

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Sale and Use Tax

RULE TITLE: Admissions
 RULE NO.: 12A-1.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.005, F.A.C. (Admissions), is to clarify that, consistent with the decisions rendered in Declaratory Statement DOR 04-1-DS, dated May 7, 2004, issued to Dunedin Country Club, and Department of Revenue v. John’s Island Club, Inc., 680 So.2d 475 (Fla. 1st DCA 1996), capital assessments are not subject to sales tax when they comply with the expenditure requirements contained in subparagraph (4)(a)2., of the rule. The proposed amendments clarify the definition of the term “capital assessments” for purposes of the rule.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed amendments to Rule 12A-1.005, F.A.C., which define the term “capital assessments” and clarify that capital assessments are not subject to tax when the expenditure requirements currently provided in subparagraph (4)(a)2., of the rule are met.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.
 LAW IMPLEMENTED: 212.02(1), 212.04, 212.08(6),(7), 616.260 FS.

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

TIME AND DATE: 9:30 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.005 Admissions.

(1) through (3) No change.

(4) DUES AND INITIATION FEES, EQUITY AND NONEQUITY MEMBERSHIPS, CAPITAL CONTRIBUTIONS AND ASSESSMENTS, REFUNDABLE DEPOSITS, AND USER FEES.

(a) No change.

(b) For purposes of this rule:

1. No change.

2.a. The phrases, “capital contributions or additional paid-in capital,” and “capital assessments,” mean equity payments that by themselves do not entitle an individual to use the facilities or equipment of an organization and that are intended as an investment to maintain or enhance members’ and owners’ interests in the organization.

b. The phrase “capital assessments” means payments made by members of an organization that by themselves do not entitle an individual to use the facilities or equipment of an organization and that are used solely for capital expenditures, capital improvements to the organization’s facilities, or for direct allocation to debt servicing such expenditures and improvements by the organization.

(c) through (f) No change.

(5) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1), 212.04, 212.08(6),(7), 616.260 FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 7-19-72, 12-11-74, 9-28-78, 7-3-79, 12-3-81, 7-20-82, Formerly 12A-1.05, Amended 1-2-89, 12-16-91, 10-17-94, 3-20-96, 3-4-01, 10-2-01, 4-17-03,_____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES: Implementation of the Tax on Gross Receipts on Dry-Cleaning Facilities and Dry Drop-Off Facilities
 RULE NOS.: 12B-11.001

Gross Receipts Tax on Dry-Cleaning Facilities and Dry Drop-Off Facilities
 12B-11.0011

Definitions
 12B-11.002

Registration
 12B-11.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12B-11, F.A.C. (Tax on Gross Receipts on Dry-Cleaning), is to update the rule chapter to include the provisions of Chapter 98-189, L.O.F., which imposed the tax on the gross receipts received by facilities for the laundering of clothing or other fabrics in Florida on dry drop-off facilities.

The purpose of the proposed amendments to Rule 12B-11.001, F.A.C., is to: (1) change the title to "Implementation of the Tax on Gross Receipts on Dry-Cleaning Facilities and Dry Drop-Off Facilities"; and (2) provide that the rule chapter implements the provisions of Section 376.71, F.S.

The purpose of the proposed amendments to Rule 12B-11.0011, F.A.C., is to: (1) change the title to "Gross Receipts Tax on Dry-Cleaning Facilities and Dry Drop-Off Facilities"; (2) provide that a gross receipts tax at the rate of 2 percent is imposed on dry-cleaning and dry drop-off facilities for the laundering of clothing or other fabrics in Florida; (3) reorganize provisions for the implementation of the tax; (4) provide guidelines on how to document tax-exempt sales for the purposes of resale; (5) provide a suggested resale certificate; (6) provide that the guidelines provided for the liability for the tax applies to dry drop-off facilities; (7) correct examples provided as guidelines for when the gross receipts tax is due and when the dealer is required to obtain a resale certificate for tax-exempt sales for the purposes of resale; and (8) remove unnecessary provisions regarding the sale of perchloroethylene to entities exempt from sales and use tax.

The purpose of the proposed amendments to Rule 12B-11.002, F.A.C. (Definitions), is to include a definition of the term "dry-cleaning facility" for purposes of the rule chapter.

The purpose of the proposed amendments to Rule 12B-11.005, F.A.C. (Registration), is to: (1) provide that dry drop-off facilities are required to registered with the Department; and (2) provide examples of when commercial establishments are required to obtain a single registration with the Department.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to Rule Chapter 12B-11, F.A.C. (Tax on Gross Receipts on Dry-Cleaning), necessary to update the provisions to include the provisions of Chapter 98-189, L.O.F., which imposed the tax on the gross receipts received by facilities for the laundering of clothing or other fabrics in Florida on dry drop-off facilities.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.70(5)(b) FS.

LAW IMPLEMENTED: 212.085, 376.301(13),(14),(15),(22), 376.70, 376.71 FS.

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

TIME AND DATE: 9:30 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing

or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Alan Fulton, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-11.001 Implementation of the Tax on Gross Receipts on Dry-Cleaning Facilities and Dry Drop-Off Facilities.

(1) Scope. The purpose of this rule is to implement the provisions of Sections 376.301, ~~and 376.70, and 376.71, F.S. Florida Statutes~~, which impose a tax on the gross receipts of dry-cleaning facilities, hereafter referred to as the gross receipts tax or tax.

(2) through (3) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.70(5)(b) FS. Law Implemented 376.301(13),(14),(15),(22),(7),(8),(9), 376.70, 376.71 FS. History--New 2-19-95, Amended 6-19-96, _____.

12B-11.0011 Gross Receipts Tax on Dry-Cleaning Facilities and Dry Drop-Off Facilities.

(1) Dry-cleaning facilities:

(1)(a) ~~The~~ gross receipts tax is levied at a rate of 2 percent on the total receipts received by dry-cleaning facilities, as defined in ~~Section section~~ 376.301(13), F.S. Florida Statutes, and received by dry drop-off facilities, as defined in Section 376.301(15), F.S., for the privilege of engaging in the business of ~~for the~~ dry-cleaning or laundering of clothing or other fabrics in Florida.

(b) The gross receipts tax does not apply to receipts from:

1. Coin-operated laundry machines;

2. Coin-operated dry cleaning machines, unless operated at an establishment primarily engaged in the business of dry cleaning clothing and other fabrics;

3. Laundering done on a wash, dry, and fold basis;

4. Uniform rental companies; or

5. Linen supply companies.

(2) Gross receipts arising from the charges for services subject to the gross receipts tax to any person who imposes charges to others for the same services are exempt. Dry-cleaning and dry drop-off facilities must document exempt sales made for the purposes of resale by obtaining a resale certificate from each dry-cleaning or dry drop-off facility that purchases services for purposes of resale of the same service. The selling facility is only required to obtain one resale certificate from each customer making purchases for the purposes of resale. The following is a suggested format of a resale certificate:

RESALE CERTIFICATE FOR GROSS RECEIPTS TAX
ON LAUNDERING AND DRYCLEANING SERVICES

This is to certify that the services purchased on or after
(date) from (name) are being purchased
for the purposes of resale pursuant to Section 376.70(6), F.S.

NAME OF PURCHASING FACILITY:

PURCHASING FACILITY'S ADDRESS:

CERTIFICATE OF REGISTRATION NUMBER:

EFFECTIVE DATE OF CERTIFICATE:

I understand that if I fraudulently issue this certificate to evade
the payment of gross receipts tax on dry-cleaning services I
will be liable for payment of the tax directly to the Department
plus a penalty of 200% of the tax and may be subject to
conviction of a third degree felony.

