to those filed on behalf of the company by the rating organization.~~

~~(c)(d) For purposes of identifying filings submitted to the Office, a line of business shall be identified by one of the following. Additional identification may be used as needed. Filings for types of insurance not on this list should contain appropriate identification.~~

~~1. through 9. No change.~~

~~10. Other General Liability (including Excess and Umbrella Coverage).~~

~~11. No change.~~

~~12. Mobile Homeowners.~~

~~13. through 17. No change.~~

~~18. Dwelling Fire and Liability.~~

~~(d)(e) Insurers Companies that submit filings on a group basis may submit manual pages on a group basis, provided each manual page identifies the insurers companies to which it is applicable.~~

~~(5) If available on microfilm, manuals shall also be supplied in this form with a computer tape index. This is in addition to the paper manuals required above. The specifications for microfilm and computer tape are as follows:~~

~~Microfilm Specifications~~

- ~~(a) 1. Reduction Ratio: 24:1 through 40:1~~
- ~~2. Indexing: 1 level~~

~~Each document receives an image mark, all image marks are same size either small or medium, for example: 2 level~~
~~Each key document (i.e., first page of each rate section) receives a medium-sized image mark. Each attachment receives a small image mark.~~

~~3. Film: 16 mm silver based (Ester base) microfilm—100 ft. 2.5 mil Kodak 100 ft., 1460 Ester base, or—215 ft. 5.0 mil Kodak 215 ft., 3460 Ester base~~

~~Note: Thin base (215 ft.) film is preferred.~~

~~4. Film must be processed and stored in industry standard (ANSI cartridge) return reel.~~

~~Kodak solid flange return reel, cat. # 144 2193~~

- ~~—No Leader~~
- ~~—No Trailer~~
- ~~—No Cartridge Film~~
- ~~—Each Roll Must Have a Trail Holder~~

~~Data Tape Specifications~~

~~(b) 1. Input Tape~~

- ~~a. 1600 Bpi~~
- ~~b. 9 Track, 600-2400 foot lengths~~
- ~~e. ASCH or EBCDIC~~
- ~~d. Fixed length fields (identify field size & starting point)~~
- ~~e. Fixed length records (identify record size)~~
- ~~f. Fixed length blocks (identify block size & number of blocks) (maximum block size 4,000 bytes)~~
- ~~g. Labels allowed if verification positions are identified~~
- ~~h. Must identify if label exists~~
- ~~i. No stacked files~~
- ~~j. Additional data fields may reside on tape but each field must have a beginning and ending point.~~

~~2. Fields Required~~

- ~~a. State insurance identification # Company code~~
- ~~b. Form numbers~~
- ~~e. Line of business code (supply code)~~
- ~~d. File date~~
- ~~e. New date—renew date~~
- ~~f. Form _ Rate _ Both _~~

~~(4)(6)(a) All private passenger automobile and homeowners insurance underwriting guidelines, for both new and renewal business, are subject to filing requirements.~~

(b) For filings involving base rate adjustments other than private passenger automobile and homeowners, insurers shall describe in sufficient detail ~~in writing~~ all changes to the underwriting guidelines since the inception of the submitted

experience period in order that the Office may ascertain the actuarial impact upon proposed rates pursuant to Section 627.062, F.S.

(c) For the purpose of paragraph ~~(4)(6)(b)~~;

1. Underwriting guidelines shall mean qualitative standards affecting the eligibility of risks for insurance, but do not include procedures for determining eligibility (such as delegations of binding authority).

2. Qualitative standards shall mean standards affecting the quality of risk such as loss history, credit scoring, acceptable number of claims or claim frequencies, required loss control, or violation points or prior accidents in the case of motor vehicles; and does not include quantitative standards that relate to the size of risks (such as square footage, number of vehicles, or gross receipts) or standards that relate to the amount of coverage that will be provided ~~paragraphs (6)(b) and (6)(c) do not require the descriptions of such underwriting guidelines which were effectuated prior to the end of the experience period preceding the effective date of this rule. Furthermore, paragraphs (6)(b) and (6)(c) shall not be construed to require the filing of underwriting guidelines. The provisions of this paragraph shall not affect the ability of the Office to request guidelines or filings of such guidelines where otherwise allowed by law.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062(2), 627.331 FS. History—New 3-1-89, Formerly 4-72.006, 4-170.006, Amended

690-170.007 Annual Rate Filings.

(1)(a) This rule applies to each insurer or rating organization subject to Section 627.0645, F.S. ~~or duly authorized rating organization filing rates for, any line of property and/or casualty insurance to which Part I of Chapter 627, F.S., applies, as set forth in Section 627.021, F.S., and as defined in Sections 624.604 and 624.605, F.S., except workers' compensation and employer's liability insurance, and commercial property and casualty insurance, as defined in Section 627.0625(1), F.S., other than commercial multiple line and commercial motor vehicle.~~

(b) 1. Commercial Multiple Line insurance, for purposes of this rule, is defined as insurance that includes a combination of one or more property lines of insurance, e.g., fire and allied lines, and one or more casualty lines of insurance, e.g., general liability, burglary and theft.

2. Commercial Multiple Line insurance shall be interpreted as being the same as Commercial Multiple Peril insurance.

3. Commercial Multiple Line insurance or Commercial Multiple Peril insurance which is written on an indivisible premium basis is subject to this rule.

4. Divisible premium Commercial Multiple Peril policies shall not be subject to this rule.

(c) A base rate filing considers the overall rate level and individual components of a line or subline being reviewed, although all are not necessarily revised in a base rate filing. A base rate filing may include, ~~for example but is not limited to,~~ a package modification factor.

(d) For purposes of identifying filings submitted to the ~~Office Department,~~ a line of business shall be identified by one of the following, although additional identification may be used as needed:-

1. Commercial Automobile; ~~Commercial Motor Vehicle~~
2. Commercial Multiple Peril Policy (with indivisible premium); ~~Line Packages~~
3. Dwelling Fire and Liability;
4. Homeowners;
5. Mobile Homeowners;
6. Motor Home and Motorcycle;
7. Personal Inland Marine;
8. Personal Liability; ~~and~~
Personal Umbrella
9. Private Passenger Automobile.

~~(b) This rule does not apply to risk retention groups as defined in Sections 627.943-944, F.S.; professional liability self insurance trust funds as defined in Section 627.356, F.S.; medical malpractice self insurance trust funds as defined in Section 627.357, F.S.; or commercial self insurance trust funds as defined in Section 624.462, F.S.~~

(2) Each ~~such~~ insurer or each ~~such~~ rating organization filing rates ~~for on behalf of~~ one or more insurers shall make annual base rate filings with the ~~Office department~~ for each line or subline of insurance no later than 12 months after its previous certification or base rate filing effective date ~~for new business.~~

~~(a) In all cases, the new business effective date or dates as supplied to and as approved by the Office will be the applicable current effective date or dates.~~

~~(b) All annual base rate filings are to be received by the Office no later than 12 months after the current effective date of the last base rate or certification filing. A filing will be considered received by the Office if it is physically in the possession of Insurance Regulation personnel at Tallahassee, Florida 32314 5320.~~

(3)(a) Filings shall be submitted in accordance with the requirements of this rule, ~~and, for~~

1. Filings submitted in accordance with ~~paragraph subsections (4)(a) and (4)(b),~~ below, shall demonstrate that the rates filed are not excessive, inadequate, or unfairly discriminatory, ~~and for~~

2. Filings submitted in accordance with ~~paragraph (4)(b) subsection (4)(c),~~ below, shall demonstrate that the ~~rates filings~~ are actuarially sound and not inadequate.

(b)~~1.~~ The filings required by this rule shall be on an individual ~~insurer company~~ basis unless the rates for ~~insurers companies~~ within a group are derived from the pooled experience of those ~~insurers companies~~.

2. If the rates for more than one ~~insurer company~~ within a group are derived from pooled experience, then the filing may be made on a multiple ~~insurer company~~ basis but the cover letter for the filing shall explicitly state what the rates are and what ~~insurers companies~~ are included in the group. ~~Insurers may submit a filing on behalf of any combination of insurers within the insurers' group, provided the effective dates are identical for every insurer and program identified in the filing.~~

~~(c)1. The insurer shall submit all filings to the Office at <https://portal.flds.com>, the industry portal to the Office's I-File System affix the bar code labels to the upper right hand corner of the required forms, and shall submit the forms to the Department at the following address: Office of Insurance Regulation, Post Office Box 5320, Tallahassee, Florida 32314 5320. Questions concerning bar code labels shall be directed to the Bureau of Data Control at (850)922-3149, ext. 2626. For additional bar code labels, the insurer shall submit a written request, which shall include the company's most current FEIN number, and which shall be accompanied by payment in the amount of \$30 per company, to the Bureau of Data Control at the post office box indicated above.~~

~~2. A filing shall be considered received by the Office on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the next business day.~~

~~(d) Group Filings. For group filings, the insurer shall affix a bar code label for each company to the form. If the form is not large enough for all the bar code labels for the companies involved, the insurer shall use the back of the transmittal form. Original transmittal forms with bar codes may be copied for use with future filings. The insurer is encouraged to keep the original bar code transmittal form for future copying and mail only the copies. Companies shall submit only three copies of a group filing, provided the information for each company is identical. Three copies of each filing for each company in the group are not required when the information is identical.~~

(4) The filing required by this rule shall be satisfied by ~~either paragraph (a) or (b) below, one of the following methods:~~

(a) A ~~new or revised~~ base rate filing prepared by or under the direct supervision of ~~and signed by~~ an actuary. ~~The filing shall be signed by the actuary and shall~~ ~~which~~ contains documentation ~~demonstrating~~ that the proposed rates are not excessive, inadequate, or unfairly discriminatory, ~~and be submitted pursuant to the applicable rating laws and in compliance with Rule 690-170.013, F.A.C. For purposes of this rule, "actuary" means an individual who is a member of the Casualty Actuarial Society.~~

~~(b) By having new or revised base rate filings prepared and signed by the company ratemaker or by consultants, either of which shall have a minimum of 5 years' experience in insurance ratemaking and by complying with Rule 690-170.013, F.A.C.~~

~~(b)1.(e) If no rate change is proposed, a filing which consists of a certification by an actuary or by an experienced company ratemaker or by a consultant that the existing base rate level produces rates which are actuarially sound and which are not inadequate, as defined in Section 627.062 or Section 627.0651, F.S., whichever is applicable.~~

~~2. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 690-170.0155, F.A.C.~~

~~3. Form OIR-B1-586, "Florida Property and Casualty – Annual Rate Filings Certification," rev. 10/92, which is hereby as adopted in Rule 690-170.0155, F.A.C., and incorporated by reference shall be completed in triplicate, including a properly affixed bar code, and accompanied by a stamped self-addressed envelope.~~

~~4. The data shall be on a direct basis. Identify whether the loss data includes LAE and/or IBNR. Certification of an existing rate level does not preclude making a base rate filing during the following 12 months:~~

~~(c) If an insurer does not employ or otherwise retain the services of an actuary, as defined by Section 627.0645(8), F.S., the filing under paragraph (a) or (b) above shall:~~

~~1. Be prepared by a person meeting the conditions of Section 627.0645(5), F.S. Such person, herein referred to as a qualified ratemaker, is subject to the standard that all filings be in accordance with generally accepted and reasonable actuarial techniques, including compliance with Actuarial Standards of Practice.~~

~~2. Be reviewed and signed by an employee of the insurer who is authorized to approve rate filings.~~

~~3. Include detailed information on the preparer's experience to demonstrate compliance with Section 627.0645(5), F.S.~~

~~4. Include either:~~

~~a. A certification of an officer of the insurer that the insurer does not employ an actuary, or does not retain the services an actuary for ratemaking purposes; or~~

~~b. If the insurer does employ or otherwise retain the services of an actuary, and the filing is not prepared by an actuary, a detailed statement from an officer of the insurer as to why the actuary did not prepare the filing. If the actuary is employed by the insurer, the actuary shall state whether or not (s)he is qualified to have prepared the proposed filing, and if so, why (s)he did not prepare the filing. If an insurer retains more than one actuary, the statement shall be made by the actuary with supervisory responsibilities over the other actuaries, or if none, the actuary with the greatest amount of insurer responsibilities.~~

~~5. If the submission does not contain the material required by this paragraph (c), it will be returned without review.~~

~~(d) By being a member or subscriber of a licensed rating organization to which the insurer has given rate filing authorization and which complies with the requirements of Section 627.0645, F.S. Deviations filed by an authorized insurer to any rating organization's base rate filing shall not be subject to this rule.~~

~~(d)1.(e) For purposes of this rule, a prospective loss cost filing, using the most recently approved loss costs, submitted to the Office by a duly authorized rating organization, may be considered as part of a base rate filing.~~

~~2. The factors for converting loss costs to rates shall be filed by the submitting insurer and approved by the Office.~~

~~3. All deviations from a rating or advisory organization's loss costs are to be certified or adequately supported.~~

~~4. An insurer may choose either:~~

~~a. To file and distribute final rate pages; or~~

~~b. To file or reference loss cost pages filed and distributed by a rating organization; or~~

~~c. To file loss cost pages distributed by an advisory organization plus the insurer's company's factors used to convert the prospective loss costs to rates.~~

~~5. An insurer shall use Form OIR-B1-583, "Florida Expense Supplement Calculation of Insurer Loss Cost Multiplier," as adopted in Rule 690-170.0155, F.A.C., the following form, which is hereby adopted and incorporated by reference, in filing the factors to convert a rating or advisory organization's prospective loss costs to rates and shall comply with Rule 690-170.013, F.A.C.: Form OIR583, "Florida Expense Supplement Calculation of Company Loss Cost Multiplier," rev. 10/92.~~

~~(f) An insurer must be authorized by a rating or advisory organization to use its loss costs before it bases its rates on the rating or advisory organizations' loss costs. When a rating organization converts from rates to loss costs for a particular line of business, the rating organization will cease filing rates on behalf of authorized insurers. When this happens, the insurer may have an annual base rate filing requirement for each line of business defined in this rule and these annual base rate filings shall be received by the Office no later than 12 months after the current effective date of the insurer's or rating organization's last base rate filing. Insurers shall keep in contact with their rating or advisory organizations and with the Office to determine when their annual filing requirement begins.~~

~~(e)1.(g) A request for exemption pursuant to Section 627.0645(2)(b), F.S., shall include Form OIR-B1-584, "Florida Property and Casualty – Annual Rate Filing-Exemption," as adopted in Rule 690-170.0155, F.A.C., and shall be submitted through <https://iportal.fldfs.com>. After receiving a request to be exempt from the requirements of this rule, the Office shall, for good cause due to insignificant numbers of policies in force~~

or to an insignificant premium volume, exempt a company, by line of coverage. A company shall submit in triplicate, including a properly affixed bar code, accompanied by a stamped, self-addressed envelope an exemption request on Form OIR-584, "Florida Property and Casualty Annual Rate Filing-Exemption," rev. 10/92, which is hereby adopted and incorporated by reference.

2. The exemption shall remain in effect for as long as there is not an increase in premium volume.

(h) All forms adopted in this rule may be obtained from the Bureau of Property/Casualty Forms & Rates, Post Office Box 5320, Tallahassee, FL 32314-5320, and may be reproduced at will. All filings shall be sent to the Bureau of Property/Casualty Forms & Rates, Division of Insurer Services, Office of Insurance Regulation, Post Office Box 5320, Tallahassee, Florida 32314-5320.

(5) A request for extension meeting the conditions of Section 627.0645(6), F.S., if a filing is still being prepared on the date it is required to be filed, the insurer may apply to the Office in writing for an extension of up to an additional 30 days in which to submit the filing. The request for an extension shall be received by the Office no later than 5:00 p.m. on the date the filing is due. The request for extension will be approved automatically upon receipt.

(6) Nothing in this rule shall limit the Office's authority to review rates at any time or to find that a rate or rate change is excessive, inadequate, or unfairly discriminatory pursuant to Section 627.062 or Section 627.0651, F.S.

(7) In addition to the provisions regarding discontinuance of use of a policy policies form in Section 627.0645(1)(h) F.S., the Office is authorized to suspend or revoke an insurer's certificate pursuant to Section 624.418, F.S., or to impose a fine pursuant to Section 624.4211, F.S., for failure to comply with this rule.

(8) Each filing shall include a completed Form OIR-1436 (rev. 2/98), Annual Rate Filing Form, which is hereby adopted and incorporated by reference, and is available from the address in paragraph (4)(h).

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.418(2), 624.4211, 627.021, 627.062, 627.0645, 627.0651, 627.221, 627.301 FS. History—New 12-25-90, Formerly 4-72.007, Amended 1-27-92, 3-9-93, 9-7-93, 12-17-00, Formerly 4-170.009, Amended _____.

690-170.013 Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms.

(1)(a) The procedures in this rule apply to all insurance rate, rule, underwriting guidelines or form filings for property and casualty insurance as defined in Sections 624.604, 624.605, 634.011(8), 634.301(4), 634.401(14), 642.015(3)(5), 648.25(1), 635.011(1), and 627.826(1), F.S.

(b) Underwriting guidelines for private passenger automobile, homeowners' and mobile homeowners' insurance, for both new and renewal business, shall be filed pursuant to this rule.

~~(2) The procedures in this rule supersede any other procedures relating to filing procedures and actuarial memoranda. All material submitted shall be legible.~~

~~(2)(3) Filing Submittal Requirements.~~

(a) Complete rate, rule, underwriting guidelines for both new and renewal business, and form filings shall be submitted with the following information:

1. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 690-170.0155, F.A.C.

2. Cover letter that shall include, at a minimum,; and

a. The purpose of the filing;

b. For rate, rule and underwriting guidelines, an identification as to whether the filing is made under "file and use" or "use and file", including the proposed effective date of the rates or the date the rates were implemented;

c. If this is a resubmission of a previous file, a brief explanation of the prior filing, including reference to the corresponding Florida filing log number shall be provided;

d. For a rate filing for which a form is also being filed, identification of the corresponding filing log number for the form or when the form will be submitted; and

3. Explanatory memorandum which shall:-

a. Explain the organization of the components of the filing;

b. Identify and highlight the changes from the current situation;

c. Include any explanation required by Rule 690-170.006, F.A.C.;

d. If there is no rate effect, a detailed explanation of how it was so determined or why it is believed that there is no rate effect.

4.a. For filings with a rate effect, an actuarial opinion and supporting memorandum prepared pursuant to Rule 690-170.0135, F.A.C.

b. A rate filing shall be prepared by a member of the Casualty Actuarial Society or qualified ratemaker as defined in Section 627.0645(5), F.S.

c. All rate filings shall be prepared in accordance with generally accepted and reasonable actuarial techniques, including compliance with all Actuarial Standards of Practice.

5. Filing procedures and content required for specific lines of business as delineated in the following rules:

a. Rule 690-170.014, F.A.C., (Homeowners and Mobile Homes);

b. Rule 690-175.003, F.A.C., (Private Passenger Auto);

c. Rule 690-170.0141, F.A.C., (Dwelling);

d. Rule 690-170.0142, F.A.C., (Commercial Residential/All Other Property & Casualty);

e. Rule 690-170.0143, F.A.C., (Professional Liability for Medical Malpractice); and

6. Manual pages formatted in compliance with subsection 690-170.006(2) F.A.C. Subsequent to the initial filing, the insurer may defer submitting final amended manual pages until the Office concludes its analysis. Final approval will not occur until final manual pages have been submitted.

(b) All filings shall:

~~1. Be submitted in the above order with the Universal Standardized Data Letter serving as a cover sheet;~~

~~1.2. Be separated into either rate/rule only or form only filings; and~~

~~2.3. Be separated by line of business in accordance with Rule 690-170.006, F.A.C.~~

(c) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group, provided the effective dates are identical for every insurer and the program is identified in the filing the information submitted in the filing is identical for every insurer identified in the filing and.

(3) An insurer may file for approval of a rate change that incorporates the prospective application of uniform rate changes over a period not to exceed one year from the effective date of the rates, i.e., a 1% monthly rate change in lieu of a 12.7% base rate change on the effective date. If a company elects to utilize this option, it shall update the rates on the Rate Collection System (RCS) as the rates change, but it is not necessary to update the RCS more frequently than quarterly. The RCS update filing shall be made as a "rule" filing and shall not require additional supporting documentation other than reference to the file log number where the prospective rate change was approved and a clear statement of the purpose of the filing.

(4) An insurer may use a filed and approved new business rate for new insureds and smooth the rate volatility by uniformly phasing in existing insureds to the new business rate over a period of three years, or shorter period with the approval of the Office, to mitigate the adverse impact of significant rate increases. The following rules also apply to the specific rate/rule filing procedures:

(a) Rule 690-170.014, F.A.C., (Homeowners);

(b) Rule 690-175.003, F.A.C., (Private Passenger Auto);

(c) Rule 690-170.0141, F.A.C., (Dwelling);

(d) ~~Rule 690-170.0142, F.A.C., (Commercial Residential/All Other Property & Casualty).~~

(5)(a) In lieu of an experience based filing, an insurer may make a streamlined filing that is within the following parameters (applied at the coverage level or policy type). This provision is not applicable to medical malpractice, workers' compensation insurance coverages, or rating organizations. The Office maintains voluntary checklists for insurers' information in properly complying with relevant statutes and rules. The completion of checklists does not preclude the

~~Office from requiring additional information or further explanation of data. Filing checklists are for insurer information only.~~

1. The total rate change, including this proposed and previous filings with effective dates within the 12 months ending on the effective date of this proposed filing, is within +/-5%, and;

2. The annual rate change to any individual insured, including this proposed and previous filings with effective dates within the 12 months ending on the effective date of this proposed filing is within +/-10%.

(b)1. This provision may be used no more frequently than for two consecutive years at which time the next filing shall be a fully justified experience based filing;

2. The filing shall include an actuarial opinion that the rates meet the standards of paragraph 690-170.0135(2)(a), F.A.C., and an exhibit of the premiums, losses and loss ratios for the experience period and the period during which the proposed rates are anticipated to be in effect; and

3. The on-line RCS shall be completed.

(c) The filing shall be exempt from:

1. The completion of the on-line experience data collection;

2. Filing a supporting actuarial memorandum; and

3. Filing an experience based justification.

~~(6)(a) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314 7700.~~

~~(b) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399 0330.~~

~~(6)(a)(e) Subsequent to July 1, 2003, All filings shall be submitted electronically to <https://portal.fldfs.com>, the industry portal to the Office's I-File System or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(e), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

(b) A filing shall be considered received by the Office on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the next business day.

(7)(a) A rate filing shall contain documentation demonstrating that the proposed rates meet the standards and conditions of Section 627.062 or 627.0651, F.S., as applicable.

(b) It is the responsibility of the insurer to ensure that the filing contains all necessary information for the Office to review to determine compliance.

(c) Any submission that does not contain the information required by subsection (2) above, or for which required filing forms have not been completed in their entirety, does not constitute a filing and will be returned without review within 14 days of its receipt by the Office.

(8)(a) The Office may request additional information or clarification to evaluate the filing for compliance with applicable statutory provisions.

(b) To allow the Office sufficient time to perform a proper review, the insurer shall submit by a date certain stated in a clarification letter any required additional information, explanation of data, or justification of assumptions.

(c) Unless the date is extended by the Office, failure to adequately address the issues by the date stated in the clarification letter may result in a notice of intent to disapprove the filing by the Office.

(9)(a) The information contained in a filing, plus any supplemental information received during the course of the review, constitute the entirety of the filing made under Sections 627.062(2)(a) or 627.0651, F.S., and shall be the sole basis for determination of final agency action.

(b) Any information provided subsequent to the Office's issuance of a notice of intent to disapprove pursuant to Section 627.062 or 627.0651, F.S., will be considered as a new filing, subject to the filing requirements of this rule chapter and applicable statutes.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.604, 624.605, 627.062, 627.0645, 627.0651 FS. History--New 3-30-92, Amended 3-9-93, 8-23-93, 10-3-94, 8-3-95, 10-2-96, 6-19-03, Formerly 4-170.013, Amended _____.

690-170.0135 Actuarial Memorandum.

(1) An actuarial opinion and memorandum supporting the opinion shall be prepared by a member of the Casualty Actuarial Society or a person meeting the requirements of Section 627.0645(5), F.S.

(2)(a) The actuarial opinion shall state that the rates are not excessive, inadequate, or unfairly discriminatory and comply with the laws of this state.

(b) If the opinion cannot be given, a complete explanation of the reason or qualifications shall be provided.

(c) If the opinion and memorandum are prepared by a different actuary or qualified ratemaker from the person who prepared the prior filing, an explanation of the reason for this change shall be provided.

(3)(a) The memorandum, along with any required online data and rate submission material, shall support and document the basis of the opinion.

(b) It is not necessary to repeat, within the memorandum, any data that has been submitted through the online collection system; however, the memorandum shall so indicate and shall provide any necessary explanation.

(c) The memorandum shall provide a detailed documentation and development of any proposed rates that are not consistent with the rate indications resulting from the I-File System. The memorandum shall provide an explanation of the reason for any deviation from that determined by the rate indications component of the I-File System.

(d) The memorandum shall be such that another actuary practicing in the same field shall be able to evaluate the work and reconcile to the conclusions determined in the filing.

(e) Each of the following items that are pertinent to the filing shall be identified and discussed:

1. The source and description of the experience data used, including homogeneity and reasonableness of the data used as a statistical basis to measure the expected claim costs over the rating period;

2. Verification that the data used does not include punitive damage awards;

3. Operational issues, including changes in underwriting guidelines as indicated in paragraph 690-170.006(4)(b), F.A.C., and other influences on the experience data that will impact the expected experience during the rating period, including large non-recurring claims and loss experience pertaining to actual catastrophic events, how these compare to expected, and how they are incorporated into the rate development;

4. Premium and loss trends;

5. Basis of the credibility standard for complementing the experience data, along with support for the selection of that standard whenever the standard has changed from the previous filing;

6. Average statewide rate change, and an exhibit showing the ranges of impact on policyholders of the changes proposed in the current filing and the factors affecting the range of impact;

7. The effect of reinsurance or any other method of smoothing claim volatility and how it was included in the rate development;

8. Expense experience and anticipated expense needs for the rating period;

9. Analysis of investment income and return on surplus and how it was included in the rate analysis, including demonstration of compliance with the provisions of Rule 690-170.003 or 690-175.001, F.A.C.;

10. Disclosure and explanation of the basis of judgment made on assumptions or resulting rates; and

11. The expense factors in each rate filing, which shall be divided into the following categories:

a. Commissions and brokerage;

b. Other acquisition expenses;

c. General expenses;

d. Premium taxes;

e. Miscellaneous licenses and fees;

f. Profit and contingencies;

g. Reinsurance costs; and

h. Other expenses.

(4) Standards.

(a) Premium on-leveling methodology and calculations shall be clearly documented. An overall rate level history for the pertinent past shall be provided. Insurers not using this history in their calculations shall fully describe the method used. The insurer shall provide the policy term distribution, e.g., what percentage of the policies have been annual policies versus six-month policies.

(b) If a model accepted by the Florida Commission on Hurricane Loss Projection Methodology is used, it shall be the current version of the model, however, the immediate prior version of the model accepted by the Commission of the model may be used if the filing is submitted no more than three months after the date the current version is accepted by the Commission.

(c) The use of contingent commissions as supporting data for rate changes is prohibited unless:

1. There is a contractual arrangement between the insurer and its agents concerning the payment of contingent commissions; and

2. The insurer demonstrates that it is not paying contingent commissions from profits higher than anticipated in its filings.

(d) The ultimate incurred losses shall be based on best estimate assumptions, i.e., the assumptions the actuary expects to be realized over the period for which the rates are anticipated to be in effect.

Specific Authority 624.308(1) F.S. Law Implemented 624.307(1), 627.062, 627.0651 F.S. History—New _____.

690-170.014 Homeowners Insurance Ratemaking and Rate Filing Procedures.

(1)(a) This rule shall apply to all homeowners insurance rates filed pursuant to Section 627.062, F.S.

(b) For purposes of this rule, reference to homeowners insurance shall include mobile homeowners insurance written on homeowners type policies and mobile homeowners insurance written on auto physical damage type policies.

(c) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 690-170.013(2), F.A.C.

(2) Homeowners and Mobile Homeowners Filing Submittal Requirements:

(a) Complete rate, rule, rate/rule and underwriting guidelines shall be submitted with the following information:

1. Form OIR-B1 582, "Universal Standardized Data Letter," as adopted in Rule 690-170.015, F.A.C.;

2. Cover letter; and

3. Explanatory memorandum.

~~(a)(b)1. Each insurer writing homeowners insurance, including mobile homeowners insurance written on homeowners type policies and mobile homeowners insurance written on auto physical damage type policies, in Florida shall file electronically the information with the Office such information as required by the I-File System and the Homeowners' Rate Collection System (HRCS) as adopted in Rule 690-170.0155, F.A.C., at <https://iportal.fldfs.com>, the Office by using the computer software provided to insurers by the Office.~~

(b) Required supporting documentation referenced in the I-File System and HRCS shall be provided.

(c) Accurate entry of information into the rate indications component of the I-File System will result in an aggregate average statewide rate indication developed from such data. The accuracy and integrity of the information provided shall be the responsibility of the actuary and shall be considered within the actuarial memorandum and opinion required by Rule 690-170.0135, F.A.C.

2. Insurers may electronically submit their rating data by completing their filing on-line through the Office's Internet Filing System (IFS) and the Rate Collection System (RCS) at <https://iportal.fldfs.com> or by utilizing the Homeowners Rate Collection System (HRCS) software provided to insurers by the Office on its web site.

~~(e) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.~~

~~(d) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.~~

~~(e) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(e), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

~~(f) All filings shall be separated by line of business in accordance with Rule 690-170.006, F.A.C.~~

~~(g) All manual pages shall be formatted in compliance with subsection 690-170.006(3), F.A.C.~~

~~(3) Any submission which is not completed according to the above referenced instructions, or is missing any of the properly completed forms, including supporting documentation, shall not constitute a filing pursuant to Section 627.062, F.S., and shall be returned to the insurer as "incomplete".~~

~~(4) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group provided the information submitted in the filing is identical for every insurer identified in the filing.~~

~~(5)(a) The submission of data outlined on the homeowners and mobile homeowners checklist does not preclude the Office from requiring additional information or further explanation of data.~~

~~(b) The insurer shall submit any required additional information or further explanation of data by a date certain stated in a clarification letter, to allow the Office sufficient time to perform a proper review.~~

~~(c) Failure to correct the deficiencies by the date stated in the clarification letter will result in a notice of intent to disapprove the filing by the Office.~~

~~(3) The information identified in subsections (4) through (9) below is submitted within the I-File System and HRCS collection indicated in subparagraph (2)(a)1. above.~~

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

~~(5)(7)(a) Each rate filing which proposes changes to base rates as to any policy for which rates vary by territory shall contain either:~~

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

~~(b) No change.~~

~~(6)(8) The earned premiums and incurred losses included in the rate level indications shall be direct calendar/accident year or direct fiscal/accident year, Florida-only data. Any other data which the insurer believes to be pertinent to the filing may also be provided.~~

~~(9) The following forms, as adopted in Rule 69O-170.015, F.A.C., are included in the Homeowners Rate Filing Collection Systems provided by the Office:~~

~~(a) Form OIR-B1-1102, "Florida Homeowners Rating Examples/Annual Rates";~~

~~(b) Form OIR-B1-1103, "Florida Statewide Rate Level Effect/Homeowners", with its instructions; and~~

~~(c) Form OIR-B1-1104, "Florida Rate Level Effect by Type by Territory/Homeowners", with its instructions.~~

~~(10) through (12) renumbered (7) through (9) No change.~~

~~Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645 FS. History--New 8-23-93, Amended 10-3-94, 10-2-96, 3-31-98, 1-25-99, 6-19-03, Formerly 4-170.014, Amended _____.~~

~~69O-170.0141 Dwelling Insurance Ratemaking and Rate Filing Procedures.~~

~~(1)(a) This rule shall apply to all dwelling fire and extended coverage insurance rates filed pursuant to Section 627.062, F.S.~~

~~(b) For purposes of this rule, reference to dwelling fire insurance shall include mobile home dwelling insurance written on dwelling fire type policies.~~

~~(c) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 69O-170.013(2), F.A.C.~~

~~(2) Dwelling Fire and Extended Coverage Insurance Filing Submittal Requirements:~~

~~(a) Complete rate, rule, rate/rule and underwriting guidelines shall be submitted with the following information:~~

~~1. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 69O-170.015, F.A.C.;~~

~~2. Cover letter; and~~

~~3. Explanatory memorandum.~~

~~(a)(b)1. Each insurer writing dwelling fire and extended coverage in Florida shall file electronically with the Office such information as required by the I-File System and the Dwelling Rate Collection System (DRCS), as adopted in Rule 69O-170.0155, F.A.C., at <https://portal.fldfs.com>, the Office by using the computer software provided to insurers by the Office.~~

~~(b) Required supporting documentation referenced in the I-File System and DRCS shall be provided.~~

~~(c) Accurate entry of information into the rate indications component of the I-File System will result in an aggregate average statewide rate indication. The accuracy and integrity of the information provided shall be the responsibility of the actuary and shall be considered within the actuarial memorandum and opinion required by Rule 69O-170.0135, F.A.C.~~

~~2. Insurers may electronically submit their rating data by completing their filing on-line through the Office's Internet Filing System (IFS) and the Rate Collection System (RCS) at <https://portal.fldfs.com> or by utilizing the Dwelling Rate Collection System (DRCS) software provided to insurers by the Office on its web site.~~

~~(e) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.~~

~~(d) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.~~

~~(e) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://portal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

~~(f) All filings shall be separated by line of business in accordance with Rule 69O-170.006, F.A.C.~~

~~(g) All manual pages shall be formatted in compliance with subsection 69O-170.006(3), F.A.C.~~

~~(3) Any submission which is not completed according to the above referenced instructions, or is missing any of the properly completed forms, including supporting documentation, shall not constitute a filing pursuant to Section 627.062, F.S., and shall be returned to the insurer as "incomplete".~~

~~(4) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group provided the information submitted in the filing is identical for every insurer identified in the filing.~~

~~(5)(a) The submission of data outlined on dwelling fire and extended coverage checklists does not preclude the Office from requiring additional information or further explanation of data.~~

~~(b) The insurer shall submit the required additional information or further explanation of data by a date certain stated in a clarification letter, to allow the Office sufficient time to perform a proper review.~~

~~(c) Failure to correct the deficiencies by the date stated in the clarification letter will result in a notice of intent to disapprove the filing by the Office.~~

~~(3) The information identified in subsections (4) through (9) below is submitted within the I-File System and DRCS collection indicated in paragraph (2)(a) above.~~

~~(6) through (7) renumbered (4) through (5) No change.~~

~~(6)(8) The earned premiums and incurred losses included in the rate level indications shall be direct calendar/accident year or direct fiscal/accident year, Florida-only data. Any other data which the insurer believes to be pertinent to the filing may also be provided.~~

~~(9) The following forms, as adopted in Rule 690-170.015, F.A.C., are included in the Dwelling Rate Collection Systems provided by the Office:~~

~~(a) Form OIR-B1-1193, "Florida Dwelling Rating Examples/Annual Rates";~~

~~(b) Form OIR-B1-1194, "Florida Statewide Rate Level Effect/Dwelling", with its instructions; and~~

~~(c) Form OIR-B1-1195, "Florida Rate Level Effect by Type by Territory/Dwellings", with its instructions.~~

~~(10) through (12) renumbered (7) through (9) No change.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062 FS. History—New 10-2-96, Amended 3-31-98, 1-25-99, 6-19-03, Formerly 4-170.0141, Amended _____.

690-170.0142 Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines.

(1)(a) The procedures in this rule apply to all commercial residential insurance rates filed pursuant to Section 627.062, F.S., and all other lines of property and casualty insurance as defined in Sections 624.604 and 624.605, F.S., except that this rule does not apply to workers' compensation insurance as defined in Section 624.605(1)(c), Florida Statutes.

(b) This rule does not apply to medical malpractice coverage which is subject to Rule 690-170.0143, F.A.C.

(c)(b) No change.

(2) The Filing Submission Requirements in this rule are in addition to the information required by subsection 690-170.013(2), F.A.C., and shall be included as a required component of the filing made pursuant to subsection 690-170.013(2), F.A.C.

(a) Complete rate, rule, underwriting guidelines, and form filings shall be submitted with the following information:

1. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 690-170.0155, F.A.C.

2. Cover letter; and

3. Explanatory memorandum.

(b) All filings shall:

1. Be submitted in the above order with the Universal Standardized Data Letter serving as a cover sheet;

2. Be separated into either rate/rule only or form only filings;

3. Be separated by line of business in accordance with Rule 690-170.006, F.A.C.; and

4. All manual pages shall be formatted in compliance with subsections 690-170.006(2),(3), F.A.C.

(c) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group, provided the information submitted in the filing is identical for every insurer identified in the filing.

(3) Any submission which is not completed according to the above referenced instructions or is missing any of the properly completed forms, including supporting documentation, shall not constitute a filing pursuant to Section 627.062, F.S., and shall be returned to the insurer as "incomplete".

(4)(a) The submission of data outlined on the property and casualty commercial lines checklist does not preclude the Office from requiring additional information or further explanation of data.

(b) The insurer shall submit the required additional information or further explanation of data by a date certain stated in a clarification letter, to allow the Office sufficient time to perform a proper review.

(c) Failure to correct the deficiencies by the date stated in the clarification letter will result in a notice of intent to disapprove the filing by the Office.

(5)(a) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.

(b) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

(c) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://portal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing

~~will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

(6) through (8) renumbered (3) through (5) No change.

~~(6)(a)(9) The earned premiums and incurred losses included in the rate level indications shall include Florida-only data be accident year, Florida only data. Any other data which the insurer believes to be pertinent to the filing may also be provided. The insurer shall provide the logical connection between such other data and the subject matter of the filing.~~

~~(b) An insurer shall prepare separate indications for those policies on an occurrence basis and for those policies on a claims-made basis.~~

~~(c) The premium and loss data supporting a rate level indication for policies on an occurrence basis shall be stated on an accident year basis.~~

~~(d) The premium and loss data supporting a rate level indication for policies on a claims-made basis shall be stated on a report year basis.~~

(10) through (11) renumbered (7) through (8) No change.

~~(12) Each insurer shall include in its rate filings:~~

~~(a) A separate exhibit listing that portion of the final rates/premium allocated to conflagration, hurricane, or other catastrophe hazards.~~

~~(b) An estimate of the total dollar amount allocated to such conflagration, hurricane, or other catastrophe hazards for the 12 month period beginning with the effective date of the applicable filing.~~

~~(c) A rate filing for residential property insurance shall be separated into 2 components, rates for:~~

- ~~1. Hurricane coverage; and~~
- ~~2. All other coverages.~~

~~(9)(13) No change.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062, 624.604, 624.605 FS. History—New 10-2-96, Formerly 4-170.0142, Amended

690-170.0143 Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice.

(1)(a) This rule shall apply to all medical malpractice insurance rates filed pursuant to Section 627.062, F.S.

(b) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 690-170.013(2), F.A.C.

(c) For purposes of this rule, reference to liability insurance for medical malpractice shall include insurance on the following types of risks:

1. Hospitals licensed under Chapter 395, F.S.;
2. Physicians licensed under Chapter 458, F.S.;
3. Osteopathic physicians licensed under Chapter 459, F.S.;
4. Podiatric physicians licensed under Chapter 461, F.S.;
5. Dentists licensed under Chapter 466, F.S.;

6. Chiropractic physicians licensed under Chapter 460, F.S.;

7. Naturopaths licensed under Chapter 462, F.S.;

8. Nurses licensed under Chapter 464, F.S.;

9. Midwives licensed under Chapter 467, F.S.;

10 Clinical laboratories registered under Chapter 483, F.S.;

11. Physician assistants licensed under Chapter 458 or 459, F.S.;

12. Physical therapists and physical therapist assistants licensed under Chapter 486, F.S.;

13. Health maintenance organizations certificated under part I of Chapter 641, F.S.;

14. Ambulatory surgical centers licensed under Chapter 395, F.S.;

15 Other medical facilities as defined in subparagraph 627.351(4)(h)2., F.S.;

16. Individuals or facilities licensed under Chapter 400, F.S.;

17.a. Blood banks;

b. Plasma centers;

c. Industrial clinics; and

d. Renal dialysis facilities;

18.a. Professional associations;

b. Partnerships;

c. Corporations;

d. Joint ventures; or

e. Other associations for professional activity by health care providers; or

19. Any other liability insurance covering errors or omissions which may result in bodily injury.

(2) All filings shall contain:

(a) Either Form OIR-B1-583 (pages 1 and 2) or Form OIR-B1-595 as adopted in Rule 690-170.0155, F.A.C., as applicable.

(b)1. A list of each of the insurer's programs or types of policies within the Medical Malpractice line of business and whether each program or policy type is provided on an occurrence basis, a claim-made basis, or on both bases.

2. A statement by the insurer as to:

a. Whether each program or policy type is subject to the annual rate filing required under Section 627.062(7)(f), F.S.; and

b. Whether that annual rate filing is being made under the current rate filing or has been made under a prior submission.

3. A list of the insurer's programs or types of policies which are rated based on exposure units expressed in Physician Years.

(c) Adoption of Loss Costs Filed by a Rating Organization. A filing which adopts the prospective loss costs promulgated by a rating organization and approved for use by

the Office shall include Form OIR-B1-583 (pages 1 and 2), "Florida Expense Supplement Calculation of Insurer Loss Cost Multiplier" as adopted in Rule 600-170.0155, F.A.C.

(d) Rate Filings not involving the adoption of Loss Costs. Insurers shall provide the following:

1. Ratemaking Methodology:

a. The actuarial memorandum and the supporting exhibits define a standard ratemaking methodology. The proposed rates and/or rate changes should be the result of the ratemaking methodology operating on the insurer's data.

b. An insurer shall establish a standard ratemaking methodology and utilize it consistently over time. However, an insurer may elect to change its standard ratemaking methodology. If an insurer does so, it shall thoroughly document the reasons for the change.

2. Judgment: An insurer may employ its judgment and elect to depart from its ratemaking methodology. If an insurer does so, it shall thoroughly document the reasons for the departure from its standard ratemaking methodology.

3. Loss Data:

a. Programs or policy types written on an occurrence basis shall present the following loss data on an accident year basis:

(I) Direct losses paid to date on reported claims;

(II) Case basis estimates of unpaid direct losses on reported claims;

(III) The total number of reported claims.

b. Programs or policy types written on a claims-made basis shall present the following loss data on a report year basis:

(I) Direct losses paid to date on reported claims.

(II) Case basis estimates of unpaid direct losses on reported claims.

(III) The total number of reported claims.

4. Allocated Loss Adjustment Expense Data: An insurer may, at its option:

a. Include direct paid and unpaid allocated loss adjustment expenses with direct paid and unpaid losses and indicate that the data includes both direct losses and direct allocated loss adjustment expenses; or

b. Present direct paid and unpaid allocated loss adjustment expenses separately from direct paid and unpaid losses.

5. Actuarial Adjustments to Losses and Allocated Loss Adjustment Expenses. Filings shall consider the following adjustments to losses and allocated loss adjustment expenses:

a. Loss Development;

b. Adjustment for known changes in claim costs and claim frequency;

c. Adjustment for anticipated future changes in claim costs and/or claim frequency;

d. Unallocated Loss Adjustment Expenses.

6. Premium and Exposure Data:

a. Filings which utilize a Loss Ratio approach to ratemaking shall provide collected direct written premium and collected direct earned premium;

b. Filings which utilize a Pure Premium approach to ratemaking shall provide direct earned exposure measured in Physician Years;

c. An insurer may also utilize other direct earned exposure units the insurer believes will support its proposed rate change.

7. Actuarial Adjustments to Premium and Exposure Data:

a. Filings based on a Loss Ratio approach shall clearly demonstrate:

(I) How collected premium has been adjusted to the current rate level.