SIGNATURE OF PURCHASER OR
PURCHASER'S AGENT

TITLE

DATE

~~(3)(b)1.~~ Dry-cleaning facilities and dry drop-off facilities
that which include in the total retail charge to a customer the
cost of the tax shall separately state the tax on the customer's
bill. However, the total charged to the customer will be
considered a part of the gross receipts upon which the tax is
calculated. The dry-cleaning facility or dry drop-off facility
remains fully and completely liable for the tax, even if the tax
is separately stated as a line item or component of the total bill.
When Furthermore, if the tax is separately stated as a line item
or component of the customer's bill, the customer's bill is
required to contain a statement that the imposition of the tax
was requested by the Florida Dry Cleaners Coalition.

~~(4)(a)1.2.a.~~ Example: ABC dry-cleaning facility's total
receipts from a customer are \$100 for dry-cleaning services.
The bill received by the customer indicates that the total charge
is \$100. The tax rate is 2 percent. ABC dry-cleaning would
remit a tax of \$2.00 to the Department, 2 percent of the \$100
charge to the customer.

~~2.b.~~ Example: ABC dry-cleaning facility's total receipts
from a customer are \$102.00 for dry-cleaning services. The tax
rate is 2 percent. The bill received by the customer indicates a
charge of \$100 for dry-cleaning services and a separate line
item charge of \$2.00 for the gross receipts tax on dry-cleaning.
The total charge to the customer is \$102.00. ABC dry-cleaning
would remit a tax of \$2.04 to the Department, 2 percent of the
\$102.00 charge to the customer. The customer's bill is required
to contain a statement that the imposition of the tax was
requested by the Florida Dry Cleaners Coalition.

~~(2) Dry drop-off facilities.~~

~~(a)1.~~ The gross receipts received at dry drop-off facilities
owned by dry cleaning facilities are subject to the tax.

~~(b)2.~~ Example: ABC Cleaners operates a dry-cleaning
facility that which receives items for dry-cleaning and
laundering at the main wet location. It also owns and operates
three dry drop-off facilities (satellite locations) which also take
in items for dry-cleaning and laundering at the dry-cleaning
facility. ABC Cleaners must remit the tax on all the receipts
received from its customers, including the receipts from which
include the dry-cleaning facility and the three dry drop-off
facilities that it owns. The three dry drop-off dry-off facilities
are not required to issue a resale certificate to the dry-cleaning
facility.

Calculation of the Gross Receipts Tax for ABC's locations:

Dry-cleaning facility (wet plant) receipts	\$5,000
Dry drop-off facility #1 (ABC owned) receipts	\$1,000
Dry drop-off facility #2 (ABC owned) receipts	\$1,200
Dry drop-off facility #3 (ABC owned) receipts	<u>\$1,500</u>
Total Receipts Collected	\$8,700
Tax Rate	<u>× 2.0%</u>
Tax Due From ABC	\$174.00

~~(b)1.~~ The gross receipts received by dry-cleaning facilities
from dry drop-off facilities not owned by dry cleaning
facilities are subject to the tax.

~~(c)2.~~ Example: XYZ Cleaners operates a dry-cleaning
facility that which receives items for dry-cleaning and
laundering at the main wet location. It also owns and operates
one dry drop-off facility (satellite location) that which also
takes in items for dry-cleaning and laundering at the
dry-cleaning facility. XYZ Cleaners also dry-cleans and
launders items for two independent dry drop-off facilities.
XYZ Cleaners must remit the tax on all the receipts received
from its customers, including the receipts from which include
the dry-cleaning facility and the one dry drop-off facility that
it owns. In addition, the receipts collected from the two
independent dry drop-off facilities are subject to the tax. The
two independent dry drop-off facilities are ~~not~~ required to be
registered with the Department of Revenue for the gross
receipts tax and Gross Receipts Tax and are not required
to issue a resale certificate to XYZ Cleaners the dry-cleaning
facility. XYZ Cleaners must obtain resale certificates from the
two independent dry drop-off facilities to exempt the receipts
from the two independent dry drop-off facilities.

Calculation of the Gross Receipts Tax for XYZ’s locations:

Dry-cleaning facility (wet plant) receipts	\$3,000
Dry drop-off facility #1 (XYZ owned) receipts	\$2,000
Dry drop-off facility #1 (independent) receipts	\$1,700
Dry drop-off facility #2 (independent) receipts	\$1,300
Total Receipts Collected – XYZ Cleaners	\$5,000 \$8,000
Tax Rate	× 2.0%
Tax Due From XYZ Cleaners	\$100.00 \$160.00
Total Receipts Collected – Independent #1	\$1700
Tax Rate	× 2.0%
Tax Due from Independent #1	\$34.00
Total Receipts Collected – Independent #2	\$1300
Tax Rate	× 2.0%
Tax Due from Independent #2	\$26.00

~~(e)1. The gross receipts received by dry drop off facilities not owned by dry-cleaning facilities are not subject to tax.~~

~~(d)2. Example: DEF, a dry drop-off facility pays for XYZ, a dry-cleaning facility, to dry-clean and launder clothing for its customers. DEF is required would not have to be registered for the gross receipts tax on dry-cleaning and to Gross Receipts Tax on Dry-cleaning or issue a resale certificate to XYZ. The tax due on the transaction is on the receipts received by XYZ from DEF from its customers.~~

Calculation of the Gross Receipts Tax for DEF (dry drop-off facility) and XYZ (dry-cleaning facility):

XYZ’s receipts received from charges to DEF	\$1,000
Tax Rate	× 2.0%
XYZ’s Tax Due (Resale Certificate Received)	\$0 \$20.00
DEF’s receipts received from customers	\$1,100
Tax Rate	× 2.0%
DEF’s Tax Due	\$22.00
No tax is due on the receipts received	\$0.00

~~(3) Tax does not apply to receipts from:~~

- ~~(a) Coin-operated laundry machines;~~
- ~~(b) Laundering done on a wash, dry, and fold basis;~~
- ~~(c) Coin-operated dry-cleaning machines, unless operated at an establishment primarily engaged in the business of dry-cleaning clothing and other fabrics;~~
- ~~(d) Uniform rental companies;~~
- ~~(e) Linen supply companies.~~

~~(4) The tax is imposed upon the dry-cleaning facility for the privilege of engaging in the business of laundering and dry-cleaning clothing and other fabrics in Florida. All gross receipts attributable to sales to the following entities are subject to the tax, even when separately stated on the customer bill or sales invoice:~~

- ~~(a) The United States Government;~~
- ~~(b) The state;~~
- ~~(c) Any county;~~
- ~~(d) Any municipality;~~
- ~~(e) Any other political subdivision of the state; or~~
- ~~(f) Any of the following types of qualifying nonprofit organizations or institutions:~~
 - ~~1. Religious;~~
 - ~~2. Charitable;~~
 - ~~3. Educational;~~
 - ~~4. Veterans’;~~
 - ~~5. Scientific; or~~
 - ~~6. Other entity exempt from the tax imposed by Chapter 212, F.S.~~

~~Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.70(5)(b) FS. Law Implemented 212.085, 376.301(13),(14),(15),(22), 376.70, 376.71 FS. History–New 6-19-96, Amended _____.~~

12B-11.002 Definitions.

For purposes of this rule ~~chapter:~~

- (1) No change.
- (2) “Dry-cleaning facility” means a commercial establishment that operates or has at some time in the past operated for the primary purpose of dry-cleaning clothing and other fabrics utilizing a process that involves any use of dry-cleaning solvents. The term “dry-cleaning facility” includes laundry facilities that use dry-cleaning solvents as part of their cleaning process. The term does not include a facility that operates or has at some time in the past operated as a uniform rental company or a linen supply company regardless of whether the facility operates as or was previously operated as a dry-cleaning facility.