(II) That the losses utilized in the filing were generated by the earned premium considered in the filing.

b. Filings based on a Pure Premium approach shall clearly demonstrate:

(I) That base-equivalent exposures, if utilized, have been determined using the current rating plan.

(II) That the losses utilized in the filing were generated by the earned exposure utilized in the filing.

8. Expense (other than loss adjustment expenses) Data:

a. A rate filing, other than the adoption of loss costs, shall include Form OIR-B1-595, "Florida Expense Supplement for Independent Rate Filings" as adopted in Rule 690-170.0155, F.A.C.

b. All expense data shall be presented on a direct basis:

(I) Commission/Brokerage expense ratios, Premium Tax ratios, and Other Tax ratios shall be determined as ratios to direct written premium.

(II) General Expense ratios and Other Acquisition Expense ratios shall be determined as ratios to direct earned premium.

9. Credibility: The filing shall contain a thorough explanation of how the concept of credibility, including the use of accident-year weights or report-year weights, has been incorporated into the filing.

(e)1. In addition to the direct ratemaking approach in subsection (5), an insurer may elect to include the costs of reinsurance in a rate filing.

2. Where the insurer elects to do so, the cost of reinsurance shall consider:

a. All reinsurance contracts related to the subject matter of the filing;

b. The amount to be paid to the reinsurer;

c. Ceding commissions to be paid to the insurer by the reinsurer;

d. Expected reinsurance recoveries; and

e. Other relevant information specifically relating to cost such as a retrospective profit sharing agreement between the insurer and the reinsurer.

(f) Actuarial Documentation Required.

1. The actuarial memorandum contained in the filing shall describe in detail how the proposed rates have been derived from the experience presented.

2. The filing shall also contain actuarial exhibits that provide the details of all the calculations involved. The exhibits shall provide adequate documentation and footnotes to facilitate a thorough review of the calculations by the Office.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062, 624.604, 624.605 FS. History--New _____.

(Substantial rewording of Rule 69O-170.0155 follows. See Florida Administrative Code for present text.)

69O-170.0155 Forms.

(1) The following forms are hereby adopted and incorporated by reference:

Form #	Title	Date
(a) OIR-B1-582	Universal Standardized Data Letter	10/04
(b) OIR-B1-583	Florida Expense Supplement Calculation of Insurer Loss Cost Multiplier	04/04
(c) OIR-B1-584	Florida Property and Casualty – Annual Rate Filing-Exemption	07/03
(d) OIR-B1-586	Florida Property and Casualty – Annual Rate Filings Certification	07/04
(e) OIR-B1-595	Florida Expense Supplement for Independent Rate Filings	07/03
(f) OIR-B1-HRCS	Homeowners' Rate Collection System (HRCS)	07/03
(g) OIR-B1-DRCS	Dwelling Rate Collection System (DRCS)	07/03
(h) OIR-B1-ARCS	Automobile Rate Collection System (ARCS)	07/03

(2) Forms are available and may be printed from the Office's web site: <https://www.fldfs.com>.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645 FS. History--New 6-19-03, Formerly 4-170.0155, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, 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, Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004 and July 23, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: Motor Vehicle Insurance Ratemaking and Rate Filing Procedures

RULE NO.: 69O-175.003

PURPOSE, EFFECT AND SUMMARY: Improve the quality of rate filings by providing specific detail of the components of a filing so as to minimize the Office's processing of incomplete filings;

- Delete outdated language and mandate electronic filing; and
- Update and adopt rate filing forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424, 627.062, 627.0651 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: December 7, 2004, 1:30 p.m.

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, Office of Insurance Regulation, e-mail Frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-175.003 Motor Vehicle Insurance Ratemaking and Rate Filing Procedures.

(1)(a) This rule shall apply to all motor vehicle insurance rates filed pursuant to Sections 627.062 and 627.0651, F.S., except for provisions which are specifically limited to private passenger motor vehicle insurance rates.

(b) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 69O-170.013(2), F.A.C.

(c) Filings shall pertain only to the Private Passenger Automobile Insurance.

~~(2) Motor Vehicle Insurance Rate Filing Submittal Requirements:-~~

~~(a) Complete rate, rule, rate/rule and underwriting guidelines shall be submitted with the following:~~

~~1. Form OIR-B1-582, "Universal Standardized Data Letter", as adopted in Rule 4-170.015, F.A.C.;~~

~~2. Cover letter; and~~

~~3. Explanatory memorandum.~~

~~(a)(b)1.~~ Each insurer writing motor vehicle insurance in Florida shall file electronically with the Office such information as required by the Office.

~~2.~~ Private passenger motor vehicle insurers may electronically submit their rating data by completing their filing on line through the I-File Office's Internet Filing System (IFS) and the Rate Collection System (RCS) at <https://portal.fldfs.com> or by utilizing the Automobile Rate Collection System (ARCS), as adopted in Rule 69O-170.0155, F.A.C., at <https://www.iportal.fldfs.com> software provided to insurers by the Office on its web site.

2. Required supporting documentation referenced in the I-File System or ARCS shall be provided.

3. Accurate entry of information into the rate indications component of the I-File System will result in the aggregate average statewide rate indication developed from such data. The accuracy and integrity of the information provided shall be the responsibility of the actuary and considered within the actuarial memorandum and opinion required by Rule 69O-170.0135, F.A.C.

~~(e)~~ All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.

~~(d)~~ For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

~~(e)~~ Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://portal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(e), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

~~(f)~~ All filings shall be separated by line of business in accordance with Rule 4-170.006, F.A.C.

~~(g)~~ All manual pages shall be formatted in compliance with subsection 4-170.006(3), F.A.C.

~~(b)(h)~~ All filings shall identify by program the percentage of policies written on a 6 ~~six~~ month and annual policy term.

~~(i)~~ Any submission which is not completed according to the above referenced instructions or is missing any of the properly completed forms with supporting documentation shall not constitute a filing pursuant to Section 627.0651, F.S., and shall be returned to the insurer as "incomplete".

(3) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group provided the information submitted in the filing is identical for every insurer identified in the filing.

(4) The submission of data outlined on the motor vehicle rate/rule checklists does not preclude the Office from requiring additional information or further explanation of data. The insurer shall submit the required additional information or

~~further explanation of data by a date certain stated in the clarification letter, to allow the Office sufficient time to perform a proper review. Failure to correct the deficiencies by the date certain in the clarification letter will result in disapproval of the filing by the Office.~~

(3)(5) The following information shall be submitted within the I-File System and ARCS collection indicated in subparagraph (2)(a)1. above.

(a) Each rate filing which proposes changes to base rates shall contain separate rate level indications and support for such indications on a statewide basis for each type of motor vehicle coverage which the insurer writes in Florida. This provision shall apply to all rate filings regardless of whether a filing requests rate changes for one, more than one, or all coverages written. This subsection shall not apply if a rate change is filed in response to law changes which relate to specific types of coverage or if a rate change is filed in response to specific factual developments or circumstances that are reasonably expected to affect only certain types of coverage for which the changes are filed.

~~(b)(6)~~ Each rate filing which proposes changes to base rates as to any coverage for which rates vary by territory shall contain separate support by territory for each type of motor vehicle coverage for which a proposed rate change is filed. This provision shall apply to each territory regardless of whether the rate filing requests rate changes for one, more than one, or all territories.

~~(c)(7)~~ All rate filings which propose changes to base rates shall include calendar/accident year, Florida-only data for liability coverages and either calendar year or calendar/accident year, Florida-only data for physical damage coverages, and any other data which the insurer believes to be pertinent to the filing.

(d) The expense factors in each private passenger automobile rate filing shall be divided into the following categories:

1. Commissions and brokerages;
2. Other acquisition expenses;
3. General expenses;
4. Premium taxes;
5. Miscellaneous licenses and fees; and
6. Other special expenses.

~~(4)(8)~~ Private passenger motor vehicle rates, rating schedules, or rating manuals shall contain provisions for individual risk premium modification for collision, personal injury protection, bodily injury liability, and property damage liability coverage based on, among other factors, at least one aspect of an insured's driving record unless the insurer demonstrates with adequate support that failure to do so is not unfairly discriminatory. For purposes of this subsection, aspects of "driving record" include number or type of accidents, and number or type of violations.

~~(9) The following forms, which are hereby adopted and incorporated by reference, are included in the private passenger rate filing software provided by the Office:~~

~~(a) Form OIR-B-1575, "Florida Private Passenger Auto Rating Examples/Annual Rates," (Rev. 2/91);~~

~~(b) Form OIR-B-1576, "Florida — Statewide Rate Level Effect/Voluntary Private Passenger Auto," with its instructions, (Rev. 2/91);~~

~~(c) Form OIR-B-1577, "Florida — Rate Level Effect by Coverage by territory/Voluntary Private Passenger Auto," with its instructions, (Rev. 2/91); and~~

~~(d) Form OIR-B-1578, "Florida — Rate Level Effect for All Coverages by Territory/Voluntary Private Passenger Auto," with its instructions, (Rev. 2/91).~~

~~(10) All Office of Insurance Regulation Forms may be obtained from:~~

~~(a) The Department of Financial Service's Web site located at www.flds.com; or~~

~~(b) The Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330, (850)413-3146.~~

~~(11) The expense factors in each private passenger automobile rate filing shall be divided into the following categories:~~

- ~~(a) Commissions and brokerages;~~
- ~~(b) Other acquisition expenses;~~
- ~~(c) General expenses;~~
- ~~(d) Premium taxes;~~
- ~~(e) Miscellaneous licenses and fees; and~~
- ~~(f) Other special expenses.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0651 FS. History—New 11-29-89, Amended 6-9-91, Formerly 4-57.003, Amended 11-2-92, 10-2-96, 3-31-98, 1-25-99, 6-19-03, Formerly 4-175.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Actuary, 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, Forms and Rates, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004 and July 23, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
General Reporting Requirements	690-189.001
Workers' Compensation: Application and Audit Procedures	690-189.003
Deviation Filing Information	690-189.004
Insurer Experience Reporting – Excessive Profits, Workers' Compensation Insurance	690-189.007
Workers' Compensation Rating Plan for Managed Care Premium Credits	690-189.014

PURPOSE, EFFECT AND SUMMARY: The amendments:

- Address outdated provisions which are no longer applicable;
- Update address and electronic filing requirement language;
- Update forms; and
- Update the rule governing deviation filings to conform to current statutes.

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: 440.381, 624.308(1), 627.215 FS.

LAW IMPLEMENTED: 440.105(4)(b)5., 440.134, 440.381, 624.307, 624.307(1), 624.461, 624.482, 626.9541(1)(a),(b),(e), 627.091, 627.101, 627.191, 627.211, 627.215, 627.914(5)(b), 627.918(1) 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., December 15, 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: Jim Watford, Office of Insurance Regulation, e-mail: jim.Watford@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-189.001 General Reporting Requirements.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.914(5)(b), 627.918(1) FS. History—New 6-4-92, Formerly 4-189.001, Repealed _____.

690-189.003 Workers' Compensation: Application and Audit Procedures.

(1)(a) Each employer applying to a carrier in the voluntary market for workers' compensation coverage required by Section 440.38, Florida Statutes, shall use Form ACORD 130-FL (rev. 7/02), "Florida Workers' Compensation Application," which is hereby adopted and incorporated by reference. ~~Carriers are authorized to continue to use Form ACORD 130 FL (rev. 8/00), "Florida Workers' Compensation Application," which was previously adopted until the current supply of forms is exhausted.~~ The form shall be completed and submitted to the carrier with which the employer wishes to contract for coverage.

(b) A carrier wishing to use its own application form shall submit the form ~~electronically to the Florida Office of Insurance Regulation (Office) at <https://iportal.fldfs.com> to the Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330,~~ and receive approval prior to its use.

1. through 4. No change.

(c) through (d) No change.

(2) through (3) No change.

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

(f) Signatures.

1. a. No change.

b. The forms in this subsection (4) are hereby adopted and incorporated by reference and may be obtained from ~~the Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330, or on the Office's Department of Financial Services' web site at www.fldfs.com.~~

c. No change.

2. a. A carrier wishing to use its own signature forms shall submit the forms electronically to the Bureau of Property and Casualty Forms and Rates at <https://iportal.fldfs.com>, and receive approval prior to use. ~~Forms may also be submitted by mail to the Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330.~~

b. No change.

3. No change.

Specific Authority 440.381, 624.308(1) FS. Law Implemented 440.105(4)(b)5., 440.381, 624.307 FS. History—New 8-1-91, Formerly 4-28.007, Amended 10-3-95, 10-10-96, 1-15-98, 11-21-00, 11-5-02, 9-22-03, Formerly 4-189.003, Amended _____.

690-189.004 Deviation Filing Information.

Florida Statutes authorize the filing of premium deviations which automatically expire after a period of one year unless refiled and reapproved. Any such premium deviation filing shall include the following information:

(1) through (6) No change.

~~(7) Pursuant to Section 627.211(3), Florida Statutes, the Office shall consider the following areas when evaluating each company requesting a deviation:~~

~~(a) Applicable principles for ratemaking as set forth in Sections 627.062 and 627.072, Florida Statutes;~~

~~(b) The financial condition of the insurer;~~

~~(8) In order to evaluate the financial condition of the company, the following information shall be provided, accompanied by justification, support and explanations where appropriate:~~

~~(a) Indicate whether the company's audited financial statements provide unqualified opinions or contain significant qualifications or "subject to" provisions. Yes responses must be explained;~~

~~(b) Indicate whether there has been any independent or other actuarial certification of loss reserves shown on the annual statements;~~

~~(c) Indicate whether the company's workers' compensation and employer's liability reserves are above the midpoint or best estimate of the actuary's reserve range estimate;~~

~~(d) Indicate whether the proposed deviation will have any detrimental affect on the financial status of the company;~~

~~(e) Provide historical experience demonstrating the profitability of the company;~~

~~(f) Statements, and documentation if necessary, confirming the existence of excess or other reinsurance that contains a sufficiently low attachment point and maximums that provide adequate protection to the company;~~

~~(g) Provide any other factors that are considered relevant to the financial condition of the company.~~

~~(9) In order for the Office to complete its review of a request for a deviation, the company shall indicate whether the deviation will constitute predatory pricing, including justification for its response.~~

~~(10) Pursuant to Section 627.211(3), Florida Statutes, the Office shall disapprove the request for a deviation if it finds that any of the following conditions exist:~~

~~(a) The resulting premiums would be excessive, inadequate, or unfairly discriminatory;~~

~~(b) The deviation would endanger the financial condition of the company;~~

~~(c) The deviation would result in predatory pricing.~~

~~(11)(7) No changes.~~

~~(8) The filing should state if the company is a domestic, foreign, or alien insurer.~~

~~(12)(9)~~ A copy of the filing ~~shall must~~ be submitted to the NCCI. To assure that premium deviation filings are acted upon on a timely basis, such filings should be submitted electronically to <https://portal.fldfs.com> to the ~~Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation~~, 90 ~~ninety~~ days in advance of the proposed effective date. ~~Filings shall be accompanied with a self-addressed, stamped envelope for return of final order.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.211 FS. History--New 6-4-92, Formerly 4-189.004, Amended _____.

690-189.007 Insurer Experience Reporting – Excessive Profits, Workers’ Compensation Insurance.

(1) Any insurer authorized to transact workers’ compensation and employer’s liability insurance in Florida shall report the data required by Section 627.215, Florida Statutes, by completing and submitting to the Office form OIR-B1-15 “Workers’ Compensation Excessive Profits Reporting Form” in accordance with the instructions provided therein.

(2) Data submitted on form OIR-B1-15 is to be for Florida policyholders and shall be direct with respect to reinsurance.

(3) Form OIR-B1-15 is to be filed on or before July 1 of each year.

(4) No change.

(5) For the purposes of form OIR-B1-15, the following definitions shall apply:

(a) through (c) No change.

(6) Form OIR-B1-15 (rev. 1/01), Workers’ Compensation Excess Profits Reporting Form F, ~~as amended~~, is hereby incorporated by reference ~~and shall take effect on January 1, 2004~~ and may be obtained from the Office’s web site at www.fldfs.com, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0330.

Specific Authority 624.308(1), 627.215 FS. Law Implemented 624.307(1), 627.215 FS. History--New 6-14-84, Amended 7-1-85, Formerly 4-59.061, Amended 6-1-88, Formerly 4-59.0061, Amended 12-20-00, Formerly 4-189.007, Amended _____.

690-189.014 Workers’ Compensation Rating Plan for Managed Care Premium Credits.

Specific Authority 624.308(1) FS. Law Implemented 440.134, 624.307(1), 624.461, 624.482, 626.9541(1)(a),(b),(c), 627.091, 627.101, 627.191 FS., Section 95 of Chapter 93-415, Laws of Florida. History--New 8-15-94, Formerly 4-189.014, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jim Watford, Actuary, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Miller, Deputy Director, Forms and Rates, Office of Insurance Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2004

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

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

NOTICE OF HEARING CHANGE

Notice is hereby given that the hearing associated with the Notice of Change for the above rule which was published on October 29, 2004, has been changed. It was originally scheduled for 9:00 a.m. on December 7, 2004, and has been rescheduled as follows:

TIME AND DATE: 3:30 p.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, which can be reached at 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 MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER NO.: 60DD-7 RULE CHAPTER TITLE: Florida Information Technology Life Cycle Policies and Standards

RULE NOS.:	RULE TITLES:
60DD-7.001	Purpose; Definitions; and Applicability
60DD-7.002	Project Management Methodology
60DD-7.005	Needs Assessment or Feasibility Phase
60DD-7.006	Planning Phase
60DD-7.007	Requirement Analysis Phase
60DD-7.008	Design Phase
60DD-7.009	Acquisition/Development Phase
60DD-7.010	Integration, Testing and Acceptance Phase
60DD-7.011	Implementation Phase
60DD-7.013	Disposition Phase

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 39, of the September 24, 2004 issue of the Florida Administrative Weekly:

60DD-7.001 Purpose; Definitions; ~~Policy~~; and Applicability.

(1) Purpose.

(a) Rules 60DD-7.001-7.014, F.A.C., shall be known as the Information Technology Life Cycle Policies and Standards.

(b) It is the intent of this rule chapter to establish an Information Technology (IT) Life Cycle which provides a flexible framework for approaching a variety of information technology projects. Primary emphasis is placed on the information and systems decisions to be made and the proper timing of decisions. The framework enables system developers, project managers, program/account analysts, and business/system owners and users to combine activities, processes and products, as appropriate, and to select the tools and methodologies best suited to the unique needs of each project. The purpose of the Information Technology Life Cycle is to:

1. Establish a common Project Management Methodology identifying the phases of an information technology project, specific processes to be performed within each phase and standard tasks that comprise each process.
2. Establish a common Information Systems Development Methodology outlining procedures, practices, and guidelines governing the initiation, concept development, planning, requirements analysis, design, development, integration and test, implementation, operations, maintenance and disposition of information technology.
3. Define minimum standards and provide a best practice model which establishes the framework and processes for a structured approach to the complete life cycle management of information technology resources. Standards are required administrative procedures or management controls utilizing current, open, non-proprietary or non-vendor specific technologies.

(c) The Project Management Methodology and the Information Systems Development Methodology are two different parts of the Information Technology Life Cycle that work in conjunction with one another: Project Management defines how to manage a project; the Information Systems Development Methodology describes the tasks that must be completed to produce a product or service.

(2) Definitions.

(a) The following terms are defined:

1. Acceptance Management – A process to be used throughout a project to obtain approval from an authorized Customer Decision Maker for work done on the project to date. This process is defined and included in the Project Plan. The approval at each phase means the deliverable(s) are completed to the satisfaction of the Customer. In order for a deliverable to be considered “complete” and “acceptable” it is measured against pre-determined acceptance criteria.

2. Agency – Those entities described in Section 216.011(1)(qq), F.S.

3. Availability Date – The date, as established by a holding agency, on which information technology equipment to be released as surplus will be removed from the operational environment.

4. Best Practice – A technique or methodology that, through experience and research, has proven to reliably lead to a desired result. A commitment to using the best practices in any field is a commitment to using all the knowledge and technology at one’s disposal to ensure success.

5. Change Control Board (CCB) – A formally constituted group of Stakeholders (including the Project Sponsor) responsible for approving or rejecting changes to the project.

6. Change Management – Provides methods to identify, track, evaluate, and integrate requested changes to the scope of the project. Each change request is documented and submitted for approval by the project’s Change Control Board (~~CCB~~). All requests (approved or not) are logged and tracked by the Project Manager.

7. Comprehensive Risk Analysis – A process that systematically identifies valuable system resources and threats to those resources as defined in rule subparagraph 60DD-2.001(2)(a)47., F.A.C., ~~quantifies loss exposures (i.e. loss potential) based on estimated frequencies and costs of occurrence, and recommends how to allocate resources to countermeasure so to minimize total exposure. The analysis lists risks in order of cost and criticality, thereby determining where countermeasures should be applied first.~~

8. Communication Plan – Defines how information about the project will be delivered to the Project Team members, Project Sponsor(s), Stakeholders, Customers business owners, and Users. The Communication Plan details the method (i.e., e-mail, reports, meetings) and frequency of communication by whom and to whom.

9. Configuration Management – A discipline applying technical and administrative direction to identify and document the functional and physical characteristics of a system component, control changes to those characteristics, record and report change processing and implementation status, and verify compliance with specified requirements.

10. Customer – members of the Organization(s) that identified the need for the product or service the project will develop. A Customer may or may not be a User.

11. Customer Decision-Makers – Those members of the Customer community of the Organization who have been designated to make project decisions on behalf of major business units that will use, or will be affected by, the product or service the project will deliver.

12. Customer Representatives – Members of the Customer community of the Organization that are identified and made available to the project for their subject matter expertise. Their main responsibility is to accurately represent the Organization's business needs, act as a liaison between the Project Team and the Organization, participate in testing the product or service, and using and evaluating the product or service while providing feedback to the Project Team.

13. Deliverable – A product or service satisfying one or more objective of the project.

14. Digital Divide Council – A State Technology Office program permitting governmental entities in Florida to list surplus equipment to determine whether community centers or not-for-profit entities are eligible to and wish to receive surplus information technology equipment free of charge.

15. Holding Agency – Any agency as defined in Section 282.0041(1), F.S., which has accountability for the information technology equipment to be declared surplus.

16. Information Systems – The application programs and databases used by state agencies to carry out agency missions and responsibilities.

17. Information Systems Development Methodology – A set of principles, practices and procedures which is used to define, develop, and implement information systems. An information systems development methodology guides the sequence of working tasks, defines task prerequisites and results, and establishes key checkpoints. It may also identify the resources, tools and techniques to be used for a task or set of tasks.

18. Information Systems Development Tools and Techniques – Specific strategies or standardized methods or procedures to guide the execution of one or more systems development tasks. Prototyping, joint applications design, structured analysis and design, information engineering, object-oriented design, reverse engineering, and structured programming are examples of systems development methods. Computer-aided software (or systems) engineering (CASE) products, fourth-generation languages and data dictionaries are

examples of automated tools and enabling technologies that are used in conjunction with information systems development methodologies.

19. "Information Technology," "Information Technology Resources," "Information Resources," or "Information Technology System" – Any transmission, emission or reception of signs, signals, writings, images, and sounds of intelligence of any nature by wire, radio, optical, or other electromagnetic systems and includes all facilities and equipment owned, leased, or used by all agencies and political subdivisions of state government, and a full-service information-processing facility offering hardware, software, operations, integration, networking and consulting services.

20. Information Technology Equipment – Information technology equipment designed for the automated storage, manipulation, or retrieval of data by electronic or mechanical means, or both, including, but not limited to, central processing units, including mini-processors and micro-processors, and related peripheral equipment such as data storage devices, document scanners, data entry, terminal systems, computer-related word processing systems and equipment and systems for computer networks.

21. Issue Management and Escalation – A process for capturing, reporting, escalating, tracking, and resolving problems that occur as a project progresses.

22. Maintenance Services – The remedial or preventive procedures performed on information technology equipment.

23. Networks or networking – Networks provide design, programming, development and operational support for local area networks ("LANs"), wide area networks ("WANs") and other networks. Networks support client/server applications, telephony support, high-speed or real-time audio and video support and may develop and/or utilize bridges, routers, gateways and transport media.

24. Organization – A business unit ~~within an agency~~ that identifies a business need~~(s)~~ for the product or service the project will develop. Frequently an ~~o~~rganization will identify key Customer Representatives and Customer Decision-Makers.

25. Phase – A series of processes organized into a distinct stage of project development. The end of a project phase usually coincides with the approval of a major deliverable.

26. Platform – The foundation technology of a computer system. The hardware and systems software that together provide support for an application program and the services they support.

27. Process – A series of actions bringing about a result.

28. Project – A temporary endeavor undertaken to create a unique product or service.

29. Project Manager – The person responsible for ensuring that the Project Team completes the project. The Project Manager develops the Project Plan with the Project Team and manages the team's performance of project tasks. It is also the

responsibility of the Project Manager to secure acceptance and approval of deliverables from the Project Sponsor and Stakeholders.

30. Project Sponsor – A manager with demonstrable interest in the outcome of the project who is responsible for securing spending authority and resources for the project. Ideally, the Project Sponsor should be the highest-ranking manager possible, in proportion to the project size and scope. The Project Sponsor initiates the Project Proposal process, champions the project in the Organization, approves major deliverables, signs off on approvals to proceed to each succeeding project phase and is the ultimate decision-maker for the project. The Project Sponsor may elect to delegate any of these responsibilities to other agency personnel.

31. Project Team – One or more resources responsible for executing tasks and producing deliverables as outlined in the Project Plan and directed by the Project Manager, at whatever level of effort or participation that has been defined for them.

32. Provider – A third party such as contractor, vendor or private organization providing products, services or support.

33. Quality Assurance – Evaluation of project performance on a regular basis to ensure that the project will satisfy the established quality standards.

34. Quality Control – Monitoring of project results to ensure compliance with the appropriate established quality standards and to eliminate causes of non-compliance.

35. Quality Standards – Criteria established to ensure that each deliverable created meets a certain level of quality agreed to by the Customer and Project Manager.

36. Repairs required – FAIR – A condition of equipment in which rRequired repairs are considerable and are estimated to range from 16 percent to 40 percent of original acquisition cost.

37. Repairs required – GOOD – A condition of equipment in which rRequired repairs are minor and should not exceed 15 percent of the original acquisition cost.

38. Repairs required – POOR – A condition of equipment in which rRequired repairs are major because property is badly damaged, worn or deteriorated, and are estimated to range from 41 percent to 65 percent of the original acquisition cost.

39. Risk – An uncertain event or condition that, if it occurs, has a positive or negative effect on the project objectives; or tThe likelihood or probability that a loss of information resources will occur as defined in subparagraph 60DD-2.001(2)(a)69., F.A.C.

40. Risk Analysis, risk assessment – See: Comprehensive Risk Analysis.

41. Risk Management – Decisions and subsequent actions designed to accept exposure or to reduce vulnerabilities by either mitigating the risks or applying cost effective controls.

42. Systems Development – Refers to all actions, functions or activities performed by agencies for the purpose of defining, acquiring, developing, enhancing, modifying, testing, or implementing information systems.

43. User – An individual or Organization who operates or interacts directly with the system; one who uses the services of a system. A This user may or may not be the cCustomer.

(b) Other terms shall have their commonly understood meaning.

(3) ~~Policy. It is the policy of the State agencies shall of Florida that all state~~ follow a structured Information Systems Development Methodology in managing information technology resources. Due to a wide variance in methods, techniques and tools used to support the evolution of systems, the Information Technology Life Cycle set forth in this rule:

(a) Defines a set of phases, tasks, activities and deliverables that are normally associated with information technology projects;

(b) Identifies a minimal set of tasks and activities that can be used to provide required deliverables;

(c) Provides a flexible set of phases, tasks, activities and deliverables that allow for variations in size, scope and complexity of information technology projects; and

(d) Provides a framework that can accommodate the use of various systems development methodologies, tools and techniques.

(4) Applicability.

(a) The Information Technology Life Cycle Policies and Standards of this rule chapter apply to all entities described in Section 216.011(1)(qq), F.S. As set forth in Sections 282.005(9), and 282.3031, F.S., the functions of information resources management are assigned to the university boards of trustees for the development and implementation of planning, management, rulemaking, standards, and guidelines for the state universities; to the community college boards of trustees for establishing and developing rules for the community colleges; to the Supreme Court for the judicial branch; to each state attorney and public defender; and to the State Technology Office for the agencies within the executive branch of state government.

(b) Exceptions. The policies and standards set forth in this rule chapter shall not affect the supervision, control, management or coordination of information technology and information technology personnel that any cabinet officer listed in s. 4, Art. IV, Florida Constitution deems necessary for the exercise of his or her statutory or constitutional duties.

60DD-7.002 Project Management Methodology.

(1) Key Principle. The Project Management Methodology set forth in this rule chapter is aligned with the *Project Management Institute's (PMI®) Guide to the Project*

Management Body of Knowledge (PMBOK[®]), the recognized American National Standards Institute standard, incorporated by reference at subsection 60DD-7.014(1), FAC.

(2) Project Management Methodology Overview. While no two projects are alike, all projects should progress through the same five project management phases:

(a) Project Origination – In this phase an individual proposes a project to create a product or develop a service that addresses a need for the Organization. The Organization submits the Project Proposal to an evaluation and selection process. If selected, a budget or further management commitment for the project is required before a Project Manager is assigned and the project is authorized to progress to Project Initiation. Processes include:

1. Develop a Project Proposal – Tasks include developing a Business Case and a Proposed Solution.

2. Evaluate a Project Proposal – Tasks include presenting, evaluating and optionally rating the Project Proposal using predetermined evaluation criteria.

3. Accepting or rejecting the Project Proposal.

(b) Project Initiation – A Project Manager is assigned and works with the Project Sponsor to identify the necessary resources and team members needed to further develop the key project parameters: Cost, Scope, Schedule and Quality. The Project Team documents its charge in the form of a Project Charter, which is based on the Project Proposal, which includes the initial Business Case. Approval of the Project Charter by the Project Sponsor authorizes the designated team to begin the initial planning effort. The initial Project Plan differs in the level of detail and the validity of its estimates from Project Origination, and must be at a level sufficient to acquire any additional resources needed to progress. The Project Plan also includes plans for involving and communicating with all parties that are affected by the project, as well as identification of an initial set of foreseeable risks that can threaten the project. At the conclusion of Project Initiation, based on the initial planning documents, the Business Case is revised and re-evaluated and a decision is made to either halt the project or proceed to Project Planning. Processes include:

1. Preparing for the Project – Tasks include identifying a Project Sponsor, identifying the initial Project Team, reviewing historical information, developing a Project Charter, conducting a Project Kick-Off Meeting and Establishing a Project Repository.

2. Defining the Cost, Scope, Schedule and Quality Quantity – Tasks include defining the Project Scope, developing a high-level Schedule, identifying Quality Standards and establishing a Project Budget.

3. Performing Risk Identification – Tasks include identifying and documenting Risks.

4. Developing Initial Project Plan – Tasks include identifying and documenting Stakeholders' involvement in project, developing a Communication Plan, and compiling/gathering all information to produce the initial Project Plan.

5. Confirming Approval to Proceed to Next Step – Tasks include reviewing and refining the Business Case, preparing Formal Acceptance package, and gaining Approval Signature from Project Sponsor.

(c) Project Planning – This phase builds on the work done in Project Initiation, refining and augmenting Cost, Scope, Schedule, Quality and Project Plan deliverables. A number of key elements are added to the Project Plan, including project-specific items such as change control, acceptance management and issue management, as well as items such as organizational change management and project transition. The initial list of project risks is augmented, and detailed mitigation plans are developed. Project Planning marks the completion of the Project Plan. At the conclusion of Project Planning, the Business Case is revised and re-evaluated based on the completed planning documents and a decision is again made to either halt the project or commit the resources necessary for Project Execution and Control. Processes include:

1. Conducting Project Planning Kick-Off – Tasks include orienting new Project Team Members, reviewing outputs of Project Initiation and current Project Status, and kicking off project planning.

2. Refining the Cost, Scope, Schedule and Quality parameters – Tasks include refining the Project Scope, Project Schedule, Quality Standards and Quality Assurance activities and the Project Budget.

3. Performing Risk Assessment – Tasks include identifying new Risks and updating existing Risks as needed, quantifying the Risks and developing a Risk Management Plan.

4. Refining the Project Plan – Tasks include defining Change Control, Acceptance Management, Issues Management and Escalation processes, refining the Communications Plan, defining the Organizational Change Management Plan, establishing Time and Cost Baseline, developing the Project Team, and developing the Project Implementation and Transition Plan.

5. Confirming Approval to Proceed to Next Phase – Tasks include reviewing and refining the Business Case, preparing the Formal Acceptance package, and gaining Approval Signature from the Project Sponsor.

(d) Project Execution and Control – The phase where most of the resources are applied/expended on the project. The primary task of the Project Manager during this phase is to manage and control the tasks on the defined project Schedule to develop the product or service the project is expected to deliver and manage the project's budget, scope, schedule and risks. The Project Manager uses the processes and plans

prepared during Project Initiation and Project Planning to manage the project, while preparing the business organization for the implementation of the product/service and for transitioning the product/service responsibility from the Project Team to the Organization. Processes include:

1. Conducting Project Execution and Control Kick-Off – Tasks include orienting new Project Team Members (as needed), reviewing outputs of Project Planning, and kicking-off Project Execution and Control.

2. Managing Cost, Scope, Schedule and Quality parameters – Tasks include managing the Project Scope, Project Schedule and Project Budget, and implementing Quality Control.

3. Monitoring and Controlling Risks – Tasks include monitoring and controlling Risks and impact Risks have on Costs, Scope, Schedule and Quality.

4. Managing Project Execution – Tasks include managing Change Control processes, acceptance of Deliverables, managing Issues, executing the Communication Plan, managing Organizational Change, managing the Project Team, and managing the Project Implementation and Transition Plan.

5. Gaining Project Acceptance – Task include conducting the Final Status Meeting and gaining Acceptance Signature from the Project Sponsor.

(e) Project Closeout – In this last phase the Project Team assesses the outcome of the project, as well as the performance of the Project Team and the Organization. This assessment is accomplished primarily through soliciting and evaluating feedback from Customers, Project Team members, Consumers and other Stakeholders. The primary purpose of this assessment is to document best practices and lessons learned for use on future projects. Key project metrics are also captured to enable the business Organization to compare and evaluate performance measurements across projects. Processes include:

1. Conducting the Post-Implementation Review – Tasks include soliciting Feedback, conducting Project Assessment, and preparing the Post-Implementation Report.

2. Performing Project Closeout – Tasks include updating skills inventory, providing performance feedback, and archiving Project Information (repository).

60DD-7.005 Needs Assessment or Feasibility Phase.

(1) Objective. Needs Assessment or Feasibility assessment begins when the Business Case has been formally approved and additional analysis needed prior to the beginning of system development. Depending on the size, scope and complexity of the business need, a Feasibility Study may be required in lieu of a standard Needs Assessment.

(2) Tasks and Activities. The following activities shall be performed as part of the Needs Assessment or Feasibility Phase:

(a) The Project Team, if appointed at this phase, or business or technical experts should analyze all feasible technical, business process, and commercial alternatives which may meet the business need. Each alternative should then be analyzed in terms of life cycle cost, technical capability and schedule availability.

(b) A high-level baseline of schedule, cost, and performance measures should be prepared. The baseline estimates will be refined in subsequent phases.

(c) An Acquisition Strategy ~~shall~~ may be prepared which identifies ~~how who will accomplish~~ the required work will be accomplished (such as in-house staff, external contractors, hosted solution or commercial off-the-shelf (COTS) solution). ~~An Acquisition Strategy may deal with issues such as currently available technologies, or Commercial Off-the-Shelf (COTS) solutions.~~

(d) An initial Risk Analysis should be performed which identifies any programmatic or technical risks and documented in a Risk Management Plan and possibly the Cost Benefit Analysis.

(e) Project Funding, staff and other resources should be clearly identified.

(3) Deliverables. The following deliverables shall be initiated during the Needs Assessment or Feasibility Phase:

(a) A Needs Assessment or Feasibility Study which identifies the scope, high-level requirements, benefits, business assumptions, and program costs and schedules. It records management decisions on the proposed system. If a Feasibility Study is required, it should also address whether feasible solutions exist before full life cycle resources are committed, as well as how the Organization will operate once the approved system is implemented and assess how the system will impact employees and customers.

(b) A Cost Benefit Analysis which identifies cost or benefit information for analyzing and evaluating alternative solutions to a problem and for making decisions about initiating, and continuing, the development of information technology systems. The analysis should clearly indicate the Total Cost of Ownership over the life of the system, or ~~at least~~ projected to five or more years.

(c) A high-level Project Spending Plan which addresses all proposed project and implementation costs.

(d) A Risk Management Plan which identifies project risks and specifies the plans to reduce or mitigate the risks.

(e) Other documents as required by agency.

(4) Approvals. Results of this phase should be presented to all Stakeholders and Customer Decision Makers, along with a recommendation to:

(a) Proceed to next phase; or

(b) Continue additional Needs Assessment or Feasibility analysis; or

(c) Terminate the project.

(5) Phase Review and Approvals. Approval will be annotated on the Business Case by the Project Sponsor, the Agency Chief Information Officer, and any other agency staff as needed (for example, Budget or Planning Officer).

60DD-7.006 Planning Phase.

(1) Objective. To ensure the products or services being acquired or developed provide the required capability on-time and within budget, items such as project resources, activities, schedules, tools, and reviews are clearly defined.

(2) Tasks and Activities. The following activities shall be performed as part of the Planning Phase:

(a) The Acquisition Strategy is reviewed and the role of system development contractors is reviewed and finalized. For example, one strategy option may include system contractors to be used in the Requirements Analysis Phase. In this case, the Planning Phase must include solicitation preparation and source selection of the participating contractors.

(b) The Project Schedule should be refined taking into account risks and resource availability.

(c) All processes to be used for the remainder of the project should be clearly identified. This may result in establishing teams or work groups for creating, gathering or adapting/adopting processes such as quality assurance, configuration management, change management and change control.

(d) Establish relationships and agreements with internal and external organizations that will be involved with the project.

(e) Develop the Project Management Plan, or Project Plan, which will be used to execute the management aspects of the project. A Work Breakdown Structure should also be created at this time.

(f) Study and analyze security implications of the technical alternatives and ensure the alternatives address all aspects or constraints imposed by security requirements. These may be documented in a System Security Plan as needed.

(g) Depending on the Acquisition Strategy, the Planning Phase may be used to plan the solicitation and the selection criteria for awarding all external acquisition solutions, or the Planning Phase may be delayed until the completion of the Requirements Analysis Phase in order to distribute the detailed Functional Requirements Document to prospective vendors.

(3) Deliverables. The following deliverables shall be initiated during the Planning Phase.

(a) An Acquisition Plan which addresses how all state resources, contractor support services, hardware, software, security, telecommunications and other resources as needed will be acquired during the life of the project.

(b) A Configuration Management Plan shall be prepared which describes the process that will be used to identify, manage, control and audit the project's configuration. This

plan should also define the configuration management structure, roles and responsibilities to be used in executing these processes.

(c) A Quality Assurance Plan shall be prepared which documents that the delivered products or services satisfy contractual agreements, and meet or exceed quality standards established in the prior phase.

(d) A System Security Plan shall be prepared consistent with the Florida Information Resource Security Policies and Standards detailing the types of information technology security required based, at a minimum, on the type of information being processed and the degree of sensitivity.

(e) A Project Management Plan, or Project Plan, shall be prepared for all projects regardless of size or scope. It shall document the required job tasks, schedule, allocated resources and interrelationships with other projects, milestones and review requirements.

(f) A Performance Management Plan shall be prepared that identifies the performance measurements, and associated metrics, that will be satisfied by completion of the project.

(g) An initial Testing or Validation Plan may be prepared at this phase, or delayed until the Requirements Analysis Phase.

(h) Other documents as required by agency.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Planning Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details of next phase;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

60DD-7.007 Requirements Analysis Phase.

(1) Objective. The Requirements Analysis Phase begins when the Project Sponsor has approved all Planning documents associated with the project. The analysis gathered in this phase may reveal new insights into the overall information systems requirements. When this occurs, all deliverables will be revised to reflect the updated analysis. The emphasis should be on determining what functions must be performed, rather than how to perform those functions. Information gathered in this phase includes:

(a) Inputs;

(b) Processes (described at the functional level);

(c) Outputs;

(d) Interfaces; and

(e) Other agency requirements as needed.

(2) Tasks and Activities. The following activities shall be performed as part of the Requirements Analysis Phase:

(a) Analyze and Document Requirements. Project Team members should analyze the intended use of the system and specify the functional and data requirements. Data and workflow diagrams, entity-relationship diagrams and/or process models may be prepared to represent relationships between business functions and required data. A high-level technical architecture and logical design may be prepared that describes the key processes and data needed to support the desired business functionality. Users and business area experts should be used to evaluate all identified processes and data structures to ensure accuracy and completeness. Items to be evaluated include:

1. Functional and capability specifications, including performance, physical characteristics and environmental conditions;
2. External interfaces;
3. Safety specifications, including those related to operations and maintenance, environment, personal injury;
4. Security specifications;
5. Data definitions and database requirements;
6. Installation and acceptance requirements;
7. User documentation; and
8. User operation and maintenance requirements.

(b) Develop Test Criteria and Plan. If not begun earlier, identify test criteria and prepare Test Plan. The Test Plan will include information about the test environment, what tests will be performed, test procedures, and traceability back to the business requirements.

(c) Develop Interface Control Document. If there are any external interfaces, identify each interface, the data exchanged and security requirements.

(d) Conduct a Functional and Data Requirements Review to validate that all requirements are sufficiently detailed and can be tested.

(3) Deliverables. The following deliverables shall be initiated during the Requirements Analysis Phase:

(a) A Functional Requirements Document shall be prepared which will serve as the foundation for system design and development.

(b) A Test or Validation Plan shall be prepared which ensures that all aspects of the system are properly tested and can be implemented. The Test Plan shall identify the scope, content, methodology, sequence, management of, and responsibilities for test activities. Acceptance tests shall be performed in a test environment that duplicates the production environment as much as possible. Types of testing include:

1. Unit/module testing;
2. Subsystem integration testing;
3. Independent security testing;
4. Functional qualification testing;
5. User acceptance testing; and
6. Beta testing.

(c) An Interface Control Document which provides an outline for use in the specification of requirements imposed on one or more systems, subsystems or other system components.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

- (a) Requirements Analysis Phase activities status;
- (b) Planning Status for subsequent phases – emphasizing details on next phase to include pending contract actions;
- (c) Resource Availability; and
- (d) Outstanding Issues or Risks.

60DD-7.008 Design Phase.

(1) Objective. The objective of the Design Phase is to transform the detailed, defined Functional Requirements into complete detailed Functional Specifications. The decisions made in this phase address, in detail, how the system will meet the defined functional, physical, interface, and data requirements. Design Phase activities may be iterative, producing first a general system design that outlines the functional features of the system, then a more detailed design that expands the general design by providing all technical data.

(2) Tasks and Activities. The following tasks and activities performed during the Design Phase may vary depending on the project:

(a) Identify the Development, Testing and Production Environments. Describe the architecture where the application/software will be developed and tested and who is responsible for this activity.

(b) Design the Application. Identify general system characteristics and data storage and access requirements for any database(s). Also identify all user interfaces, business rules and application logic. A top-level architecture of the system should be documented identifying all hardware, software and manual operations.

(c) Begin written documentation that will ensure continued operation of the system once it is completed.

(d) A Preliminary Design Review may be performed at this point to ensure the initial design concept is consistent with the overall architecture and satisfies the functional, security and technical requirements specified in the Functional Requirements Document.

(e) A User Manual or other user documentation may be initially drafted for all intended end-users. Be sure to address Americans with Disabilities Act (ADA) requirements.