(2) through (6) renumbered (3) through (7) No change.

~~Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.70(5)(b) FS. Law Implemented 376.301(13),(14),(15),(22),(2), 376.70, 376.71 FS. History–New 2-19-95, Amended 6-19-96, _____.~~

12B-11.005 Registration.

(1)(a) Every person desiring to engage in or conduct business in this state as a dry-cleaning facility or a dry drop-off facility must register with the Department and obtain a certificate of registration from the Department. Dry-cleaning facilities or dry drop-off facilities operating at more than one location are only required to obtain a single certificate from the Department.

(b)1. Example: A commercial establishment that operates a dry-cleaning facility and five dry drop-off facilities would only be required to have a single registration.

2. Example: A commercial establishment that operates seven dry drop-off facilities would only be required to have a single registration.

(2) through (3) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.70(5)(b) FS. Law Implemented 376.70(2) FS. History—New 2-19-95, Amended 6-19-96, 4-17-03, _____.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Imposition of the Tax
 RULE NO.: 12B-12.0031

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-12.0031, F.A.C. (Imposition of the Tax), is to: (1) to correct the reference to the statutory definition of a “dry-cleaning facility”; (2) clarify that a licensed dealer must obtain a certificate, signed under penalty of perjury, from the transferee of perchloroethylene to demonstrate that the perchloroethylene sold is not for use in a Florida dry-cleaning facility; (3) include a perjury of penalty statement in the suggested certificate; (4) remove unnecessary provisions regarding the sale of perchloroethylene to entities exempt from sales and use tax; and (5) make necessary technical changes.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to Rule 12B-12.0031, F.A.C., regarding the certificate that must be obtained by licensed dealers who make tax-exempt sales of perchloroethylene.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS.

LAW IMPLEMENTED: 376.301(13), 376.75 FS.

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

TIME AND DATE: 9:30 a.m., August 2, 2004

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alan Fulton, Senior Tax Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-12.0031 Imposition of the Tax.

(1) The tax is levied on perc sold to or imported by a dry-cleaning facility, as defined in Section 376.301(13)(40), F.S., located in Florida.

(2)(a) All perc imported, produced, or sold in Florida, even if it is not sole to or imported by a dry-cleaning facility, is presumed to be subject to tax. The person importing, producing, or selling perc is required to register and become licensed with the Department.

(b)1. To demonstrate that the perc is not sold or transferred to a dry-cleaning facility for eventual use in a dry-cleaning facility located in Florida, ~~the licensed dealer must obtain a person may rely on~~ a certificate signed under penalty of perjury by a transferee of perc stating that the transferee does not own or operate a dry-cleaning facility or the transferee will not use the perc in a dry-cleaning facility in Florida.

2. The following is a suggested format of the certificate:

TRANSFER OR SALE
 OF PERCHLOROETHYLENE CERTIFICATE

This is to certify that the perchloroethylene transferred or sold on or after _____ (month) (day) (year) from _____ (name) is not to a dry-cleaning facility.

This certificate is to continue in force until revoked by written notice to the supplier.

Under the penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true.

Purchaser _____

Address _____

By _____

(Signature)

Date _____

(3)(~~a~~) Any person selling or importing taxable perc and any other person who sells tax-paid perc, other than a retail dealer, must either:

~~(a)1-~~ Separately state the amount of such tax paid on any charge ticket, sales slip, invoice, or other tangible evidence of the sale; or,

~~(b)2-~~ Certify on the sales document that the tax has been paid.

~~(b) All perc sold to or used by a dry-cleaning facility is subject to tax, even if it is sold to, imported by, or caused to be imported by dry-cleaning facilities operated by:~~

- ~~1. The state;~~
- ~~2. Any county;~~
- ~~3. Any municipality;~~
- ~~4. Any other political subdivision of the state;~~

5. Any of the following qualifying nonprofit organizations or institutions:

- a. Religious;
- b. Charitable;
- c. Educational;
- d. Veterans²;
- e. Scientific; or,
- f. Other entity exempt from the tax imposed by Chapter 212, F.S.

(4) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1), 376.75(9)(b) FS. Law Implemented 376.301(13), 376.75 FS. History—New 3-18-96, Amended 1-5-00, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Description of Organization	49B-1
RULE TITLE:	RULE NO.:
Delegation of Authority by the Board of Directors	49B-1.011

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

SUBJECT AREA TO BE ADDRESSED: Settlement of Regulatory Action, Settlement of Legal Action, Initiation of Legal Action, and referral of Amended Request for Administrative Hearing.

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

LAW IMPLEMENTED: 163.01, 373.1962, 373.1963 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., August 12, 2004
PLACE: Conference Room, 111 Kelsey Lane, Suite F, Tampa, Florida

TIME AND DATE: 9:00 a.m., August 13, 2004
PLACE: Board Conference Room, 2535 Landmark Drive, Suite 211, Clearwater, Florida

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise Tampa Bay Water at least 48 hours before the program

by contacting: Holly Wells, Human Resources Officer, Tampa Bay Water, 2325 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2339.

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

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

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Miscellaneous	49B-3
RULE TITLE:	RULE NO.:
Well Mitigation Policy	49B-3.005

PURPOSE AND EFFECT: Revise the eligibility criteria that will apply to well mitigation areas for small quantity public water supply facilities that produce 3.5 million gallons per day or less on an annual average basis.

SUBJECT AREA TO BE ADDRESSED: Tampa Bay Water’s “Good Neighbor Policy,” which is set forth in Rule 49B-3.005, F.A.C., and entitled “Well Mitigation Policy.”

SPECIFIC AUTHORITY: 163.01, 373.1962, 373.1963 FS.

LAW IMPLEMENTED: 163.01, 373.223(1)(b), 373.1962, 373.1963 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:30 p.m., August 12, 2004
PLACE: Conference Room, 111 Kelsey Lane, Suite F, Tampa, Florida

TIME AND DATE: 9:00 a.m., August 13, 2004
PLACE: Board Conference Room, 2535 Landmark Drive, Suite 211, Clearwater, Florida

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise Tampa Bay Water at least 48 hours before the program by contacting: Holly Wells, Human Resources Officer, Tampa Bay Water, 2325 Landmark Drive, Suite 211, Clearwater, FL 33761, (727)796-2355, Fax (727)791-2339.

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Drug-Free Workplace Standards 59A-24

RULE TITLE: RULE NO.:

Review of Test Results 59A-24.008

PURPOSE AND EFFECT: Chapter 59A-24, Florida Administrative Code, is being amended to update the list of organizations that certify Medical Review Officers.

SUBJECT AREA TO BE ADDRESSED: Certification requirements for Medical Review Officers who review drug-free workplace toxicology laboratory results.

SPECIFIC AUTHORITY: 112.0455(13)(a) FS.

LAW IMPLEMENTED: 112.0455 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: 11:00 a.m., August 3, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet Emmett, Health Services and Facilities Consultant, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-24.008 Review of Test Results.

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

(c) ~~Beginning January 1, 1998, m~~Medical review officers shall be certified as medical review officers by the American Association of Medical Review Officers, American Society of Addiction Medicine or the Medical Review Officer Certification Council ~~American College of Occupational and Environmental Medicine.~~

(d) through (e) No change.

(2) through (10) No change.

Specific authority 112.0455(13)(a) FS. Law Implemented 112.0455 FS. History—New 6-28-91, Formerly 10E-18.008, Amended 5-1-96, 3-11-98.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Provider Enrollment 59G-5.010

PURPOSE AND EFFECT: The purpose of this rule workshop is to discuss the revision to the Florida Medicaid Provider Enrollment Application for participating in the Medicaid Program. The Florida Medicaid Provider Enrollment Application is incorporated by reference in Rule 59G-5.010, F.A.C.