(f) Design Conversion/Migration/Transition Strategies that may be needed when converting current information to the new system.

(g) Conduct a Security Risk Assessment which addresses assets, threats, vulnerabilities, likelihood, consequences and safeguards of all system components. The Risk Assessment should be evaluated for compliance with baseline security requirements.

(h) Conduct a Critical Design Review of all design documents at the end of the Design Phase and verify that all functional, security, and technical requirements are consistent with the overall architecture.

(3) Deliverables. The following deliverables shall be initiated during the Design Phase:

(a) A Security Risk Assessment which will identify the threats and vulnerabilities of the system to determine the risks and address appropriate and cost-effective measures.

(b) A Conversion Plan describing the strategies involved in converting data from an existing system to another hardware or software environment. The original system's functional requirements should be re-examined, ~~if possible~~, to determine if the original requirements are still valid.

(c) A Systems Design Document which describes the system requirements, operating environment, system and subsystem architecture, files and database design, input formats, output layouts, user interfaces, detailed design, processing logic and all external interfaces. It is used in conjunction with the Functional Requirements Document to provide a complete system specification of all user requirements for the system. The Systems Design Document should reflect the user's perspective of the system design.

(d) An Implementation Plan should be prepared which describes how the information system will be deployed and installed into an operational system. The plan should contain an overview of the system, a brief description of the major tasks required for implementation, the overall resources needed to support the implementation effort (including hardware, software, facilities, materials, staffing resources), and any site-specific requirements.

(e) An Operations Manual or System Administration Manual. Depending on environment (such as mainframes), these manuals include a detailed operational description of the information system and its associated environment.

(f) A Training Plan should be prepared which outlines the objectives, needs, strategy and curriculum to be address when training users on the new or enhanced system.

(g) A User Manual should be prepared (if not already started) which contains all essential information for the user to make full use of the information system. This manual should include a description of the system functions and capabilities, contingencies and alternate modes of operation, and step-by-step procedures for system access and use.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

- (a) Design Phase activities status;
- (b) Planning Status for subsequent phases – emphasizing details on the next phase to include pending contract actions;
- (c) Resource Availability; and
- (d) Outstanding Issues or Risks.

60DD-7.009 Acquisition/Development Phase.

(1) Objective. The objective of the Development Phase is to convert the deliverables of the Design Phase into the complete information system. Although much of the activity is related to computer programs, this phase also puts into place the hardware, software, security and communications environments for the system.

(2) Tasks and Activities. The following tasks and activities performed during the Development Phase may vary depending on the project:

(a) Code and Test Software according to agency standards and approved specifications.

(b) Integrate the software configuration items with hardware configuration items, manual operations and other systems as necessary.

(d) Install software in Development and Test environments in accordance with the Installation Plan. When the installed software product is replacing an existing system, the developer shall support any parallel activities as required. The developer shall ensure that the software code and databases initialize, execute and terminate as specified.

(e) Conduct Software Testing using approved Test or Validation Plan.

(3) Deliverables. The following deliverables shall be initiated during the Acquisition/Development Phase:

(a) A Contingency Plan ~~shall which~~ contains emergency response procedures; backup arrangements, procedures, and responsibilities; post-disaster recovery procedures and responsibilities. Since Contingency Planning is essential to ensure systems are able to recover from processing disruptions in the event of localized emergencies or large-scale disasters, Contingency Plans should be in line with the overall agency Disaster-Preparedness Plan or Continuity of Operations Plan. Contingency Plans shall be routinely reviewed, updated and tested to enable vital operations and resources to be restored as quickly as possible.

(b) A Software Development Document shall be prepared which contains documentation pertaining to the development of each unit or module, including test cases, software, test results, approvals and any other items that will help explain the functionality of the software.

(c) The actual System Software.

(d) Test Files and Data shall be provided by the end of this phase.

(e) An Integration Document which explains how the software components integrate with the hardware components.

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Acquisition/Development ~~Integration, Testing and Acceptance~~ Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details on the next phase to include pending contract actions;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

60DD-7.010 Integration, Testing and Acceptance Phase.

(1) Objective. The objective of this phase is to prove that the developed system satisfies the requirements defined in the Functional Requirements Document. Several types of tests may be conducted at this phase, including user acceptance testing, which should be done in a simulated “real” user environment.

(2) Tasks and Activities. The following tasks and activities performed during the Integration, Testing and Acceptance Phase may vary depending on the project:

(a) Establish the Test Environment. If not previously completed, the final test environment should be created and all test teams in place and familiar with Test or Validation Plan.

(b) Conduct Integration Testing, System/Subsystem Testing and Security Testing. The test database(s) should be loaded with appropriate test data and the Test or Validation Plan iteratively executed to ensure program components integrate properly with other systems/subsystems, that all system/subsystem requirements are satisfied (including volumetric and stress tests), and all security mechanisms are tested for completeness and correctness for all system tests. All results shall be documented. Failed components shall be migrated back to the Development Phase for rework and passed components moved forward to Acceptance Testing.

(c) Conduct Acceptance Testing. Acceptance Testing ~~Whenever possible, this~~ should be restricted to users only. Failed components should be migrated back to the Development Phase for rework and passed components moved forward to Implementation.

(3) Deliverables. The following deliverables shall be initiated during the Integration, Testing and Acceptance Phase:

(a) A Test Analysis Report which documents each test – unit/module, subsystem integration, system, user acceptance and security. This report should also include a brief summary of the perceived readiness for migration to Production.

(b) A Test Problem Report which documents problems encountered during testing.

(c) A Security Certification and Assessment, ~~when appropriate certifying that the System Security Plan, Security Risk Assessment, Configuration Management Plan, and Contingency Plan have been updated, tested, reviewed and approved.~~

(4) Phase Review and Approvals. The Project Manager, together with the Project Team, will prepare and present a Project Status Review for the Project Sponsor and all Customer Decision Makers and Stakeholders (as needed). The review should address:

(a) Integration, Testing and Acceptance Phase activities status;

(b) Planning Status for subsequent phases – emphasizing details on next phase to include pending contract actions;

(c) Resource Availability; and

(d) Outstanding Issues or Risks.

60DD-7.011 Implementation Phase.

(1) Objective. In this phase the system or system modifications are installed and made operational in a Production environment. This phase is initiated after the system has been tested (which may be an iterative process) and accepted by the Customer Decision-Makers and the Project Manager.

(2) Tasks and Activities. The following tasks and activities performed during the Implementation Phase may vary depending on the project:

(a) Notifying Users of new implementation. An implementation notice shall be sent to all users and organizations directly or indirectly affected by the implementation. The notice shall include:

1. The schedule of the Implementation;

2. A brief summary of the benefits of the system;

3. A summary of the difference between the old and new system;

4. The responsibilities of users affected by the implementation during this phase; and

5. The process to follow for system support (including contact names and phone numbers).

(b) Execute the Training Plan ensuring that all users have received adequate training prior to implementation of new system or major enhancements.

(c) Perform Data Entry or Conversion. Regardless of whether this data is manual or in an automated form, data input and verification are critical activities in this phase. Various verification methods may be used including Parallel Testing of old and new systems.

(d) Install System, including all new hardware and software, in a Secured Production environment. At this point, all changes required must comply with Production security

requirements and processed through approved Change Management processes established for Operations and Maintenance.

(e) Conduct Post-Implementation Review to determine the success of the project through the Implementation Phase, recommend system enhancements and provide feedback for future similar projects. All user requests for changes to the system after Implementation should be carefully documented and evaluated with initial Functional Requirements and System Design.

(3) Deliverables. The following deliverables shall be initiated during the Implementation Phase:

(a) Delivered System. After the Implementation Phase Review, some form of approval shall be signed by the Product Manager.

(b) A Change Implementation Notice which identifies any formal requests and approvals for changes made during Implementation.

(4) Phase Review and Approvals. During the Implementation Phase Review, recommendations may be made to correct errors, improve user satisfaction or improve system performance. For contract development, analysis should be performed to determine if additional activity is within the scope of the Statement of Work or within the original contract. The Project Manager should sign-off on the final Implementation and verify the acceptance of the delivered system by the system users/owner.

60DD-7.013 Disposition Phase.

(1) Objective. The State Technology Office recognizes that as advancements in technology force more information technology products into the waste stream, this equipment could pose significant environmental hazards if not properly disposed or recycled. The purpose of this phase is to encourage the reuse and recycling of used information technology equipment.

(2) Tasks and Activities. The following tasks and activities performed during the Disposition Phase may vary depending on the project:

(a) Prepare Disposition Plan which identifies:

1. How and when the termination of the system/data will be conducted, and when

2. System Termination Date;

3. Software components to be kept;

4. Data to be maintained for audit purposes; and

5. Disposition of remaining equipment.

(b) Archival or Transfer of Data – It is the sole responsibility of each agency in accordance with Rule 60DD-2.009, F.A.C., to erase all confidential or exempt information contained in all electronic memory components from information technology equipment prior to transfer or final disposition.

(c) Archival or Transfer of Software components.

(d) Transfer of Information Technology Equipment.

1. Prior to final disposition of information technology equipment or trade of surplus equipment for new information technology equipment, agencies shall, consistent with the requirements of Chapter 273, F.S., and Auditor General Rule Chapter 10.300, transfer information technology equipment to other agencies, political subdivisions, non-profit corporations or educational institutions. Agencies wishing to transfer such equipment may utilize the placement services of the State Technology Office's Digital Divide Council at www.digitaldividecouncil.com or by writing to:

State Technology Office

Attention: Digital Divide Council

4030 Esplanade Way

Tallahassee, Florida 32399-0950

2. Property containing hazardous materials, including, lead that is contained within the solder on electronic circuit boards, lead in cathode ray tube glass and frit, UPS battery back-up batteries, cadmium and lithium found within rechargeable batteries, and mercury that is found within telecommunications information technology equipment or electrical distribution switching equipment, that cannot be transferred as set forth in subparagraph 60DD-7.013(2)(d)1., F.A.C., should be disposed of consistent with Section 403.705, F.S., and Rule Chapter 62-730, F.A.C., Department: of Environmental Protection Rules for Hazardous Waste.

(e) Final Disposition Procedures – The final disposition of information technology shall be in accordance with Chapters 257 and 273, F.S., Bureau of Archives and Records Management General Schedule 1-S (Rule Chapter 1B-24, F.A.C.), and Auditor General Rule Chapter 10.300, and shall include the following information:

1. All items that are recycled or disposed of must be certified as surplus, and be examined by one or more review boards, to make recommendations on approval or disapproval of classification of the information technology items as surplus.

2. Each holding agency must develop and implement rules or guidelines outlining the processes to properly and legally dispose of information technology and must retain all associated documentation to be presented during formal audit procedures.

3. Each holding agency shall document the following information regarding the information technology equipment:

a. Agency Property Identification number, serial number, manufacturer's name, equipment type, and model number.

b. Condition value of the information technology equipment, utilizing definitions set forth in subsection 60DD-7.001(2), F.A.C.

c. Facts and circumstances regarding transfer or disposal of the equipment, including compliance with all applicable environmental protection laws.

d. Documentation of recycling or disposal actions shall be reported to the respective agency Asset Manager/Property Administrator.

e. For any software, hardware, or data that is collected during the disposition, the holding agency shall retain for future use: software licensing data and any applicable maintenance agreement information shall be adjusted to reflect the transaction(s).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Lopez, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 280K, Tallahassee, Florida 32399-0950, (850)922-7573, Dee.Lopez@MyFlorida.com

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 IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 566, MERRY MILLIONAIRE

RULE NO.: 53ER04-66

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 566, “MERRY MILLIONAIRE,” 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:


53ER04-66 Instant Game Numbers 566, MERRY MILLIONAIRE.

(1) Name of Game. Instant Game Number 566. “MERRY MILLIONAIRE.”

(2) Price. MERRY MILLIONAIRE lottery tickets sell for \$10.00 per ticket.

(3) MERRY MILLIONAIRE 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 MERRY MILLIONAIRE 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 MERRY MILLIONAIRE 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 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 TWELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN	20 TWENTY	21 THYONE	22 THYTHO	23 THYTHR	24 THYFOR
25 THYFIV	26 THYSIX	27 THYSVN	28 THYEGT	29 THYNIN	30 THIRTY
					

(5) The “LUCKY NUMBERS” play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 TWELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN	20 TWENTY	21 THYONE	22 THYTHO	23 THYTHR	24 THYFOR
25 THYFIV	26 THYSIX	27 THYSVN	28 THYEGT	29 THYNIN	30 THIRTY

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

\$5.00 FIVE	\$10.00 TEN	\$15.00 FIFTEEN	\$20.00 TWENTY	\$25.00 THY FIV	\$40.00 FORTY
\$50.00 FIFTY	\$100 ONE HUN	\$200 THO HUN	\$250 THOHUNTY	\$500 FIVE HUN	\$1,000 ONE THO
\$10,000 TEN THO			\$50K/YR 20YRS		

(7) The legends are as follows:

LUCKY 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 "LUCKY NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to 20 sets of matching numbers. The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$200, \$250, \$500, \$1,000, \$10,000, and \$50K/YR-20YRS.



(b) A ticket having a "DOUBLE" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of double the corresponding prize shown.



(c) A ticket having a "WIN \$100" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$100.

(d) The winner of a "\$50,000 a year for 20 years" prize may choose one of two payment options for receiving his or her prize. Payment options are "Cash Option" and "Annual Payment." At the time a "\$50,000 a year for 20 years" prize is claimed the terminal will produce a player claim instructions ticket. The winner has sixty (60) days from the date the player claim instructions ticket is produced to file a claim choosing the Cash Option. If a winner does not choose the Cash Option within such time, the Annual Payment option will be applied. Once the winner signs the Winner Claim Form and exercises the winner's chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 10/03, and Spanish Winner Claim Form DOL-173-S, Revised 10/03, are incorporated herein by reference and may be obtained from any Lottery retailer, Lottery office or from the Lottery's web site at www.flalottery.com.

(e) Cash Option prizes will be paid in a single cash payment equal to the amount of cash required to purchase U.S. Government Securities that would fund \$1,000,000 payable

over a twenty year period, less applicable federal tax withholding. This figure will be determined at the time the ticket is presented for payment.

(f) Annual Payment prizes will be paid in twenty equal, annual installments of \$50,000 per year, each payment less applicable federal tax withholding.

(g) Any interest or earnings accruing on a "\$50,000 a year for 20 years" prize prior to the prize payment or purchase of securities, under either the Cash Option or the Annual Payment option, shall accrue to the State of Florida and not to the winner.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 566 are as follows:

GAME PLAY	VALUE	ODDS OF 1 IN	NUMBER OF WINNERS IN 30 POOLS OF 120,000 TICKETS PER POOL
\$5 x 2	\$10	15.00	240,000
\$10	\$10	30.00	120,000
\$5 x 3	\$15	30.00	120,000
\$15	\$15	30.00	120,000
\$5 x 4	\$20	30.00	120,000
\$10 (\$S)	\$20	30.00	120,000
\$5 x 8	\$40	171.43	21,000
(\$5 x 4) + (\$10 x 2)	\$40	300.00	12,000
\$10 x 4	\$40	240.00	15,000
\$20 (\$S)	\$40	300.00	12,000
\$40	\$40	300.00	12,000
\$50	\$50	30.00	120,000
\$5 x 20	\$100	1,200.00	3,000
\$50 x 2	\$100	1,200.00	3,000
(\$10 x 6) + \$40	\$100	1,200.00	3,000
\$50 (\$S)	\$100	400.00	9,000
\$100 (MONEYBAG)	\$100	193.55	18,600
\$10 x 20	\$200	20,000.00	180
(\$10 x 10) + (\$20 x 3) + \$40	\$200	20,000.00	180
\$100 (\$S)	\$200	20,000.00	180
(\$25 x 4) + (\$50 x 2)	\$200	30,000.00	120
\$200	\$200	30,000.00	120
\$25 x 20	\$500	30,000.00	120
\$50 x 10	\$500	60,000.00	60
(\$20 x 6) + (\$25 x 12) + (\$40 x 2)	\$500	60,000.00	60
\$250 (\$S)	\$500	60,000.00	60
\$500	\$500	60,000.00	60
\$50 x 20	\$1,000	360,000.00	10
\$100 x 10	\$1,000	360,000.00	10
\$200 x 5	\$1,000	360,000.00	10
\$500 (\$S)	\$1,000	360,000.00	10
\$1,000	\$1,000	360,000.00	10
\$500 x 20	\$10,000	1,800,000.00	2
\$1,000	\$10,000	1,800,000.00	2
\$1,000,000 (\$50,000 a year for 20 years)	\$660,000	1,800,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 566 are 1 in 3.37. 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 566, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing an MERRY MILLIONAIRE lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for MERRY MILLIONAIRE 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 10-29-04.

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

EFFECTIVE DATE: October 29, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 567, HOLIDAY GIFT TAG SET

RULE NO.: 53ER04-67

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 567, “HOLIDAY GIFT TAG SET,” 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:

53ER04-67 Instant Game Number 567, HOLIDAY GIFT TAG SET.

(1) Name of Game. Instant Game Number 567, “HOLIDAY GIFT TAG SET.”

(2) Price. HOLIDAY GIFT TAG SET lottery tickets sell for \$5.00 per ticket.

(3) HOLIDAY GIFT TAG SET lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of each of the five individual lottery tickets that comprise the HOLIDAY GIFT TAG SET lottery ticket, along with a Void If Removed Number under the latex area on the fronts of the tickets. To be a valid winning HOLIDAY GIFT TAG SET 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 GIFT TAG SET lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) Design of Ticket. Each HOLIDAY GIFT TAG SET lottery ticket is comprised of five individual lottery tickets: one “top ticket” and four “gift tags.”

\$5 FLORIDA LOTTERY
Holiday Gift Tag Set
Win up to \$10,000 on this ticket and win up to \$100 on each of the four Holiday Gift Tags attached.
Find a "★" in the play area and win corresponding prize.



WIN UP TO \$10,000!* 000 ■

*Prizes, including the top prizes, are subject to availability at time of ticket purchase.

Florida Lottery Match 2 like symbols, win PRIZE shown.
To: _____
From: _____
 Prize
WIN UP TO \$100!*

Florida Lottery Match 2 like symbols, win PRIZE shown.
To: _____
From: _____
 Prize
WIN UP TO \$100!*

Florida Lottery Match 2 like symbols, win PRIZE shown.
To: _____
From: _____
 Prize
WIN UP TO \$100!*

Florida Lottery Match 2 like symbols, win PRIZE shown.
To: _____
From: _____
 Prize
WIN UP TO \$100!*

← TOP TICKET

← GIFT TAG

← GIFT TAG

← GIFT TAG

← GIFT TAG

(5) The top ticket play symbols and play symbol captions are as follows:



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



(7) The top ticket legend is as follows:

PLAY AREA

(8) The gift tag play symbols and play symbol captions are as follows:



(9) The gift tag prize symbols and prize symbol captions are as follows:



(10) The gift tag legend is as follows:

PRIZE

(11) Determination of Prizewinners. There are two different play methodologies in Instant Game Number 567, which are described below. One play methodology is specific to the top ticket and the other play methodology is specific to the four gift tags.

(a) Top Ticket. A ticket having a "★" symbol in the play area shall entitle the claimant to the corresponding prize shown. The prizes are: \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, and \$10,000.

(b) Gift Tag. A ticket having two like symbols in the play area shall entitle the claimant to the prize shown. The prizes are: \$2.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, and \$100.

(12) The estimated odds of winning, value, and number of prizes in Instant Game Number 567 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 84 POOLS OF 180,000 TICKETS PER POOL
Gift Tag: \$2	\$2	1 IN 20.00	756,000
\$5	\$5	14.29	1,058,400
\$10	\$10	150.00	100,800
\$15	\$15	300.00	50,400
\$25	\$25	300.00	50,400
\$50	\$50	3,600.00	4,200
\$75	\$75	12,857.14	1,176
\$100	\$100	4,500.00	3,360
Top Ticket: \$10,000	\$10,000	3,780,000.00	4

(13) The estimated overall odds of winning some prize in Instant Game Number 567 are 1 in 1.92. 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.

(14) For reorders of Instant Game Number 567, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(16) Payment of prizes for HOLIDAY GIFT TAG SET 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 10-29-04.

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

EFFECTIVE DATE: October 29, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 568, BAH HUMBUCKS
 RULE NO.: 53ER04-68
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 568, "BAH HUMBUCKS," 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:

53ER04-68 Instant Game Number 568, BAH HUMBUCKS.

(1) Name of Game. Instant Game Number 568, "BAH HUMBUCKS."

(2) Price. BAH HUMBUCKS lottery tickets sell for \$2.00 per ticket.

(3) BAH HUMBUCKS 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 BAH HUMBUCKS 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 BAH HUMBUCKS 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 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE
13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN
19 NINETEEN					



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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE
13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN
19 NINETEEN					

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

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	TWENTY
\$25.00	\$50.00	\$100	\$200	\$1,000	\$5,000
THIRTY FIVE	FIFTY	ONE HUNDRED	TWO HUNDRED	ONE THOUSAND	FIVE THOUSAND
\$10,000					
TEN 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 either number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to eight sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, \$1,000, \$5,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a BAH HUMBUCKS 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.



(b) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to the corresponding prize shown.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 568 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2 TICKET	10.00	756,000
\$2	\$2	15.00	504,000
\$2 x 2	\$4	37.50	201,600
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	37.50	201,600
\$1 + (\$2 x 2) + \$5	\$10	150.00	50,400
(\$1 x 6) + (\$2 x 2)	\$10	75.00	100,800
\$10	\$10	150.00	50,400
\$25 (TOP HAT)	\$25	150.00	50,400
(\$5 x 2) + (\$10 x 4)	\$50	1,500.00	5,040
\$10 x 5	\$50	1,500.00	5,040
\$50 (TOP HAT)	\$50	500.00	15,120
(\$5 x 4) + (\$20 x 4)	\$100	7,560.00	1,000
(\$25 x 2) + \$50	\$100	7,560.00	1,000
\$100 (TOP HAT)	\$100	2,362.50	3,200
(\$25 x 6) + \$50	\$200	54,000.00	140
(\$100 x 6) + (\$200 x 2)	\$1,000	756,000.00	10
\$1,000	\$1,000	756,000.00	10
\$5,000 x 2	\$10,000	3,780,000.00	2
\$10,000	\$10,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 568 are 1 in 3.52. 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 568, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

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

(13) Payment of prizes for BAH HUMBUCKS 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 10-29-04.