SUBJECT AREA TO BE ADDRESSED: To incorporate the reference to the revised Florida Medicaid Enrollment Application.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.907(9)(a) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, July 20, 2004

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room C, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shawn McCauley, Administrator, Bureau of Medicaid, Contract Management, 2308 Killearn Center Blvd., Suite 200, Tallahassee, Florida 32309

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: RULE NO.:

Fees 61G6-8.001

PURPOSE AND EFFECT: The Board proposes the development of rules to determine whether changes to the fees are necessary.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.507(3), 489.509 FS.

LAW IMPLEMENTED: 119.07(1)(a),(b), 455.217(2),(8), 455.219(1), 455.2281, 489.509, 489.511(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Education Requirements	61J1-4.001
Continuing Education	61J1-4.003
Post Licensing Education for Registered Trainee Appraisers	61J1-4.009

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to discuss possible incorporation of the end-of-course item writing guidelines relating to pre-licensing, post-licensing, and continuing education, to discuss possible modification of education requirements, and to correct any inconsistencies created between the rules during the previous rule re-write.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to pre-licensing, post-licensing, and continuing education requirements for appraisal licensees.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.6175, 475.618, 475.628 FS.

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

TIME AND DATE: 10:00 a.m. or as soon thereafter as possible, August 2, 2004

PLACE: Division of Real Estate, Conference Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

IF REQUESTED, AN ADDITIONAL 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE, UPON WRITTEN REQUEST.

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 Nursing

RULE TITLE:	RULE NO.:
Definitions	64B9-2.001

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions related to the practice of nursing.

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 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: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE:	RULE NO.:
Criteria for Credentialing Agencies	64B9-3.014

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: The requirements for credentialing agencies submitting documentation of nursing education.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013(1), 464.008 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: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLE: Examinations
 RULE NO.: 64E-2.010

PURPOSE AND EFFECT: The Department proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Examinations.

SPECIFIC AUTHORITY: 381.0011, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.27, 401.35 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: Pam Lesley, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733, e-mail: Pam_Lesley@doh.state.fl.us, Fax (850)921-8162

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.010 Examinations.

(1) through (3) No change.

(4) Passing Grade – Individuals achieving the following grades on the state certification examination shall pass:

(a) EMT, 70 percent or higher.

(b) Paramedic, 80 percent or higher.

(c)1. NREMT Paramedic Assessment Examination, 70 percent or higher.

2. NREMT Paramedic Certification Examination, 70 percent or higher, and a passing score on each subpart.

(5) through (6) No change.

Specific Authority 381.0011, 401.27, 401.35 FS. Law Implemented 381.001, 401.27, 401.35 FS. History—New 4-26-84, Amended 3-11-85, Formerly 10D-66.575, Amended 4-12-88, 12-10-92, 12-10-95, 1-26-97, Formerly 10D-66.0575, Amended 8-4-98, 6-3-02, 11-3-02, _____.

**Section II
 Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Private School Scholarship Compliance Form
 RULE NO.: 6A-6.03315

PURPOSE AND EFFECT: The purpose of the rule is to establish consistent reporting requirements for private schools participating in state scholarship programs. The effect is to provide consistency among Florida's state scholarship programs by delineating requirements to which all private

schools must report compliance before they are eligible to participate and receive payments in the Opportunity Scholarship, John M. McKay Scholarship for Students with Disabilities, and Corporate Tax Credit Scholarship Programs.

SUMMARY: The rule delineates private school reporting requirements and statutory and regulatory requirements related to a private school's location and contact information, ownership, affiliation and licensing, financial solvency, administration, staffing, programs, student health, student records, and facility. Private schools must be in full compliance with all reporting requirements before they are eligible to participate in scholarship programs and receive payments.

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 the notice.

SPECIFIC AUTHORITY: 220.187, 1002.38, 1002.39, 1002.42 FS.

LAW IMPLEMENTED: 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443, 607.0218, 617.0128, 623.03, 1002.38, 1002.39, 1002.42, 1003.22, 1003.23, 1006 FS.

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

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

PLACE: 400 South Monroe Street, Room LL03, Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Theresa Klebacha, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03315 Private School Scholarship Compliance Form.

Compliance reporting requirements for the participation of a Florida private school registered with the Department of Education to be determined eligible to participate in one or more state scholarship program(s) are specified in Form IEPC SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs, which is hereby incorporated by reference to become a part of this rule effective September 2004. This form delineates private school reporting requirements specified pursuant to Section 1002.42, Florida Statutes, and statutory and regulatory requirements related to the areas of school location and contact information; school ownership, affiliation, and licensing; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of scholarship compliance

form. Copies of the rule may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 220.187, 1002.38, 1002.39, 1002.42 FS. Law Implemented 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443, 607.0218, 617.0128, 623.03, 1002.38, 1002.39, 1003.22, 1003.23, 1002.42, 1006 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dr. Theresa Klebacha, Executive Director, Office of Independent Education and Parental Choice, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Winn, Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: FTE Calculation for the Community College Program Fund

RULE NO.: 6A-14.076

PURPOSE AND EFFECT: The purpose of the amendment is to amend the FTE college credit definition to thirty rather than the previously required forty. The legislative proviso which required that forty be the standard has been deleted. The national standard for reporting FTE is thirty and this will provide consistency throughout state and federal reporting.

SUMMARY: This rule is amended to provide consistency in both state and federal reporting of FTE.

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 the notice.

SPECIFIC AUTHORITY: 1001.02(1),(9), 1010.58(1) FS.

LAW IMPLEMENTED: 1010.01, 1010.02, 1010.58 FS.

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

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

PLACE: 400 South Monroe Street, The Capitol, Room LL03, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education, 325 West Gaines Street, Rm. 1324, Tallahassee, Florida 32399-0400, (850)245-0448

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.076 FTE Calculation for the Community College Program Fund.

(1) The number of full-time equivalent students for the community college program fund is the college credits for which students register divided by thirty (30) or as otherwise specified by law ~~forty (40)~~. The number of hours for non-college credit plus the hours of instruction for which students register is in other instruction divided by nine hundred (900) contact hours or as otherwise provided by law.

(2) A student is registered in instruction that is subject to tuition, out-of-state matriculation ~~and~~ fees upon payment, waiver, or deferment of the fees, pursuant to law and rule, and the recording of the transaction. A student is registered in instruction that is not subject to matriculation and tuition fees when the institution records the enrollment.

(3) When any fee refund results from a withdrawn registration, the credits or hours of instruction shall not be included in the calculation of full-time equivalent students.

Specific Authority 1001.02(1),(9), 1010.58(1) 229.053(1), 240.325 FS. Law Implemented 1010.58, 1010.01, 1010.02 240.353, 240.359, 240.363 FS. History--Formerly 6A-8.172, Repromulgated 12-19-74, Amended 12-26-77, 7-9-81, 8-29-85, Formerly 6A-14.76, Amended 6-1-86.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Armstrong, Chancellor, Community Colleges, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 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."

PUBLIC SERVICE COMMISSION

DOCKET NO.: 040493-TP

RULE TITLES: Pay Telephone Rate Caps
Rate and Billing Requirements

RULE NOS.: 25-24.516
25-24.630

PURPOSE AND EFFECT: To eliminate the requirement that the provider of local exchange telecommunications services pay a set use fee of \$0.25 to the pay telephone service provider for completing a 0- local calls from a pay telephone station.

SUMMARY: The rule amendment deletes subsection (3) from Rule 25-24.516, F.A.C., and subsection (2) from Rule 25-24.630, F.A.C., to eliminate the requirement that the provider of local exchange telecommunications services pay a set use fee of \$0.25 to the pay telephone service provider for completing a 0- local call from a pay telephone station.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The statement of estimated regulatory costs concluded that the amendments should not have a negative impact on regulated communications companies or other entities.

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: 350.127 FS.

LAW IMPLEMENTED: 364.01, 364.03, 364.3375(4),(5), 364.3376 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES MAY BE SUBMITTED TO: FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.516 Pay Telephone Rate Caps.

(1) through (2) No change.

~~(3) A set use fee of \$.25 shall apply to all completed 0-local calls placed from pay telephones.~~

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4),(5) FS. History--New 9-5-95, Amended 2-1-99,_____.

25-24.630 Rate and Billing Requirements.

(1) No change.

~~(2) For 0 calls from pay telephone stations completed by the provider of local exchange telecommunications services, a set use fee of \$.25 shall apply and shall be remitted by the local exchange company to the pay telephone service provider.~~

(2)(3) An operator services provider shall have current rate information readily available and provide this information orally to end users upon request prior to connection.

(3)(4) An operator services provider shall require that its certificated name appear on any telecommunications company's bill for regulated charges.

~~(4)(5)~~ An operator services provider shall require all calls to be individually identified on each bill from a telecommunications company on an end user's bill, including the date and start time of the call, call duration, origin and destination (by city or exchange name and telephone number), and type of call.

~~(5)(6)~~ An operator services provider shall provide a toll-free number for customer inquiries on the bill and maintain procedures adequate to allow the company to promptly receive and respond to such inquiries.

~~(6)(7)~~ An operator services provider shall charge only for conversation time as rounded according to company tariffs.

~~(7)(8)~~ An operator services provider shall not:

(a) through (d) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History--New 9-6-93, Amended 2-1-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Kennedy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 12, March 19, 2004

ADMINISTRATION COMMISSION

RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern – City of Marathon
RULE CHAPTER NO.: 28-18

RULE TITLE: Comprehensive Plan
RULE NO.: 28-18.210

PURPOSE AND EFFECT: The purpose of the rule is to amend Policy 101.2.14 to address building permit allocations by increasing the annual residential permitting cap and specifying allocations authorized for market rate and affordable housing; restoring certain allocations previously reduced to be targeted for affordable housing; authorizing certain unused rate of growth ordinance allocations to roll forward; and deleting the requirement for nutrient credits upon a date certain. In addition, the rule amends the Work Program set forth in Policy 101.2.13 of the Marathon Comprehensive Plan to reflect rule section renumbering and establish Work Program provisions for Year 8 and Year 9. The establishment of provisions for Work Program Year 8 and Year 9 address tasks not yet completed in the original Work Program.

SPECIFIC AUTHORITY: 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs was not prepared.

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

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

TIME AND DATE: 6:00 p.m., Wednesday, August 18, 2004

PLACE: Marathon Government Center, Emergency Operations Center, 2798 Overseas Highway, Second Floor, Marathon, Florida 33050

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Senior Policy Analyst, Administration Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

LAND PLANNING REGULATIONS FOR
THE FLORIDA KEYS AREA OF CRITICAL STATE
CONCERN – CITY OF MARATHON

28-18.210 Comprehensive Plan.

The Transitional Comprehensive Plan of the City of Marathon established by Chapter 99-427, Laws of Florida, is amended as follows:

(1) Policy 101.2.14. Notwithstanding any other provisions of the Transitional Comprehensive Plan of the City of Marathon, the following shall apply:

(a) Effective upon the adoption of this rule, the maximum number of permits issued for new residential development under the rate of growth ordinance shall not exceed a total unit cap of 30 new residential units per year, plus any available unused ROGO allocations from the previous ROGO year. Each year's ROGO allocation of 30 new units shall consist of 24 market rate and 6 affordable units. Unused ROGO allocations may be allocated in subsequent ROGO years. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government executed prior to January 1, 2003, shall be allowed. For Year 5, the interim Permit Allocation System shall allow a minimum of 11 new residential permits. If fewer than 11 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits.

(b) The Administration Commission has determined that, effective July 12, 2004, 65 ROGO allocations, which represent unused reductions for ROGO years 9-12, are reallocated to the City exclusively for affordable housing purposes.

(c) The Administration Commission has determined that, effective July 12, 2004, all ROGO allocations issued for affordable housing shall be required to remain as affordable housing in perpetuity.

(d) Effective July 13, 2005, no nutrient credits shall be required for ROGO allocations if the local government has made satisfactory progress in meeting the deadlines established by the Work Program as adopted by rule after March 15, 2004.

(e) Notwithstanding any other provision of the comprehensive plan, ROGO allocations and nutrient reduction credits utilized for affordable housing projects may be pooled and transferred between ROGO subdistricts and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

(f) The nutrient reduction credits earned by the construction of the Little Venice system shall be earned according to the following schedule:

1. For the ROGO Year Effective July 13, 2003, 213 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 52 shall be made available to Monroe County for affordable housing, and 67 for proposed affordable housing in the City of Marathon. Any credits not used for affordable housing shall be available for future allocation pursuant to paragraph 2. below. In addition, 52 of these credits shall be made available to Monroe County and 42 of these credits shall be made available to the City of Marathon.

2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated. The total credits shall be reduced by the 213 advanced in the year 2003 prior to distribution to other local governments. The nutrient reduction credits that are earned from the construction of a central sewer system, in which state or federal funds are used, shall be allocated as follows:

a. The local government shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed from its jurisdiction to the total construction costs; and

b. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

(g) Beginning September 30, 2003, and each year of the work program (set out in policy 101.2.13) thereafter, the City and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. Reports for years seven and eight shall be combined and submitted as a single report in September 2005.

(h) The Work Program in Policy 101.2.13 for Year 4, Year 5, Year 6, and Year 7 shall be modified as follows:
YEAR FOUR (July 13, 2000 through July 12, 2001)

A. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.

Agencies: City, DCA, DEP, DOT, SFWMD, EPA and WQSC.

B. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.

Agencies: City, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Continue efforts to secure funding for the Marathon Facility, initiate construction of Little Venice wastewater treatment facility. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.

Agencies: City, DCA, DEP, FKAA, WQSC and EPA.

YEAR FIVE (July 13, 2001 through July 12, 2002)

A. Execute interagency agreements to define construction schedule for selected storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.

Agencies: City, DCA, DEP, DOT, WQSC and SFWMD.

B. Complete final draft of the carrying capacity study including acceptance by review agencies.

Agencies: City, FKAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Secure funds for Phase II (to be determined) of the Marathon Facility and continue construction of Little Venice facility.

Agencies: City, FKAA, DEP, DCA, EPA and WQSC.

D. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.

Agencies: City, DOH, FKAA and WQSC.

YEAR SIX (July 13, 2002 through July 12, 2003)

A. Initiate construction of selected projects as identified in the Storm Water Master Plan.

Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.

B. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.

Agencies: City, FKAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.

C. Initiate construction of Phase II of the Marathon Facility and complete construction and begin operating the Little Venice Facility.

Agencies: City, FKAA, DCA, DEP, EPA and WQSC.

D. Complete the elimination of all cesspits in areas outside of Hot Spots.

Agencies: City, FKAA, DOH and WQSC.

E. In cooperation with Monroe County, develop a City-wide master land acquisition plan which shall include:

(1) A strategy for the acquisition of those properties which should be preserved due to their habitat value as well as those other properties where future development is to be discouraged.

(2) A management plan for implementing the strategy, and

(3) A reasonable, feasible plan for securing funding for said land acquisition.