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

EFFECTIVE DATE: October 29, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 569, HOLIDAY JACK
 RULE NO.: 53ER04-69
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 569, "HOLIDAY JACK," 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:

53ER04-69 Instant Game Numbers 569, HOLIDAY JACK.

(1) Name of Game. Instant Game Number 569, "HOLIDAY JACK."

(2) Price. HOLIDAY JACK lottery tickets sell for \$1.00 per ticket.

(3) HOLIDAY JACK 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 JACK 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 JACK 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 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 TWELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN					



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

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 TWELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN					

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

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	TWENTY
\$25.00	\$100	\$1,000			
THY FIV	ONE HUN	ONE THO			

(7) The legends are as follows:

YOUR NUMBERS WINNING
NUMBER

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches the number in the "WINNING NUMBER" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to five sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100, and \$1,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a HOLIDAY JACK lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a "WIN \$25" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$25.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 569 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	10.00	1,008,000
\$1 x 2	\$2	30.00	336,000
\$1 x 5	\$5	50.00	201,600
\$2 x 5	\$10	300.00	33,600
\$5 x 3	\$15	300.00	33,600
\$5 x 4	\$20	300.00	33,600
\$25 (MONEYBAG)	\$25	450.00	22,400
(\$5 x 4) + \$10	\$30	1,200.00	8,400
\$10 x 5	\$50	3,000.00	3,360
\$20 x 5	\$100	20,160.00	500
\$100 x 5	\$500	252,000.00	40
\$1,000	\$1,000	720,000.00	14

(10) The estimated overall odds of winning some prize in Instant Game Number 569 are 1 in 3.75. 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 569, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a HOLIDAY JACK 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 JACK 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 10-29-04.

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

EFFECTIVE DATE: October 29, 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."

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on August 4, 2004 from Ponce Association, LLC in relation to a project known as "Madeira at St. Augustine" in St. Johns County. Pursuant to Section 373.414(17), F.S., the Petitioner is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and the associated portions of the Applicant's Handbook: Management and Storage of Surface Waters, including Sections 10.1.1(c),

12.1.1(d) and 12.2.5(c), with respect to Environmental Resource Permit Application 4-109-94964-1, to construct a subdivision including expansion of an existing crossing and removal of an existing crossing of Robinson Creek. A portion of the construction is proposed to occur directly in Robinson Creek, which is categorized as a Class II water classified by the Department of Agricultural and Consumer Services as conditionally restricted for shellfish harvesting.

Comments on this petition should be filed with Sandra Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2004-66.

For a copy of the petition or additional information, contact: Tara Boonstra, Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4448.

NOTICE IS HEREBY GIVEN that on October 25, 2004, South Florida Water Management District (District) received a petition for waiver from Carl F. Schoepl, Application Number 02-0826-2B for issuance of a Right of Way Occupancy Permit, for utilization of Works or Lands of the District known as the Hillsboro Canal, Palm Beach County, to allow existing trees and removable security fencing to remain within the north right of way of the Hillsboro Canal, Section 31, Township 47 South, Range 43 East. The petition seeks relief from Rule 40E-6.011(4) and (6), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground encroachments within 40 feet of the top of the canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has received a petition filed on November 2, 2004, by Rodolfo B. Ferretti, M.D., seeking a waiver or variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE.

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

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

The Board of Osteopathic Medicine hereby gives notice that it has issued an Order on the petition for waiver or variance filed on July 13, 2004, on behalf of Donald Gordon, D.O. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 30, of the July 23, 2004, Florida Administrative Weekly. Board considered the Petition at its meeting held September 17, 2004. The Board's Order, filed on October 6, 2004, grants the petition for variance/waiver from Rule 64B15-13.001, F.A.C., and denies the petition for variance/waiver from Rule 64B15-12.007, F.A.C.

A copy of the Board's Order may be obtained by contacting: Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3756.

The Board of Psychology hereby gives notice that it has received a petition, filed on November 1, 2004 on behalf of Allison Hartmann Pinto, Ph.D., seeking a permanent variance of subsection 64B19-11.005(2), Florida Administrative Code, with respect to the requirement of an applicant for licensure to complete 2,000 hours of post doctoral experience.

This matter will be addressed during the scheduled Board meeting on January 21, 2005 at 9:00, a.m. or shortly thereafter, at the Renaissance Tampa Hotel, International Plaza, 4200 Jim Walter Boulevard, Tampa, Florida 33607, (813)877-9200.

Comments on this petition should be filed with the Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373, Ext. 3480.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on October 29, 2004, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-21.008(1)(g), F.A.C., and Condition 4's Requirements for an Audited Financial Statements for Fiscal Year 2003, from Finlay Interests 46, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that an audited financial statement be submitted for fiscal year 2003.

A copy of the Petition can be obtained: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on November 1, 2004, Florida Housing Finance Corporation received a Petition for Variance from paragraph 67-48.012(1)(g), F.A.C., from Alabaster Gardens, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that the minimum debt service coverage shall be 1:10.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on November 1, 2004, Florida Housing Finance Corporation received a Petition for Variance from subsections 67-48.002(111) and 67-21.002(98); paragraphs 67-48.004(14)(g),(i),(l) and 67-21.003(14)(g),(i),(j); and 67-48.012(1)(g), Florida Administrative Code, from Alabaster Gardens, Ltd. ("Petition"). The Petition is seeking a variance from the rules which provide that there can be no change to the application package after submittal; and the minimum combined debt service coverage shall be 1:10.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on November 1, 2004, Florida Housing Finance Corporation received a Petition for Variance from subsections 67-48.002(111) and 67-21.002(98); paragraphs 67-48.004(14)(g),(i),(l) and 67-21.003(14)(g),(i),(j); and 67-48.012(1)(g), Florida Administrative Code, from Charlotte Crossing, Ltd. ("Petition"). The Petition is seeking a variance from the rules which provide that there can be no change to the application package after submittal; and the minimum combined debt service coverage shall be 1:10.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on October 2, 2004, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.020(13)(b), Florida Administrative Code, from Mount Carmel Gardens, Inc. ("Petition"). The Petition is seeking a variance from the rule which provides that partial prepayment of the HOME mortgage be made in the event of an increase in the amount of a superior mortgage.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on November 2, 2004, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.004(14)(a) and Part II A.2. of the General Instructions for a Change in the Applicant's Ownership Structure and to Change the Names of Applicant and its General Partner, from Reliance-Cypress Grove

Associates, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that no changes can be made to the application after submittal.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that on September 9, 2004, the Florida Fish and Wildlife Conservation Commission issued an order granting a temporary variance, with conditions, from portions of Rule 68C-22.025, Florida Administrative Code, (the manatee protection rule for Miami-Dade County) to Seaside Films Florida, Inc ("SFF"), and that on September 21, 2004, the Commission issued a supplemental order. The original petition was filed with the Commission on August 3, 2004, and a notice of petition was published in the Florida Administrative Weekly on August 20, 2004. The Commission received one letter commenting on the petition. The order issued on September 9 authorized SFF to operate up to six motorboats above regulated speeds, with speeds not to exceed 35 mph, while filming several scenes for the "Transporter 2" motion picture. The variance order applied for no more than two days of filming, with the authorized dates being September 10, 16, 17, or 20, 2004, with later dates allowable with advance written approval from the Commission. A variance was granted because the Commission determined that the statutory requirements for the granting of a variance were met, specifically through the implementation of a Commission-approved manatee watch program and by the setting of other conditions and limitations on the activities. The supplemental order authorized SFF to operate above regulated speeds for one additional day of filming, with the authorized date being September 26, 2004, but with a later date allowable with advance written approval from the Commission. The supplemental order also added an additional area (at the east end of Collins Canal/south end of Indian Creek) where motorboat operation above regulated speeds was authorized.

Copies of the orders may be obtained by contacting: Mr. Scott Calleson, Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces the Florida Library Network Council Meeting.

DATE AND TIME: Monday, December 6, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: The Sable Room, Celebration Hotel, 700 Bloom Street, Orlando, FL 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Florida Electronic Library Plan implementation, to review reports, relating to new electronic services and to discuss plans for submission of grant applications for 2005-2006.

For additional information contact: Judith Ring, State Librarian, (850)245-6603, Suncom 205-6603.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

DEPARTMENT OF LEGAL AFFAIRS

The Finance and Budget Committee of the Florida **Commission on the Status of Women** will hold a meeting to which all interested persons are invited to participate.

DATE AND TIME: November 15, 2004, 9:00 a.m.

PLACE: Office of the Attorney General, 107 W. Gaines St., Rm. 163, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

Please call (850)414-3300 for instructions on participation.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council (AITC)** announces a meeting.

DATE AND TIME: December 7, 2004, 1:00 p.m. – 4:00 p.m.

PLACE: University of Florida, Veterinary College, 2015 S. W. 16th Ave., Lecture Hall A, Gainesville, FL

The Florida **Department of Agriculture and Consumer Services** announces the following monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

DATE AND TIME: December 2, 2004, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Bldg. 6, Rm. 606, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

CONTACT: Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Rm. 601, Tallahassee, Florida 32399-1650, (850)487-2130.

A copy of the meeting agenda may be obtained by contacting the Pesticide Registration Section, (850) 487-2130 or from the PREC Web Site at: http://www.flaes.org/Pesticide/REG_PREC.htm.

DEPARTMENT OF EDUCATION

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: December 3, 2004, 9:00 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

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 **Florida Charter School Review Panel** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, November 18, 2004, 9:00 a.m. – 3:30 p.m.

PLACE: The Turlington Building, 325 West Gaines Street, 17th Floor Conference Room, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Review Panel will discuss issues, rules, policies and procedures, laws and recent developments relevant to Florida charter schools.

An agenda will be available one week prior to the meeting. To obtain a copy of the agenda, please call or write: Cynthia D. Morani, Esq., Florida Charter School Legal Resource Center, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-6044.

SPECIAL ACCOMMODATION: Persons with disabilities who require assistance to participate in this meeting should contact the Florida Charter School Legal Resource Center, at the above address or telephone number.

The **Florida Atlantic University, Florida's Art in State Buildings Program** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: November 19, 2004, 10:30 a.m. – 11:30 a.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, FAU MacArthur Campus at Jupiter, 5353 Parkside Drive, AD #222, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting regarding Florida's Art in State Buildings Program for BR-613 Library Expansion and Classroom.

For more information or to obtain a copy of the agenda, please contact: Rachel Slaw, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, ADM Bldg., Rm 392, Boca Raton, Florida 33431, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Rachel Slaw, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT 1(800)955-8770.

The **Florida Atlantic University, Florida's Art in State Buildings Program** announces the following public meeting, to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: November 19, 2004, 11:30 a.m. – 12:30 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, FAU MacArthur Campus at Jupiter, 5353 Parkside Drive, AD #222, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting regarding Florida's Art in State Buildings Program for BR-614 Lifelong Learning Complex.

For more information or to obtain a copy of the agenda, please contact: Rachel Slaw, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, ADM Bldg., Rm 392, Boca Raton, Florida 33431, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Rachel Slaw, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT 1(800)955-8770.

The **Florida Education Foundation** announces its Annual Meeting of the Board of Directors to which all interested persons are invited to participate.

DATE AND TIME: November 30, 2004, 8:30 a.m. – 4:30 p.m. or upon adjournment

PLACE: 2225 North Lois Avenue, Tampa, FL (Please confirm location prior to the meeting date, due to possible changes in space requirement.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the annual meeting of the Florida Education Foundation. Consideration of minutes from last quarterly meeting; presentation on hurricane recovery efforts for schools, teachers and students; report from the Commissioner of Education; pending accounts payable; possible committee proposals for funding and matters pertaining to general administration of the foundation. Committees will also meet.

The Florida Education Foundation is a not for profit charitable organization supporting public education in all grades.

Member registration – 8:30 a.m.; Board Meeting – 9:00 a.m.; Committees will meet at approximately 10:15 a.m. – 11:30 a.m.; A working lunch will take place at approximately 11:45 a.m. – 12:45 p.m.; Committees may resume meeting, if business is pending; Full board meeting will resume, following committee meetings and/ or no later than 2:00 p.m.; Adjournment is scheduled for 4:30 p.m. or upon motion and vote.

For more information contact: Diane McCain, Executive Director, (850)245-9632, e-mail: diane.mccain@fldoe.org. Be sure to confirm location, prior to meeting due to possibility of changes due to space requirements.

This meeting is open to the public. Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 2 days in advance, so that their needs can be accommodated.

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited:

DATE AND TIME: November 23, 2004, during a regular meeting of the Governor and Cabinet, which begins at 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of amendments to Rules 12D-10.004, 12D-10.0044, 12D-13.060, 12D-13.061, 12D-13.064, 12D-16.001 and 12D-16.002, Florida Administrative Code. Notices of these proposed adoptions were published in the Florida Administrative Weekly on October 8, 2004 (Vol. 30, No. 41, pp. 4230 through 4236).

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

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District Five announces public hearings to which all interested persons are invited. Specific notice is provided to the Brevard, Ocala, Volusia, Lake and Orlando Metropolitan Planning Organizations (MPOs) and the County Commissioners for Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter and Volusia Counties.

This notice was previously published in the Florida Administrative Weekly on October 15, 2004.

FOR MARION COUNTY:

DATE AND TIMES: November 18, 2004, 5:30 p.m. – Documents/Information available for review; 6:00 p.m. – Public Hearing

PLACE: Marion County Commission Chambers, 601 S. E. 25th Avenue, Ocala, Florida

FOR ORANGE, OSCEOLA AND SEMINOLE COUNTIES:
 DATE AND TIMES: November 23, 2004, 5:30 p.m. –
 Documents/Information available for review; 6:00 p.m. –
 Public Hearing
 PLACE: Florida Department of Transportation, Orlando Urban
 Office, Lake Apopka Conference Room, 133 South Semoran
 Blvd, Orlando, Florida

FOR LAKE AND SUMTER COUNTIES:
 DATE AND TIMES: December 1, 2004, 5:30 p.m. –
 Documents/Information available for review; 6:00 p.m. –
 Public Hearing
 PLACE: County Administration Building, Commission
 Chambers 2nd floor, 315 West Main Street, Tavares, Florida

FOR BREVARD COUNTY:
 DATE AND TIMES: December 9, 2004, 5:30 p.m. –
 Documents/Information available for review; 6:00 p.m. –
 Public Hearing
 PLACE: Rockledge City Hall, 1600 Huntington Lane,
 Rockledge, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 These public hearings are being conducted pursuant to Section
 339.135(4)(c), Florida Statutes, as amended. The purpose of
 these public hearings is to consider the Department’s Tentative
 Work Program for Fiscal Years 2005/2006-2009/2010, and to
 consider making any changes to the Program. These hearings
 also will include consideration of proposed projects for the
 Florida’s Turnpike Enterprise as applicable in Lake, Marion,
 Orange, Osceola, Seminole and Sumter Counties.

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 addressed to:
 George Gilhooley, District Secretary, Florida Department of
 Transportation, 719 South Woodland Boulevard, DeLand,
 Florida 32720.

A copy of the agenda may be obtained from: Ms. Georganna L.
 Gillette, MPO Liaison, Florida Department of Transportation,
 133 South Semoran Boulevard, Orlando, Florida 32807.

In compliance with the Americans with Disability Act, the
 Department, if requested, will provide special assistance at the
 public hearings for those persons who are disabled. Those
 persons requiring special assistance must notify the
 Department at least ten days prior to the public hearing, by
 contacting: Michael Szunyog, Florida Department of
 Transportation, 133 South Semoran Boulevard, Orlando,
 Florida 32807, (407)482-7800.

The **Florida Transportation Commission** announces a public
 meeting to which all persons are invited:
 DATE AND TIME: November 18, 2004, 8:30 a.m. – 12:00
 Noon
 PLACE: Hilton Naples & Towers, 5111 Tamiami Trail, North,
 Naples, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Regular Meeting of the Florida Transportation Commission.
 Information may be obtained by contacting: Florida
 Transportation Commission, Room 176, M.S. 9, 605
 Suwannee Street, Tallahassee, Florida 32399-0450,
 (850)414-4105.

Pursuant to the provisions of the Americans with Disabilities
 Act, any person requiring special accommodations to
 participate in these meetings are asked to advise the
 Commission at least 48 hours before the meetings by
 contacting: Cathy Goodman, (850)414-4105.

The Florida **Department of Transportation**, District 2
 announces public hearings (Tentative Work Program for Fiscal
 Years beginning July 1, 2005, through June 30, 2010) to which
 all persons are invited to attend and be heard.

1. Jacksonville Hearing: Specific notice is provided to the First
 Coast Metropolitan Planning Organization (FCMPO) and the
 County Commissions for Putnam, St. Johns, Nassau, Baker,
 Clay and Duval counties serving as MPO for their respective
 counties.

DATE AND TIME: Monday, November 29, 2004, 5:30 p.m.
 PLACE: Jacksonville Urban Office-Training Facility, 2250
 Irene Street, Jacksonville, Florida

2. Live Oak Hearing: Specific notice is provided to the County
 Commissions for Taylor, Lafayette, Madison, Columbia,
 Hamilton and Suwannee counties serving as MPO for their
 respective counties.

DATE AND TIME: Tuesday, November 30, 2004, 5:30 p.m.
 PLACE: Suwannee River Water Management District, Board
 Room, 9225 County Road 49, Live Oak, Florida

3. Lake City Hearing: Specific notice is provided to the
 Gainesville Metropolitan Transportation Planning
 Organization (MTPO) and the County Commissions for Dixie,
 Levy, Gilchrist, Bradford, Alachua and Union counties serving
 as MPO for their respective counties.

DATE AND TIME: Thursday, December 2, 2004, 5:30 p.m.
 PLACE: FDOT Lake City District Office, Madison Room,
 1109 South Marion Ave., Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 These public hearings are being conducted pursuant to Section
 339.135(4)(c), Florida Statutes, to consider the Department’s
 Tentative Work Program for the period 2005-06 through
 2009-10, and to consider the necessity of making any changes
 to the Program.

Assistance for disabled persons may be arranged by contacting
 Mr. Bill Henderson, District Planning and Environmental
 Manager, Lake City District Office, 1(800)749-2967, at least
 ten (10) days in advance of the Public Hearings.

The proposed improvements 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 they have 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's Equal Opportunity Office in Tallahassee or contact the District's Title VI and Title VIII Coordinator.

Central Office: Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, MS 65, Tallahassee, Florida 32399-0450

District Office: Florida Department of Transportation, District 2, District Contract Compliance Office, 2250 Irene Street, M.S. 2809, Jacksonville, Florida 32276-6669

Written comments from the Commissions and other interested parties will be received by the Department at the public hearings and within ten days thereafter.

Comments should be addressed to: Aage G. Schroder III, P.E., District Secretary, Florida Department of Transportation, District 2, 1109 South Marion Ave., Lake City, FL 32025-5874, 1(800)749-2967.

The Florida **Department of Transportation**, District Seven invites you to attend and participate in one of the Five Year Tentative Work Program Public Hearings for Fiscal Years July 1, 2005 through June 30, 2010. Your input is needed at these Public Hearings.

The Department's Tentative Work Program contains funding over the next five years and includes preliminary engineering, right-of-way acquisition, construction, public transportation projects, and Florida Turnpike Enterprise projects for Citrus, Hernando, Hillsborough, Pasco and Pinellas Counties. The public hearings will be held at the following locations:

DATE AND TIME: Tuesday, December 7, 2004, 5:00 p.m. – 7:00 p.m.

PLACE: FDOT, District Seven, Auditorium, 11201 N. Malcolm McKinley Drive, Tampa, Florida 33612

DATE AND TIME: Thursday, December 9, 2004, 5:30 p.m. – 7:00 p.m.

PLACE: Hernando County Government Center, Board of County Commission Chambers, 20 N. Main Street, Brooksville, Florida 34601

The Work Program Public Hearings are being conducted pursuant to Chapter 120 and Section 339.135(4)-(d), Florida Statutes, and Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990, should contact Ms. Lee Royal, Community Liaison Administrator, (813)975-6427 or 1(800)226-7220, at least 10 working days in advance of the Public Hearing.

The Department will receive verbal and written comments from organizations and the general public at the public hearing. In addition, written comments must be postmarked by

December 19, 2004, to become part of the official Public Hearing Record. Written comments should be addressed to Florida Department of Transportation, District Seven, Kenneth A. Hartmann, P.E., District Secretary, 11201 N. McKinley Drive, MS 7-100, Tampa, Florida 33612.

The **Department of Transportation**, District 3 announces a public hearing to which all persons are invited.

DATE AND TIME: December 7, 2004, 6:00 p.m. – 8:00 p.m.

PLACE: Pensacola Civic Center, 201 Gregory Street, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of FPID Number 4093341-22-01, otherwise known as the US 98/SR 30 (The Pensacola Bay Bridge). The limits of the project corridor begin at US 98 in Pensacola, Florida and terminate at US 98 in Gulf Breeze, Florida in the vicinity of the existing bridge in Escambia and Santa Rosa Counties.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call telephone number (850)638-0250, Ext. 517.

Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing to: Ms. Blair Martin, P.E., P. O. Box 607, Chipley, Florida 32428.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2004, 8:30 a.m.

PLACE: Department of Transportation Turnpike Operations Center Auditorium, Mile Post 65, Pompano Beach Service Plaza, Pompano Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Rosa Seabrooks, (850)245-7914.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Rosa Seabrooks, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

The Florida **Department of Transportation**, District Four, Tentative Work Program, Fiscal Years July 1, 2005, through June 30, 2010 announces public hearings to which all interested persons are invited. Specific notice is provided to the Broward County, Indian River County (Vero Beach), Martin County (Stuart), Palm Beach County, and St. Lucie County Metropolitan Planning Organizations.