Agencies: City, County, Land Authority, DCA, DEP, SFWMD, Army COE, EPA, USFWS and other interested parties to include representatives of environmental organizations and development interests.

F. Initiate and complete a collaborative process for the adoption of land development regulations, and/or comprehensive plan amendments as needed, that will strengthen the protection of terrestrial habitat through processes such as the Permit Allocation System and permitting processes, and the preservation and maintenance of affordable housing stock.

Agencies: City, County, DCA, DEP, FFWC, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. Continue implementing selected projects as identified in the Storm Water Master Plan.

Agencies: City, DCA, DEP, DOT, SFWMD, EPA and WQSC.

B. Continue construction of the Marathon Facility.

Agencies: City, FCAA, DCA, DEP, EPA and WQSC.

(i) The Work Program in Policy 101.2.13 for Year 8 and Year 9 shall be established as follows:

YEAR EIGHT (July 13, 2004 through July 12, 2005)

A. Begin construction of wastewater collection lines for Little Venice Phase II by December 2004.

Agencies: City, FCAA, DEP

B. Work with the Florida Keys Aqueduct Authority to initiate bond financing for citywide sewer facilities and to develop a schedule of events necessary to initiate process by December 2004.

Agencies: City, FCAA

C. Develop and advertise a Request for Proposal for the design, construction, operation of Marathon Central Wastewater System by December 2004.

Agencies: City, FCAA

D. Obtain necessary bond financing (60% of projected sewer cost) secured by connection fees by December 2004.

Agencies: City, FCAA

E. Award contract for design, construction and operation of Marathon Central Wastewater System by December 2004.

Agencies: City, FCAA

F. By January 2005, identify potential acquisition sites for affordable work force housing. Establish a partnership with non-profit organizations in order to construct affordable housing using additional state funds.

Agencies: City, FHFC, DCA

G. By June 2005, evaluate strategies to increase the time that affordable housing remains affordable; establish a maximum sales price for work force housing and establish a ceiling on down payments that are not subsidized by public programs; and amend comprehensive plan and/or land development regulations.

Agencies: City, FHFC, DCA

H. By June 2005, evaluate the impact of vacation rental usage and develop land development regulations to limit land use districts where transient rentals occur and consider establishing a cap on the number of units that can be utilized for vacation rental housing.

Agencies: City, DCA

I. Develop a map or list of real estate numbers of lots containing environmentally sensitive lands in need of acquisition and submit to the Department of Community Affairs by December 2004.

Agencies: City, DEP, USFWS, FWCC, DCA

J. Assist the state in land acquisition efforts by establishing a land acquisition advisory committee to prioritize proposed acquisitions by December 2004.

Agencies: City, DEP, DCA

K. Complete a comprehensive analysis of hurricane evacuation issues in the Florida Keys and develop strategies to reduce actual hurricane clearance times and thereby reduce potential loss of life from hurricanes.

Agencies: City, Monroe County, DCA

YEAR NINE (July 13, 2005 through July 12, 2006)

A. Begin construction of Phase I of Marathon Central Wastewater System by January 2006.

Agencies: City, FCAA, DEP

B. Evaluate wastewater master plan and indicate areas, if any, that will not receive central sewer. For any area that will not be served by central sewer, develop a septic tank inspection program and begin implementation of the program by September 2005.

Agencies: City, FCAA, DCA, WQSC, DOH

C. By July 2005, adopt a priority list of and sequence of stormwater outfalls to surface water that will be retrofitted using the Monroe County Stormwater Master Plan prepared for the City prior to incorporation and the Marathon Stormwater Master Plan.

Agencies: City, DEP, DCA

D. Adopt a stormwater utility by December 2005.

Agencies: City

E. Develop and implement a Building Permit Allocation System that discourages and limits development in environmentally sensitive areas within the proposed Marathon comprehensive plan by July 2005.

Agencies: City, DCA

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History--New _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Administration Commission

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

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

ADMINISTRATION COMMISSION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Land Planning Regulations for the Florida Keys Area of Critical State Concern – Monroe County	28-20
RULE TITLES:	RULE NOS.:
Comprehensive Plan	28-20.110
Land Development Regulations	28-20.120

PURPOSE AND EFFECT: The purpose of the rule is to amend the Work Program set forth at Policy 101.2.13 of the Monroe County Comprehensive Plan to address building permit allocations by increasing the annual residential permitting cap and specifying allocations authorized for market rate and affordable housing; restoring certain allocations previously reduced to be targeted for affordable housing; authorizing certain unused rate of growth ordinance allocations to roll forward; and deleting the requirement for nutrient credits upon a date certain. The rule amends the Work Program set forth in Policy 101.2.13 of the Monroe County Comprehensive Plan to establish Work Program provisions for Year 8, Year 9, and Year 10. The establishment of provisions for Work Program Year 8, Year 9, and Year 10 address tasks not yet completed in the original Work Program. Finally, rule amendments address adoption of necessary land development regulations.

SPECIFIC AUTHORITY: 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs was not prepared.

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

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

LOWER KEYS

TIME AND DATE: 6:30 p.m., Tuesday, August 17, 2004

PLACE: Key West Public Library, Library Auditorium, 700 Fleming Street, Key West, Florida 33040

MIDDLE KEYS

TIME AND DATE: 7:00 p.m., Wednesday, August 18, 2002

PLACE: Marathon Government Center, Emergency Operations Center, 2798 Overseas Highway, Second Floor, Marathon, Florida 33050

UPPER KEYS

TIME AND DATE: 6:30 p.m., Thursday, August 19, 2004

PLACE: Key Largo Public Library, Community Room, Tradewinds Shopping Center, 101485 Overseas Highway, Key Largo, Florida 33047

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Administration Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

LAND PLANNING REGULATIONS FOR THE FLORIDA KEYS AREA OF CRITICAL STATE CONCERN – MONROE COUNTY

28-20.110 Comprehensive Plan.

The Monroe County Comprehensive Plan Policy Document, as the same exists on January 1, 2004, is hereby amended to read as follows:

(1) Policy 101.2.13

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, DOH, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For Years 3 and 4 of the Work Program the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations. Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. The nutrient reduction credits earned by the construction of the Little Venice system shall be earned according to the following schedule:

1. For the ROGO Year Effective July 13, 2003, 213 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 52 shall be made available to Monroe County for affordable housing, and 67 for proposed affordable housing in the City of Marathon. Any credits not used for affordable housing shall be available for future allocation pursuant to paragraph 2 below. In addition, 52 of these credits shall be made available to Monroe County and 42 of these credits shall be made available to the City of Marathon.

2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been

calculated. The total credits available shall be reduced by the 213 advanced in the year 2003 prior to distribution to local governments outside the City of Marathon. Nutrient reduction credits that are earned from the construction of a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed from its jurisdiction to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

Effective July 13, 2003, Monroe County is allocated 41 nutrient credits for market rate units. These 41 credits shall be subtracted from the nutrient credits subsequently earned from hookups to the Key West Resort Utilities Wastewater Facility.

Effective July 13, 2003, Monroe County is allocated 193 nutrient credits for affordable housing units. These 193 credits shall be subtracted from the nutrient credits subsequently earned from hookups to the Key West Resort Utilities, Bay Point, and Key Largo Wastewater Facilities.

Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 77 new residential permits. If fewer than 77 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area, except as otherwise authorized herein. The Administration Commission has determined that, effective July 13, 2005, no nutrient credits shall be required if the local government has made satisfactory progress, as determined by the Administration Commission, in meeting the deadlines established by the Work Program as adopted by rule after March 15, 2004.