1. BROWARD COUNTY:

DATE AND TIME: Thursday, December 9, 2004, 1:30 p.m.
 PLACE: Broward County Governmental Center, Room 329F, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301

2. PALM BEACH COUNTY:

DATE AND TIME: Thursday, December 16, 2004, 1:30 p.m.
 PLACE: Palm Beach County Governmental Center, 12th Floor Conference Room, 301 N. Olive Avenue, West Palm Beach, Florida 33401

3. ST. LUCIE, MARTIN AND INDIAN RIVER COUNTIES:

DATE AND TIME: Wednesday, December 15, 2004, 5:00 p.m.
 PLACE: St. Lucie County Governmental Center, County Commission Chambers, 2300 Virginia Avenue, Fort Pierce, Florida 34982

GENERAL SUBJECT MATTER TO BE CONSIDERED: These public hearings are being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The purpose of these public hearings is to present the Department's Tentative Five Year Work Program for Fiscal Years 2005/06-2009/10, which contains a listing of Project Phases to be undertaken during that time frame. These Hearings also will include consideration of proposed projects for Florida's Turnpike Enterprise System as applicable.

All interested persons are invited to attend and be heard. Assistance for disabled persons may be arranged by contacting: Michael DeRosa, (954)777-4627 or Margaret DeFio, (954)777-4583, Florida Department District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, at least ten (10) working days prior to the public hearings. Written comments from the Metropolitan Planning Organizations and other interested parties will be received by the Department at the public hearing and within ten days after the public hearing. Comments should be addressed to: Mr. Rick Chesser, P.E., District Secretary, Florida Department of Transportation, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

The **Florida Seaport Transportation and Economic Development Council** announces a teleconference of the Project Review Group in which all interested persons are invited to participate.

DATE AND TIME: November 17, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Teleconference "Call-In" Number (850)487-9552, Suncom (850)277-9552

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise: Toy Keller, (850)222-8028.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notice is hereby given that the **Board of Trustees of the Internal Improvement Trust Fund** of the State of Florida, or designee, is proposing the establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes, and will hold a Public Hearing to which all interested persons are invited to participate.

DATE AND TIME: November 23, 2004, 12:30 p.m.

PLACE: Captiva Community Center, 11550 Chapin Lane, Captiva, FL 33924

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of considering evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as Captiva and Sanibel Islands Nourishment Project. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along Sanibel Island fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in Sections 11 and 14, Township 46 South, Range 21 East.

Written objections to, or inquires regarding, the proposed Erosion Control Line should be submitted to: Bureau of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, prior to the date mentioned

above. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

BY ORDER OF THE BOARD OF TRUSTEES
OF THE INTERNAL IMPROVEMENT TRUST
FUND OF THE STATE OF FLORIDA
JEB BUSH, GOVERNOR

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."

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 1, 2004, 9:00 a.m.
PLACE: Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, 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 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 30, 2004, 9:30 a.m.
PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.
LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference 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 conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its Internal Affairs Meeting for November 30, 2004, to which all interested persons are invited.

DATE AND TIME: November 30, 2004, 9:30 a.m., immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148
PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces a hearing 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.

DATES AND TIME: December 1-2, 2004, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on November 19, 2004. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

The **Region V, Training Council** will hold its Bi-Annual Advisory Meeting to which all interested persons are invited to participate.

DATE AND TIME: December 14, 2004, 10:30 a.m.

PLACE: N.E. FL Criminal Justice Training and Education Center, Conference Room, 4715 Capper Rd., Jacksonville, FL
 For an advanced copy of the agenda please contact: Director Mark Stevens, NEFCJTEC, (904)713-4900 or Fax (904)713-4828.

The **Withlacoochee Regional Planning Council** announces a meeting of its Executive Committee.

DATE AND TIME: Thursday, November 18, 2004, 6:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administrative matters of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, November 18, 2004, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council at 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, December 13, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, December 13, 2004, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, December 13, 2004, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency on Bay Management

DATE AND TIME: Thursday, December 9, 2004, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

MEETING: Clearinghouse Review Committee.

DATE AND TIME: Monday, December 27, 2004, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: November 18, 2004, 9:30 a.m.

PLACE: Terry Park – Meeting Facility, 2890 Palm Beach Boulevard, Fort Myers, FL 33916

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 6, 2004, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Margate; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited:

DATE AND TIME: November 30, 2004, 10:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee – to consider land acquisition matters.

DATE AND TIME: November 30, 2004, 11:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

DATE AND TIME: November 30, 2004, 11:15 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing – to consider Regulatory matters.

DATE AND TIME: November 30, 2004, 11:30 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing for Rule Adoption – Chapter 40A-2, F.A.C., Consumptive Uses of Water.

DATE AND TIME: November 30, 2004, 11:45 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing – to consider Land Acquisition matters.

DATE AND TIME: December 1, 2004, 10:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business.

PLACE: District headquarters, 10 miles west of Tallahassee on U.S. Highway 90, Tallahassee, FL

A copy of the agendas may be obtained by contacting: Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 (also available through the Internet at www.state.fl.us/nwfwmd).

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: November 29, 2004, 7:00 p.m.

PLACE: Hamilton VFW Memorial Post 8095, State Road 6, Jasper, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Receive public comment on the establishment of minimum flows and levels (MFLs) for the Alapaha River.

DATE AND TIME: November 30, 2004, 7:00 p.m.

PLACE: County Courthouse, 55 West Main Street, Room 101, Lake Butler, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Receive public comment on the establishment of minimum flows and levels (MFLs) for the Upper Santa Fe River and springs.

DATE AND TIME: December 7, 2004, 7:00 p.m.

PLACE: Tommy Usher Community Center, 506 Southwest 4th Avenue (Hwy 345), Chiefland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Receive public comment on the establishment of minimum flows and levels (MFLs) for the Lower Suwannee River and Waccasassa River.

Florida Statutes require that MFLs water levels and flows designed to prevent significant harm to water resources be established for water bodies. The Suwannee River Water Management District has gathered technical data and information to develop the MFLs for the Alapaha River, Upper Santa Fe River, Lower Suwannee River and Waccasassa River. MFLs help in the water supply planning process and in determining water availability for consumptive use purposes. In addition, they will provide guidance in making water use and permitting decisions; ensure sufficient water resources for the public and ecosystems; protect wetlands, fish and wildlife habitat; and provide protection of water resources for navigation and recreation.

Persons with disabilities who need assistance in order to participate in these meetings may contact David Hornsby, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following meeting(s) to which all interested parties are invited to attend:

CRYSTAL SPRINGS PRESERVE GRAND OPENING

DATE AND TIME: Friday, November 19, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Crystal Springs Preserve, 1609 Crystal Springs Rd., Zephyrhills, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Grand opening of living laboratory and environmental education center.

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), or (352)796-7211, Extension 4609, Fax (352)754-6874, TDD ONLY 1(800)231-6103 (Florida).

The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: December 2, 2004, 9:00 a.m.

PLACE: Big Cypress Basin, Mary Ellen Hawkins Building, 6089 Janes Lane, Naples, Florida (This address shall be the designated access point for public attendance of the meeting)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business.

A copy of the agenda may be obtained by writing: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or by calling Ann Christian (239)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based. Persons with disabilities who need assistance may contact Ann Christian, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements.

Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

DEPARTMENT OF ELDER AFFAIRS

The FL DOEA, **Long-Term Care Ombudsman Program** announces the District Council Monthly Meeting Open Session. (Please contact for confirmation of date, time, and location, Toll Free 1(888)831-0404)

Pensacola: Northwest Florida Ombudsman Council

DATE AND TIME: Last Thursday, 9:00 a.m.

PLACE: T & C Plaza, 3300 N. Pace Boulevard, 1st Floor, Pensacola, FL 32505

Contact: (850)595-8013

Tallahassee: Panhandle Ombudsman Council

DATE AND TIME: 3rd Wednesday, 10:30 a.m. (EST)/9:30 (CST)

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3700 Commonwealth Boulevard, Tallahassee, FL

Contact: (850)921-4703

Gainesville: North Central Florida Ombudsman Council

DATE AND TIME: 3rd Thursday, 12:30 p.m.

PLACE: Hospice of North Central Florida, 4200 N. W. 97th Blvd., Room 2, Gainesville, FL 32606

Contact: (352)955-5015

Ocala: Withlacoochee Area Ombudsman Council

DATE AND TIME: 2nd Thursday, 12:30 p.m.

PLACE: Lake-Sumter Community College, 1405 County Road 526A, Sumterville, FL 33585

Contact: (352)620-3088

Jacksonville: First Coast Ombudsman Council

DATE AND TIME: 4th Tuesday, 11:30 a.m.

PLACE: Department of Children and Family Services, Auditorium, 5920 Arlington Expressway, Jacksonville, FL 32211

Contact: (904)723-2058

Daytona: First Coast South Ombudsman Council

DATE AND TIME: 2nd Tuesday, 12:00 Noon

PLACE: St. Paul's Catholic Church, 317 Mullally Street, Daytona Beach, FL 32114

Contact: (386)226-7846

New Port Richey: Pasco and North Pinellas Ombudsman Council

DATE AND TIME: 2nd Thursday, 12:30 p.m.

PLACE: Council Square II, 7601 Little Road, Room 150, New Port Richey, FL 34654

Contact: (352)834-3127

Largo: Mid and South Pinellas Ombudsman Council

DATE AND TIME: 3rd Thursday, 1:00 p.m.

PLACE: Mary Grizzle Building, 11351 Ulmerton Road, Conference Room 309A, Largo, FL 33778

Contact: (727)588-6912

Tampa: West Central Florida Ombudsman Council

DATE AND TIME: 3rd Tuesday, 10:45 a.m.

PLACE: 9393 N. Florida Avenue, Conference Room (TBA), Tampa, FL 33612

Contact: (813)558-5591

Lakeland: South Central Florida Ombudsman Council

DATE AND TIME: 3rd Monday, 11:00 a.m.

PLACE: Rath Senior CoNEXTions & Education Center, 1350 E. Main Street, Suite 200, Bartow, FL 33830

Contact: (863)413-2764

Orlando: East Central Florida Ombudsman Council

DATE AND TIME: 1st Thursday, 12:00 Noon

PLACE: Tedder Building, 988 Woodcock Road, Downstairs Board Room, Orlando, FL 32803

Contact: (407)228-7752

Ft. Myers: Southwest Florida Ombudsman Council

DATE AND TIME: 1st Tuesday, 11:00 a.m.

PLACE: Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949

Contact: (239)338-1493

West Palm Beach: Palm Beach County Ombudsman Council

DATE AND TIME: 3rd Monday, 11:30 a.m.

PLACE: 111 S. Sapodilla Avenue, Room 113 B, West Palm Beach, FL 33401

Contact: (561)837-5038

Ft. Pierce: Treasure Coast Ombudsman Council

DATE AND TIME: 2nd Monday, 10:00 a.m.

PLACE: 337 N. 4th Street, Conference Room 104, Ft. Pierce, FL 34950

Contact: (772)595-1385

Ft. Lauderdale: Broward County Ombudsman Council

DATE AND TIME: 2nd Tuesday, 1:00 p.m.

PLACE: Broward County Emergency Operations Center, 201 N. W. 84th Avenue, Plantation, FL 33324

Contact: (954)747-7919

North Miami: North Dade Ombudsman Council

DATE AND TIME: 2nd Thursday, 10:00 a.m.

PLACE: Community of Landmark, Keller Building #2, Room 42, 2000 N. W. 47th Avenue, Opa Locka, FL 33055 (Alternate: N. Miami Beach Public Library, 1601 N. E. 164th, N. Miami Beach, FL 33162)

Contact: (305)626-6144

South Miami: South Dade and The Florida Keys Ombudsman Council

DATE AND TIME: 3rd Tuesday, 8:30 a.m.

PLACE: 7300 N Kendall Drive, Suite 780, Conference Room, Miami, FL 33156

Contact: (305)671-7245

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited to call in.

DATE AND TIME: Tuesday, November 16, 2004, 7:00 p.m. – 9:00 p.m.

PLACE: To access the “Meet-Me” number call (850)414-1709 or SunCom 994-1709 at the above date/time

GENERAL SUBJECT MATTER TO BE CONSIDERED: Evidence-based Medicine Committee of the Florida Patient Safety Corporation, Board of Directors Officers, as authorized by Chapter 2004-297, Laws of Florida.

For additional information contact: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308, or call Linda Colvin, (850)922-0791, or via e-mail: COLVINL@fdhc.state.fl.us.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Hospital Acquired Infections Technical Workgroup and Health Care Facility Web Site Technical Workgroup, to which all interested parties are invited.

DATE AND TIME: Wednesday, December 1, 2004, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the initial meetings of the Hospital Acquired Infections and Health Care Facility Web Site Technical Workgroups.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christopher Sullivan, (850)414-5421, at least five (5) calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Wednesday, December 1, 2004, 3:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christopher Sullivan, (850)414-5421, at least five (5) calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Division of Health Quality Assurance** announces an exploratory meeting to which all interested persons are invited.

DATE AND TIME: December 6, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Palms West Hospital, Medical Office Building, 13001 State Road 80, Conference Room 7, Loxahatchee, FL 33470

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss issues affecting hospitals' ability to obtain and retain specialist physicians in their emergency rooms. The Agency wishes to fill informational gaps in its knowledge of the issues, including availability of accurate sources to determine the extent of the unmet hospital need for specialty physicians; insurance concerns; legal constraints attendant to regulation; legislative needs; care quality issues inherent in the lack of specialized care in the emergency room; and any other issues to be raised by the participants. Participation by all interested persons and organizations is encouraged.

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.

AGENDA: Open Meeting; Introductions; General Questions; Discussion of the Problems; Development of Strategies and a Work Plan to Resolve the Problems.

CONTACT: Rebecca Knapp or Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, (850)414-9796.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Technology Office**, Wireless 911 Board announces the following meeting schedule change information:

Wireless 911 Board Meeting

DATES AND TIME: January 12-13, 2005, 9:00 a.m. – 5:00 p.m.

PLACE: Hilton Oceanfront Resort, Palm 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meeting to be held by telephone conference call, which all persons are invited to attend.

DATE AND TIME: November 22, 2004, 2:00 p.m. (Eastern Time)

PLACE: Telephone Number 1(800)416-4254 (toll free outside of Tallahassee) or (850)922-2903 direct or 292-2903 Suncom
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: December 7, 2004, 8:00 a.m.

PLACE: Hyatt Regency, Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32877, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-7154, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy** announces the following meeting of the Rules Committee to which all persons are invited:

DATE AND TIME: Thursday, December 2, 2004, 11:00 a.m. or as soon thereafter as can be heard

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Rules Committee will meet to discuss the implementation of Committee Substitute/Senate Bill 2720, which requires an Ethics continuing professional education (CPE) course for CPA license renewal. This is a public meeting.

A copy of the agenda may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, FL 32607.

NOTE: If a person decided to appeal any decision made by the board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting: John Johnson, (352)333-2505. If you are hearing or speech impaired, please contact the agency by calling 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 HEALTH

The **Correctional Medical Authority** announces a conference call meeting to be held by telephone to which all persons are invited:

DATE AND TIME: November 22, 2004, 10:30 a.m. – 12:00 Noon

PLACE: Telephone Number 1(888)461-8118 (Toll-Free), 414-5775 (Local), 994-5775 (Suncom)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call in which reconsiderations will be heard.

DATE AND TIME: December 2, 2004, 3:00 p.m.

PLACE: Telephone Number (850)487-8856

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Hearing Aid Specialists** announces a Probable Cause Panel Meeting via telephone conference call. Reconsiderations will be heard at this meeting. All interested parties are invited to participate, the conference call is open to the public.

DATE AND TIME: November 23, 2004, 4:00 p.m.

PLACE: Telephone Number (850)921-6580

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474.

The **Department of Health, Board of Hearing Aid Specialists** announces a telephone conference call. All interested parties are invited to attend with the information listed below, which is normally open to the public.

DATE AND TIME: December 7, 2004, 4:00 p.m.

PLACE: Telephone Number (850)410-0966

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to meeting date.

The Florida **Board of Medicine**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, December 2, 2004, 4:00 p.m.

PLACE: Rosen Centre, 9840 International Drive, Orlando, FL 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, December 3-4, 2004, 8:00 a.m.

PLACE: Meet me Number – The Rosen Centre, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, December 3, 2004, immediately following the Board Meeting

PLACE: Meet me Number – The Rosen Centre, 9840 International Drive, Orlando, Florida 32819, (407)996-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is

to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Board of Nursing**, South Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: November 18, 2004, 5:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)921-6513

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 Nursing**, Central Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: December 15, 2004, 6:00 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)921-6513

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 **Department of Health** announces the 2nd Secretary's Obesity Summit: Solutions in the School Setting to which all interested persons are invited to participate.

DATE AND TIME: December 8, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Cabinet Room, The Capitol, Tallahassee, FL

For more information please contact: Ketih Everett, (850)245-4330.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Policy Committee

DATE AND TIME: Thursday, November 18, 2004, 2:00 p.m. – 4:00 p.m.

PLACE: Via conference call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Department of Children and Family Services** announces the Final Site Visit of the Peer Review Team for CBC Readiness Assessment in District 11.

DATE AND TIME: Wednesday, December 1, 2004, 8:30 a.m. – 5:00 p.m.

PLACE: District 11 offices, 401 N. W. 2 Avenue, Suite N1007, Miami, FL 33128

Meeting times and dates are subject to change. For further information contact: Peter D. Coats or Grace Curtis, (305)377-5055.

The **Council on Homelessness** announces a meeting of the statewide Council on Homelessness to which all interested persons are invited.

DATE AND TIME: November 30, 2004, 9:00 a.m. – 3:00 p.m.

PLACE: Department of Children and Family Services, Building 4, 1317 Winewood Boulevard, Tallahassee, Florida (For those who are unable to attend in person, access via conference call is available by calling (850)410-0968)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting will be to review and discuss proposals for incorporation into the Council's 2004 Report.

A copy of the agenda for the meeting can be obtained from: Office on Homelessness, (850)922-4691.

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 the meeting.

Negotiation sessions for the Community Based Care Services Contract between the **Department of Children and Family Services** and United for Families, Inc., will be held as follows:

DATE AND TIME: November 29, 2004, 1:00 p.m. – 5:00 p.m. (Room 104)

DATE AND TIME: November 30, 2004, 1:00 p.m. – 5:00 p.m. (Room 104)

DATE AND TIME: December 7, 2004, 1:00 p.m. – 5:00 p.m. (Room 335)

DATE AND TIME: December 8, 2004, 1:00 p.m. – 5:00 p.m. (Room 104)

PLACE: Florida Department of Children and Family Services, 337 N. US Highway One, Fort Pierce, Florida

The **Department of Children and Family Services** and Camelot Community Care, Inc. announce Community-Based Care for Fiscal Year 2004/05 contract negotiations.

DATE AND TIME: Tuesday, November 30, 2004, 9:00 a.m.

PLACE: 2295 Victoria Avenue, Room #110, Fort Myers, FL

Copies of the agenda may be obtained by calling: (239)338-1330.

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the following Board of Commissioners meeting to which all interested parties are invited:

DATE AND TIME: Friday, November 19, 2004, 10:30 a.m.

PLACE: Venice City Hall, 401 West Venice Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District.

A copy of the agenda for this meeting may be obtained by writing: WCIND, P. O. Box 1845, Venice, FL 34284.

No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public workshop concerning dolphin-wahoo, to which all interested persons are invited:

DATE AND TIME: November 22, 2004, 6:30 p.m. – 9:00 p.m.

PLACE: IGFA Fishing Hall of Fame, 300 Gulf Stream Way, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to consider adoption of the recently approved federal regulations for dolphin and wahoo, and whether to designate these two species as restricted species. The federal regulations being considered include: a 20 inch minimum size limit on all Atlantic Coast harvesters; a recreational bag limit of two wahoo; and a commercial daily vessel limit of 500 pounds of wahoo; a requirement for commercial vessels to have a federal permit in addition to a Saltwater Products License with restricted species endorsement.

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.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a general meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: November 17, 2004, 2:00 p.m.

PLACE: TRDA Conference Room, Technological Research and Development Authority, 5195 South Washington Avenue, Titusville, FL 32780

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting, Board of Directors.

A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330, e-mail: dkershaw@trda.org.

FLORIDA LOCAL GOVERNMENT FINANCE COMMISSION

The **Florida Local Government Finance Commission** announces a public hearing (the "Hearing") will be held to which all interested persons are invited to participate.

DATE AND TIME: November 29, 2004, 10:00 a.m. (or as soon thereafter as the same may be heard)

PLACE: Offices of Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: With respect to the issuance by the Florida Local Government Finance Commission (the "Issuer") of its Florida Local Government Finance Commission Pooled Commercial Paper

Notes, Series B (AMT Issue) (the "Notes") in the aggregate principal amount of not exceeding \$12,000,000 and the loan of the proceeds thereof (the "Loan") to the Charlotte County Airport Authority (the "Authority"). The Hearing will be conducted by Counsel to the Authority. The proceeds of the Notes will be loaned to the Authority and applied to finance the acquisition, construction and equipping of various airport capital improvements and facilities, including t-hangars, commercial hangars, an airport administration building, a general aviation terminal, airfield improvements and other airport-related buildings and facilities (collectively, the "Project"). The Project will be owned by the Authority and will be located at the Charlotte County Airport, 28000 A-1 Airport Road, Punta Gorda, Florida 33982.

The Notes do not constitute a general indebtedness or obligation of the Issuer within the meaning of any constitutional or statutory provision or limitation, but shall be generally payable from and secured by the loan repayments made by the Authority to the Issuer pursuant to the Loan. The Loan is payable from and secured by the net revenues of the Charlotte County Airport, proceeds of certain grants from the Federal Emergency Management Agency or any other federal or state agency to pay or reimburse costs and expenses associated with the Project, and certain insurance proceeds. The Loan will be further secured by a covenant of Charlotte County, Florida to budget and appropriate legally available non-ad valorem revenues whenever the net revenues, grant proceeds or insurance proceeds are insufficient or unavailable. The Loan will not be or constitute an indebtedness or obligation of the Authority, Charlotte County, the State of Florida or any political subdivision thereof within the meaning of any constitutional, statutory or other limitation of indebtedness.