For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total annual unit cap of 197, plus any available unused ROGO allocations from the previous ROGO year. Unused ROGO allocations may be allocated in subsequent ROGO years. Each years ROGO allocation of 197 new units shall be split with a minimum of 71 units allocated for affordable housing in perpetuity and market rate allocations

not to exceed 126 new residential units per year. This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly authorized by this rule or provided for in the comprehensive plan or for which there is an existing agreement executed prior to January 1, 2003 for affordable housing between the Department and the local government in the critical areas, may be allowed. The Administration Commission has determined that, effective July 12, 2004, 140 ROGO allocations, which represents unused reductions for ROGO years 9-12, and 25 units lost in Year 10 due to lack or nutrient credits, are reallocated to the County exclusively for affordable housing purposes. Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon the effective date of this rule and the number of nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 1
Nutrient Reduction Credits

Cesspit	Treatment System Upgraded To			
	On-site Treatment OWNER or Equivalent On-site Treatment and Disposal Systems	Secondary Treatment	Centralized Systems Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)
	1 EDU Credit	1 EDU Credit	1.0 EDU Credit	1.5 EDU Credit
Substandard OSTDS	0.5	0.5	1.0	1.5
Approved OSTDS	0.5	0	1	1.5
Secondary Treatment	n/a	n/a	1	1.5

If Credits were previously issued for replacement or upgrades from a cesspit or substandard system to a secondary treatment plant, when the secondary treatment plant is upgraded to an advanced treatment plant, then .5 times the total number of EDU's shall be awarded

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and stormwater problems, as well as actions necessary to determine appropriate future growth. Beginning September 30, 2003, and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The report for years seven and eight shall be combined and provided to the Administration Commission by September 30, 2005.

The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been

made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year, with the exception of ROGO Year beginning July 13, 2003. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a maximum of 197 units. Other agencies identified in the work program, or any interested persons, may likewise report and make recommendations for consideration by the Commission. Notwithstanding any other dates set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and stormwater facilities, and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and stormwater master plans and the carrying capacity study are consistent with the objectives of the Florida Keys National Marine Sanctuary Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

WORK PROGRAM¹

¹On March 9, 1999, the Administration Commission determined that substantial progress toward the work program objectives had not been made and authorized rulemaking to amend the work program beginning in Year Three. Work

program tasks from years One and Two not completed by the end of Year Two were included as tasks in subsequent years of the work program.

YEAR ONE (ending December 31, 1997)

A. Complete Phase I (data collection) for the Wastewater and Stormwater Master Plans, and secure funding for plan completion. (Ref. County obj. 901.4)

Agencies: County, DCA, DEP, DOH and SFWMD.

B. Complete a conceptual plan or scope of work to develop a carrying capacity. The carrying capacity analysis shall be designed to determine the ability of the Florida Keys ecosystem, and the various segments thereof, to withstand all impacts of additional land development activities. The analysis shall be based upon the findings adopted by the Administration Commission on December 12, 1995, or more recent data that may become available in the course of the study, and shall be based upon the benchmarks of, and all adverse impacts to, the Keys land and water natural systems, in addition to the impact of nutrients on marine resources. The carrying capacity analysis shall consider aesthetic, socioeconomic (including sustainable tourism), quality of life and community character issues, including the concentration of population, the amount of open space, diversity of habitats, and species richness. The analysis shall reflect the interconnected nature of the Florida Keys' natural systems, but may consider and analyze the carrying capacity of specific islands or groups of islands and specific ecosystems or habitats, including distinct parts of the Keys' marine system. (Ref. 1991 Stip. Settlement Agreement)
Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, NMS, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Complete AWT/OSDS demonstration study and initiate rulemaking for new standards for OSDS. (Ref. County pol. 901.4.3)

Agencies: DOH.

D. Complete Marathon Facilities Plan and secure funding for the facility site(s). The wastewater facilities plan should implement the most cost effective method of collecting, treating, and disposing of wastewater, and shall include an investigation of the feasibility of using alternative nutrient-stripping on-site disposal systems. The development of the facilities plan shall be a component of the Wastewater Master Plan as that Plan is developed.

Agencies: County, DCA and DEP.

E. Continue cesspit elimination process with identification of Hot Spots as first priority in accordance with Objective 901.2, and seek funding for cesspit identification. Enter into an interlocal agreement with DOH to specify the responsibilities and procedures for the OSDS inspection/compliance program as required by Policy 901.2.3. Adopt an ordinance which specifies the implementation procedures for the OSDS inspection/compliance program. The ordinance shall include

authorization for DOH to inspect wastewater treatment systems on private property as required by Policy 901.2.3. (Ref. County obj. 901.2)

Agencies: County, DCA and DOH.

F. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority and DEP.

G. Revise the Habitat Evaluation Index (HEI) based on peer review.

Agencies: County, DCA, DEP, FFWCC and Federal agencies. YEAR TWO (ending December 31, 1998)

A. Complete the Wastewater and Stormwater Master Plans and execute interagency agreements to define construction schedule by phases. Document that significant reduction in nutrients will be achieved each year thereafter within each of the sub-areas. The Master Plans shall include facility plans for all proposed treatment strategies, and determine retrofit and funding requirements for Hot Spots and cesspits identified in D. below.

Agencies: County, DCA, DEP and DOH.

B. Secure funding for the carrying capacity study and initiate Phase I (data collection) of the study.

Agencies: County and DCA.

C. Complete final design for Marathon Facilities Plan and secure facility site(s).

Agencies: County, DCA and DEP.

D. Complete cesspit ID process in Hot Spots, excluding the Marathon area.

Agencies: County, DCA and DOH.

E. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority, FFWCC and DEP.

F. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, DCA, SFWMD, USFWS.

YEAR THREE (January 1, 1999 through July 12, 2000)

A. Complete and begin implementation of Wastewater Master Plan. Utilizing the findings of the Wastewater Master Plan and recommendations of the Water Quality Steering Committee relating to Hot Spots do the following: refine and prioritize areas identified as Hot Spots, determine retrofit and funding requirements for priority Hot Spots and cesspit replacement for areas outside those areas identified for central or cluster wastewater collection systems, and begin developing facility plans for priority Hot Spots. Execute interagency agreements to define facility plan, design and construction schedules for each Hot Spot facility. Establish a water quality monitoring program to document the reduction in nutrients as a result of these facilities. Complete a wastewater treatment finance plan and a service area implementation plan, and

continue efforts to secure funding for Wastewater Master Plan implementation, with priority given to Hot Spots. Determine the feasibility and legal ramifications of establishing an escrow account as a means of providing long-term funding for replacing cesspits or standard onsite sewage systems. Establish a mechanism such as special assessments, impact fees, infrastructure surcharge, or other dedicated revenues, to fund the local share of wastewater improvements in Years Four and Five. Seek to provide comparable subsidies for both wastewater collection systems and individual cesspit replacement.

Agencies: County, FCAA, DCA, DEP, DOH, SFWMD, EPA and Water Quality Protection Program Steering Committee (WQSC).

Agencies: County, DCA, DOT, SFWMD, EPA and WQSC.

B. Secure funding for Storm Water Master Plan development, contract selected firm for development of Master Plan, and complete Phase I (data collection). Determine the feasibility of providing nutrient reduction credits for stormwater improvements.

C. Conclude acquisition of North Key Largo Hammocks CARL project. Make offers to 33% of remaining private owners with property located in other CARL project boundaries.

Agencies: County, Land Authority and DEP.

D. Secure remaining funds for the carrying capacity study, conduct workshops as outlined in the Scope of Work, select prime contractor, and initiate Phase I (data collection) of the study.