The aforementioned meeting shall be a public meeting and all persons who may be interested will be given an opportunity to be heard concerning the same. Written comments may also be submitted to John Yonkosky, Chairman, Florida Local Government Finance Commission, c/o Collier County Department of Revenue, 2685 South Horseshoe Drive, Naples, Florida 34104 and Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, prior to the hearing.

ALL PERSONS FOR OR AGAINST SAID PROPOSAL CAN BE HEARD AT SAID TIME AND PLACE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE ISSUER WITH RESPECT TO SUCH HEARING OR MEETING, (S)HE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF SUCH HEARING OR MEETING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Steven E. Miller, Esq., Nabors, Giblin & Nickerson, P.A., 2502 Rocky Point Drive, Suite 1060, Tampa, Florida 33607, (813)281-2222, no later than seven days prior to the proceeding.

INDIGENT SERVICES ADVISORY BOARD

The Article V, **Indigent Services Advisory Board** announces two meetings to which all interested parties are invited to participate.

DATES AND TIMES: December 1, 2004, 1:00 p.m.; December 14, 2004, 1:00 p.m.

PLACE: Justice Administrative Commission, City Centre Building, 227 N. Bronough Street, Suite 2100, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meetings – Revisions to Initial Recommendations.

CONTACT: Jessica Kranert, (850)488-2415, Ext. 223.

In conjunction with the Americans with Disabilities Act, please call (850)488-2415 if special accommodations are needed. For TDD service, please use Dual Party Relay System, 1(800)955-8771.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on October 28, 2004, from Construction Specialties, Inc., regarding whether a custom designed louver product is subject to the requirements of Chapter 9B-72, Florida Administrative Code.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on October 28, 2004, from Patrick L. McDonald, regarding whether the Florida Building Code identifies guidelines for application, thickness and curing times for a decorative cementitious coating intended for application to concrete or masonry surfaces and regarding whether aluminum soffit is governed by section 2003.8.3.4, Florida Building Code, Building Volume.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying the Petition for Declaratory Statement, Anthony Fragale, President and Unit Owner, Pheasant Run at Rosemont Condominium Association, Inc., Case No. 2004046093. The Division denied the petition because it required the division to interpret ambiguous document provisions, which the division is not authorized to do, and to interpret and apply existing case law, not a statute, rule or order, as to the materiality of the proposed change, which is not authorized under Section 120.565, Florida Statutes.

A copy of the Order, Case No. 2004046093, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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 Optometry hereby gives notice that the Petition for Declaratory Statement filed on June 9, 2004, by William K. Ramsay, O.D., has been withdrawn. The Notice of Petition for Declaratory Statement published in Vol. 30, No. 27, of the July 2, 2004, issue of the Florida Administrative Weekly.

The person to be contacted regarding the Petition is: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

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

REQUEST FOR INFORMATION
STUDENT HOUSING – DEGRAFF SITE,
FLORIDA STATE UNIVERSITY
BACKGROUND

The Florida State University, acting for and on behalf of The Florida State University Board of Trustees (hereinafter “University”), is interested in entering into an agreement which provides for a developer or design/build team to plan, design, construct, and/or finance, and/or manage a high quality, professionally operated facility that will increase the number of rooms on campus available for student occupancy. The project is to be constructed on State of Florida-owned property adjacent to the main campus. The site is the current location of DeGraff Hall, an approximately 5.25 acre parcel in the

northwest quadrant of the intersection between West Tennessee Street (U.S. 90) and Dewey Street. The new construction shall accommodate approximately 600 students in double occupancy suite style rooms with semi-private baths (two rooms sharing one bath). The facility must be available for occupancy no later than July 1, 2007; the site will be available for construction on May 15, 2005.

PURPOSE

This request for information seeks advice on approaches to providing this additional student housing for the University, in anticipation of release of a possible Request for Proposals. Respondents are asked to provide information on one or more of the scenarios described in the RFI document described below, but should not feel compelled to address all scenarios.

INFORMATION REQUESTED

The complete RFI document, project information, and Submittal requirements can be found on the Internet at: www.degraff.fsu.edu.

PRE-SUBMITTAL CONFERENCE

A conference to discuss the project and address questions concerning the process will be held at 2:00 p.m. EST on Wednesday, December 1, 2004 in 101A and 101B, Student Life Building, Florida State University.

DISCLAIMER

The University reserves the right to not issue a Request for Proposals to procure said services as result of its issuing this Request for Information. This RFI Document is only to determine interest and does not address any intent to contract. From information provided by the respondents to the RFI, a determination will be made regarding any actual contracting through a procurement process. Failure to respond to the RFI Document does not preclude subsequent participation in any procurement process developed as a result of this RFI. Neither the University, nor employees of the University will be responsible in any manner for any costs incurred by any Respondent to this RFI as a result of responding to this RFI.

DEADLINE FOR RESPONSES

Ten copies of the Submittal are due no later than Tuesday, December 21, 2004 at 3:00 p.m. EST. The Submittals are to be bound and sealed upon submission and submitted to the University’s sole point of contract:

Facilities Design and Construction
109 Mendenhall Maintenance, Building A
Attn: Liz Maryanski
Florida State University
Tallahassee, Florida 32306-4152
Telephone (850)644-5590

(please note that this address is for Submittal delivery ONLY) Submittals shall be hand-delivered, mailed or shipped by express delivery. Postmark date will not be considered. Submittals via fax or email will not be accepted. Receipt of a Submittal by any office, officer, employee or agent of the

University other than the Associate Vice President for Student Affairs, Financial Operations, does not comply with this provision. The University shall not be obligated to return any Submittal, and such Submittals shall be the property of the University.

NOTICE TO ARCHITECTS AND CONSTRUCTION MANAGERS

The University of Central Florida on behalf of its Board of Trustees announces that Professional Services in the disciplines of architecture and construction management will be required for the project listed below:

Project and Location: UCF CREOL Expansion, University of Central Florida, Orlando, Florida 32816-3020.

The project consists of the design and construction of a new addition similar to the existing facility that contains approximately 8,400 gsf.

The combined project cost will be approximately \$4,600,000 for planning, construction and furnishings/equipment. There will be two separate contracts for this project, one for the architect and one for the CM.

FORM OF PROPOSALS

It is the University's intention to have professionals in the disciplines of architecture and construction management to submit proposals as teams consisting of one architect and one construction manager. These teams must be exclusive. The University will accept only one proposal from each exclusive team (architect and CM). Architects and CMs must not be on more than one team. Any firm appearing on more than one team will be disqualified.

The proposal must be divided into one Architect section and one CM Section not to exceed 40 pages including one letter of application and qualification statements for the architect and CM as described below. Each proposal must include a Letter of Intent between the architect and CM reflecting the formation of a partnership or other legal entity for the project in order to be considered. Pages must be numbered consecutively.

This facility will be the in the early planning phase in the fiscal year 2004-05. The selected team will provide design and construction for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$200,000 and will be provided as a part of Basic Services.

Carefully review the Architect/Engineer, Construction Management Contract and General Condition's documents. Submitting a proposal for this project constitutes complete agreement with and acceptance of the terms and conditions contained within these documents. These documents can be found on our website at www.fp.ucf.edu with the advertisement.

Four (4) bound copies of the required proposal data shall be submitted to: Mr. Peter Newman, Facilities Planning, 4000 Central Florida Blvd., Post Office Box 163020, Orlando, FL

32816-3020. Submittals must be received by 5:00 p.m. local time, December 13, 2004. Facsimile (FAX) submittals are not acceptable and will not be considered. Late submissions will not be accepted.

INSTRUCTIONS FOR ARCHITECT AND CM TEAMS

Teams desiring to apply for consideration must submit one letter of joint application. The letter of application should have attached:

The most recent version of the Florida Board of Education "Professional Qualifications Supplement" (PQS) dated 7/03, completed by the applicant. Do not alter the PQS form.

A copy of the team member's current Professional Registration Certificates from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

3. The most recent version of the Florida Board of Education "Revised Construction Manager Qualifications Supplement" (CMQS) dated 02/02. Do not alter the CMQS form.

Applications that do not comply with all instructions may be disqualified. Application materials will not be returned.

Selection of finalist teams for interviews will be made on the basis of architect/engineer and construction manager qualifications, including experience and ability; past experience; bonding capacity; cost estimating; qualification of the firm's personnel, staff and consultants; and ability to include minority business enterprise participation. Finalists will be provided with a description of the final interview topics. The Selection Committee may reject all proposals and stop the selection process at any time.

The plans and specifications for Florida Board of Education projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

INSTRUCTIONS FOR CONSTRUCTION MANAGERS

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract

with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

CONSTRUCTION MANAGEMENT CONTRACT

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be compensated. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 50% Construction Documents. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

The Project Fact Sheet, Professional Qualifications Supplement forms, Construction Manager Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Ms. Gina Seabrook, University of Central Florida, (407)823-2166, Fax (407)823-5141, e-mail: gseabroo@mail.ucf.edu, Web site: www.fp.ucf.edu.

**NOTICE TO CONSTRUCTION MANAGEMENT FIRMS
OFFICE OF FACILITIES DESIGN AND CONSTRUCTION**

Duval County Public Schools
Request for Qualifications (RFQ)
FOR

Construction Management Services

The Office of Facilities Design and Construction announces that Construction Management services are required for the following project:

Project Number: C-91050
Project Title: Sixteen (16) Classroom Addition at First Coast High School No. 265
Project Location: 590 Duval Station Road,
Jacksonville, FL 32218

RFQ's ARE DUE ON OR BEFORE DECEMBER 14, 2004
AND WILL BE ACCEPTED UNTIL 4:30 P.M.

The selected Construction Manager will provide preconstruction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase.

Scope of Work: The project shall consist of a sixteen (16) classroom, two story building to match the existing campus. The building will include ten (10) regular classrooms, six (6) science classrooms/labs, restrooms, and associated support facilities. Budgeted Not to Exceed \$4.16 million.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including but not limited to experience and ability, financial capability, record keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control ability, qualifications of firm's personnel, staff and consultants, and distance from the construction site.

To receive application information and instruction booklet or for additional information contact the Project Manager listed below or visit www.educationcentral.org/facilities.

Applications are to be sent to:

Facilities Design and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Dave Shultz
PHONE NO.: (904)390-2279
MBE GOALS: 10% AA, 3% HANA, 7% WBE

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, then under General Documents, Selection of Construction Manager.

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals

2004-07 for Credit Underwriting, Loan Servicing
and Compliance Monitoring Services

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Credit Underwriting, Loan Servicing and Compliance Monitoring services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, January 7, 2005, Attention: Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact Robin Grantham, (850)488-4197, e-mail: robin.grantham@floridahousing.org.

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site: <http://www.floridahousing.org/ViewPage.aspx?page=77&p1=1>. Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

DEPARTMENT OF MILITARY AFFAIRS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS By the Florida Department of Military Affairs HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO.: CFMO 204045 SAMAS CODE:

PROJECT NAME & LOCATION: The National Guard Armory, 900 S. W. 20th Street, Ocala, FL

FOR: State of Florida, Department of Military Affairs, Project Manager, Kenneth Hersey, (904)823-0280

PREQUALIFICATION: After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements is included in the Instruction To Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount

provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$ 100,000.00 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Tuesday, December 14, 2002, until 10:00 a.m. Local time

PLACE: The National Guard Armory, 900 S. W. 20th Street, Ocala, FL

Sealed Bids may be delivered to Kenneth Hersey, Dept. of Military Affairs, State Road 207, St. Augustine, FL 32086 until 4:00 p.m., December 13, 2004.

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Hanson Professional Services, Inc.
TELEPHONE: (407)622-2050

Drawings and specifications may be purchased by FAX from Winter Park Blueprint, (407)645-1462 or by visiting on line, <http://plantrack.wpblue.com> then select ONLINE BIDDING to view and purchase full sets or individual drawings.

ARCHITECT-ENGINEER: Hanson Professional Services, Inc.
TELEPHONE: (407)622-2050

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting on the Department's website at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

INVITATION TO BID

As a General contractor, you are invited to submit a bid to the: State of Florida, Department of Military Affairs hereinafter referred to as Owner.

For the construction of: PROJECT NO.: CFMO 204045

PROJECT NAME & LOCATION: The National Guard Armory Upgrades, 900 S. W. 20th Street, Ocala, FL

PREQUALIFICATION: After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements is included in the Instruction To Bidders under Section B-2 "Bidder Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: Tuesday, December 14, 2004, until 10:00 a.m. Local time

PLACE: The National Guard Armory, 900 S. W. 20th Street, Ocala, FL

Sealed Bids may be delivered to Kenneth Hersey, Dept. of Military Affairs, State Road 207, St. Augustine, FL 32086 until 4:00 p.m., December 13, 2004.

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Hanson Professional Services, Inc. TELEPHONE: (407)622-2050

Drawings and specifications may be purchased by FAX from Winter Park Blueprint, (407)645-1462, or by visiting on line, <http://plantrack.wpblue.com> then select ONLINE BIDDING to view and purchase full sets or individual drawings.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting on the Department's website: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.:	BLIVR-905-001
DATE RECEIVED:	November 1, 2004
DEVELOPMENT NAME:	Bokeelia Harbor Seaport
DEVELOPER/AGENT:	Kenneth G. Oertel
DEVELOPMENT TYPE:	28-24.036, F.A.C.
LOCAL GOVERNMENT:	Lee County

DCA Final Order No.: DCA04-OR-217

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
MONROE COUNTY
ORDINANCE NO. 025-2004

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003),

approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On September 20, 2004, the Department received for review Monroe County Ordinance No. 025-2004 which was adopted by the Monroe County Board of County Commissioners on August 18, 2004 (“Ord. 025-2004”). The purpose of Ord. 025-2004 is to amend Section 9.5-317(b)(1)d.(i) of the Monroe County Land Development Regulations, providing for additional detail with regard to below-residence enclosures for residences that abut Airport Districts.

3. Ord. 025-2004 is consistent with the County’s 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2002) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 025-2004 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 025-2004 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

9. Ord. 025-2004 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 025-2004 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED

REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 28th day of October, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Murray Nelson
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Boss Hoss Cycles, Inc., intends to allow the establishment of Summit Boss Hoss LLC, as a dealership for the sale of Boss Hoss Cycle bikes, trikes, accessories and parts, at 720 Bald Eagle Drive, Marco Island (Collier County), Florida 34145, on or after August 27, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Summit Boss Hoss, LLC are dealer operator: Michael Kelly, 720 Bald Eagle Drive, Marco Island, Florida 34145; principal investor(s): Michael Kelly, 720 Bald Eagle Drive, Marco Island, FL 34145.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Rad Hunsley, Chief Operations Officer, Boss Hoss Cycles, 790 South Main Street, Dyersburg, TN 38024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Freightliner Specialty Vehicles Inc., intends to allow the establishment of Southpointe Motor Cars, as a dealership for the sale SportChassis heavy duty pickup truck, at 5151 Clark Road, Sarasota (Sarasota County), Florida 34233, on or after July 15, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Southpointe Motor Cars are dealer operator: Jack Urfer, 5151 Clark Road, Sarasota, FL 34233; principal investor(s): Jack Urfer, 5151 Clark Road, Sarasota, FL 34233 and Thelma Urfer, 5151 Clark Road, Sarasota, FL 34233.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: J. A. Aneshansley, Freightliner Specialty Vehicles, Inc., 2300 South Thirteenth Street, Clinton, Oklahoma 73601.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, CMSI, Inc., intends to allow the establishment of Action Wheelsport, as a dealership for the sale of TN'G, Lambretta USA, and Flying Tiger Motorcycles, at 5310 66th St., N., St. Petersburg (Pinellas County) Florida 33709, on or after October 28, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Action Wheelsport are dealer operator: William Lynch, 344-33rd Avenue, N. E., St. Petersburg, Florida 33709; and principal investor(s): Daniel Lynch, 8901 Oak St., N. E., St. Petersburg, Florida 33709.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Thomas Lynott, President, CMSI, Inc., 8146 304th Avenue, S. E., Preston, Washington 98050.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Mazda Motor of America, Inc. d.b.a. Mazda North American Operations intends to establish S & D Auto Resources, LLC d.b.a. Mazda of Wesley Chapel as a dealership for the sale of Mazda at a portion of Lot 16 of Phase 1-A, of Saddlebrook Corporate Center, as recorded in Plat Book 28, pages 34-44, of the public records of Pasco County, Florida. The property is located at the northeast corner of State Road 54 and Progress Parkway, approximately one mile west of the intersection of State Road 54 and Interstate 75. The property is more particularly described as the portion of the property adjacent to the southernmost 325 feet along the frontage of State Road 54 of the following:

Commence at the West corner of Tract "A" of the aforesaid SADDLEBROOK CORPORATION CENTER PHASE - 1A, said corner also being the North corner of Lot 16; thence S.55'15"16"E., along the line common to Tract "A" and Lot 16, a distance of 11.00 feet to a point on the existing right of way line of State Road 54 and the POINT OF BEGINNING; thence along the said existing right of way line of State Road 54 the following three (3) courses: (1) N.34'44"44"E., a distance of 360.45 feet; (2) S.55'15"16"E., a distance of 6.00 feet; (3) N.34'44"44"E., a distance of 356.83 feet; thence S.55'16"00"E., departing said existing right of way

line of State Road 54, a distance of 330.08 feet; thence S.34'44'00"W., a distance of 74.39 feet to the point of curvature of a curve to the right, having: a radius of 251.20 feet, a central angle of 25'52'30", a tangent length of 57.71 feet, a chord bearing of S.47'40'15"W., and a chord length of 112.48 feet; thence along the arc of said curve, an arc length of 113.44 feet to the point of curvature of a nontangential curve to the right, having; a radius of 53.200 feet, a central angle of 92'08'10", a tangent length of 55.22 feet, a chord bearing of S.04'13'04"W., and a chord length of 76.63 feet; thence along the arc of said curve, an arc length of 85.55 feet to the point of tangency of said curve; thence S.55'14'32"E., a distance of 71.14 feet; thence S.34'20'40"W., a distance of 251.34 feet to the point of curvature of a curve to the left, having; a radius of 195.00 feet, a central angle of 68'57'15", a tangent length of 133.90 feet, a chord bearing of S.00.07.55"E., and a chord length of 22.077 feet; thence along the arc of said curve, an arc length 23.68 feet to the end of said curve and a point on the southeasterly line of said Tract "A"; thence S.33'44'44"W., along said southeasterly line of Tract "A", a distance of 34.86 feet to the south corner of said Tract "A", also being the east corner of said Lot 16; thence continue S.34'44'44"W., along the southeasterly line of said Lot 16, a distance of 142.72 feet; thence N.55'15'16"W., a distance of 549.00 feet to a point on the aforesaid existing right of way line of State Road 54; thence N.34'44'44"E., along the said existing right of way line of State Road 54, a distance of 142.72 feet to the POINT OF BEGINNING.

Mazda Motor of America, Inc. d/b/a Mazda North American Operations intends to engage in business with S & D Auto Resources, LLC d.b.a. Mazda of Wesley Chapel on or after June 30, 2005, assuming that no protest is filed.

The name and address of the dealer operator(s) and principal investor(s) of S & D Auto Resources, LLC., d/b/a Mazda of Wesley Chapel are dealer operator: Scott Fink, 3936 U.S. Highway 19, New Port Richey, Florida 34652; principal investor(s): Scott Fink, 3936 U.S. Highway 19, New Port Richey, David Frazier, 29836 69th Way North, Clearwater, Florida 33761.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Greg Smith, Regional Operations Manager, Mazda Motor of North America, Inc., Southeast Region, 8313 Baycenter Road, Jacksonville, Florida 32256.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
NOTICE OF WITHDRAWAL**

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need applications:

County: Seminole Service District: 7
 CON # 9806 Decision Date: 10/20/2004 Decision: W
 Facility/Project: Orlando Regional Healthcare System, Inc.
 Applicant: Orlando Regional Healthcare System, Inc.
 Project Description: Establish an acute care hospital of up to 60 beds

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

CERTIFICATE OF NEED
EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Palm Beach District: 9
ID # 0400013 Decision: A Issue Date: 11/1/2004
Facility/Project: SandyPines
Applicant: Tequesta HMA, Inc.
Project Description: Add four IRTF bed
Proposed Project Cost: \$50,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On October 26, 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 Kelly Patrick Courtney, D.C., license number CH 4706 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 26, 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 Denise R. Coe, R.N., license number RN 2523262. 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 26, 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 Linda Elizabeth Dinkins, L.P.N, license number PN 320491. 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 November 1, 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 Shawn Marie Broadley Smith, R.N., license number RN 895932. 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 November 1, 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 Rosalie Ann Burkett, R.N., license number RN 9187379. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received 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 69U-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., December 3, 2004):

APPLICATION TO ORGANIZE A SUCCESSOR
INSTITUTION AND BANK MERGER

Constituent Institutions: USFS Acquisition Subsidiary Corporation (proposed successor institution), Tampa, Florida, and Coast Trust Company, Tampa, Florida
Resulting Institution: Coast Trust Company
With Title: Coast Trust Company
Received: November 2, 2004

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN October 25, 2004
 and October 29, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE
Division of Library and Information Services

1B-2.011	10/27/04	11/16/04	30/37	
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Division of Agricultural Environmental Services

5E-4.003	10/25/04	11/14/04	30/34	30/40
5E-4.0041	10/25/04	11/14/04	30/34	30/40

DEPARTMENT OF EDUCATION

Florida International University

6C8-1.009	10/26/04	11/15/04	Newspaper	
6C8-4.001	10/26/04	11/15/04	Newspaper	
6C8-4.024	10/26/04	11/15/04	Newspaper	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-302.103	10/26/04	11/15/04	30/39	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

61G16-3.001	10/27/04	11/16/04	30/39	
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Florida Real Estate Appraisal Board

61J1-4.005	10/25/04	11/14/04	29/44	30/26
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DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

64B6-6.009	10/27/04	11/16/04	30/39	
64B6-7.004	10/27/04	11/16/04	30/39	