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Continue efforts to secure funding for the Marathon Facility. Complete Little Venice construction design, secure lands needed for Little Venice facility, and begin bid process and selection of construction firm. Design a water quality monitoring program to document Little Venice project impacts.

Agencies: County, FCAA, DCA, DEP, WQSC, and EPA.

F. Continue cesspit identification by providing notice to all property owners with unknown systems, outside of Hot Spots. Initiate replacement of cesspits outside of Hot Spots. Award financial assistance grants to qualified applicants using FY 1997-98 state funds to ensure a minimum of 70 cesspit replacements. Develop a low interest loan and grant program to assist all residents in replacing cesspits, with priority of funds going, in order of preference, to very low-, low- and moderate-income households. Investigate the appropriateness of transferring credits among ROGO areas and awarding nutrient reduction credits for future committed water quality treatment facilities.

Agencies: County, DCA, FCAA, WQSC and DOH.

G. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, FCAA, DEP, DCA, SFWMD, EPA, WQSC and USFWS.

H. Develop an integrated funding plan for the purchase of land from ROGO applicants who have competed unsuccessfully for four consecutive years and applied for administrative relief.

Agencies: County.

I. The County, in conjunction with DCA, shall assess the feasibility of applying the nutrient reduction credit requirement to new commercial development.

Agencies: County and DCA.

YEAR FOUR (July 13, 2000 through July 12, 2001)

A. Continue implementation of Wastewater Master Plan, execute interagency agreements to define construction schedule by phases, and continue developing facility plans for selected Hot Spots in each ROGO area. Secure funding to implement the Wastewater Master Plan. Document that reduction in nutrients has been achieved within each of the sub-areas.

Agencies: County, FCAA, DCA, DEP, DOH, EPA and WQSC.

B. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.

C. Make offers to 50% of remaining private owners with property located in CARL project boundaries.

Agencies: County, Land Authority and DEP.

D. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.

Agencies: County, DCA, DEP, FCAA, WQSC and EPA.

F. Complete cesspit identification and continue cesspit replacement outside of Hot Spots, with a priority of funds going, in order of preference, to low- and moderate-income households; ensure that a minimum of 88 cesspits are replaced.

Agencies: County, FCAA, WQSC and DOH.

YEAR FIVE (July 13, 2001 through July 12, 2002)

A. Continue implementation of the Wastewater Master Plan pursuant to executed interagency agreements. Begin construction of wastewater facilities in selected Hot Spots.

Agencies: County, FCAA, DCA, DOH, DEP, EPA, and WQSC.

B. Execute interagency agreements to define construction schedule for selected storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, WQSC and SFWMD.

C. Conclude negotiations with all willing owners with property within CARL project boundaries. Acquire a total-to-date of 45% of the Key Deer/Coupon Bight project and 25% of the Florida Keys Ecosystems project from willing sellers.

Agencies: County, Land Authority, and DEP.

D. Complete final draft of the carrying capacity study including acceptance by review agencies.

Agencies: County, FCAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.

Agencies: County, DOH, FCAA and WQSC.

YEAR SIX (July 13, 2002 through July 12, 2003)

A. Continue construction of wastewater facilities in Hot Spots begun in previous year. Contract to design and construct additional wastewater treatment facilities in Hot Spots in accordance with the schedule of the Wastewater Master Plan. Continue implementation of Wastewater Master Plan with emphasis on Hot Spots.

Agencies: County, FCAA, DEP, DOH, DCA, EPA and WQSC.

B. Initiate construction of selected projects as identified in the Storm Water Master Plan.

Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.

C. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.

Agencies: County, FCAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.

D. Complete the elimination of all cesspits in areas outside of Hot Spots.

Agencies: County, FCAA, DOH and WQSC.

E. Develop a Keys-wide master land acquisition plan which shall include:

(1) A strategy for the acquisition of those properties which should be preserved due to their habitat value as well as those other properties where future development is to be discouraged.

(2) A management plan for implementing the strategy, and

(3) A reasonable, feasible plan for securing funding for said land acquisition.

Agencies: County, Land Authority, DCA, DEP, SFWMD, Army COE, EPA, USFWS and other interested parties to include representatives of environmental organizations and development interests.

F. Initiate and complete a collaborative process for the adoption of land development regulations, and/or comprehensive plan amendments as needed, that will strengthen the protection of terrestrial habitat through processes such as the Permit Allocation System and permitting processes, and the preservation and maintenance of affordable housing stock.

Agencies: County, DCA, DEP, FFWC, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. Finalize construction and begin operating wastewater facilities in Hot Spots. Continue implementation of Wastewater Master Plan with continued emphasis on Hot Spots.

Agencies: County, FCAA, DEP, DCA, DOH, EPA and WQSC.

B. Continue implementing selected projects as identified in the Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.

The Work Program in Policy 101.2.13 for Year 8, Year 9, and Year 10 shall be established as follows:

YEAR EIGHT (July 13, 2004 through July 12, 2005)

A. Review and revise (as necessary) the Conservation and Natural Areas Map.

Agencies: County, USFWS, FWCC, DEP, DCA

B. Initiate acquisition strategy for lands identified outside the Conservation and Natural Areas identified as worthy of protection.

Agencies: County, DCA, DEP

C. Begin public hearings for Conservation and Natural Areas boundaries.

Agencies: County

D. Conclude public hearings for the adoption of the amended Conservation and Natural Areas Boundaries.

Agencies: County

E. Adopt an ordinance to implement a moratorium on ROGO/NROGO applications that involves the clearing of any portion of an upland tropical hardwood hammock or pinelands habitat contained in a tropical hardwood hammock or pinelands patch of two or more acres in size located within a Conservation and Natural Area.

Agencies: County, DCA

F. Adopt amendments to the comprehensive plan and land development regulations to enact overlay designations, and eliminate or revise the Habitat Evaluation Index, and modify the ROGO/NROGO system to guide development away from environmentally sensitive lands.

Agencies: County, DCA

G. Amend land development regulations to prohibit the designation of Conservation and Natural Areas (Tier 1) as a receiver site for ROGO exempt development from sender sites; and to further limit clearing of upland native habitat that may occur in the Natural Areas (Tier I) and the Transition and Sprawl Reduction Area (Tier II) upon designation by the County.

Agencies: County, DCA

H. Develop Land Acquisition and Management Master Plan and address both funding and management strategies.

Agencies: County, DCA, DEP, USFWS, FWCC

I. Provide \$40 million in financing secured by infrastructure tax for wastewater facilities.

Agencies: County

J. Begin construction of wastewater plants or laying of collection lines for Baypoint, Conch Key and Key Largo Trailer Village/Key Largo Park.

Agencies: County, FCAA, DEP, Key Largo Wastewater District

K. Ensure the connection for up to 1,350 EDUs at Stock Island to Key West Resort Utilities.

Agencies: County, DEP

L. Complete lower Keys and Key Largo Feasibility Study.

Agencies: County, FCAA, DEP

M. Complete projects identified in the Stormwater Management Master Plan.

Agencies: County, DEP, DCA

N. Evaluate and implement strategies to ensure that affordable housing remains affordable in perpetuity for future generations. Establish a partnership with non-profit organizations in order to construct affordable housing using additional state funds.

Agencies: County, FHFC, DCA

O. Identify potential acquisition sites for affordable housing proposals and include in the Land Acquisition Master Plan.

Agencies: County, FHFC, DCA

P. Provide up to \$10 million in bond financing from the Tourist Impact Tax for acquisition of land for workforce housing and affordable housing sites.

Agencies: County

Q. Complete a comprehensive analysis of hurricane evacuation issues in the Florida Keys and develop strategies to reduce actual hurricane clearance times and thereby reduce potential loss of life from hurricanes.

Agencies: County, DCA

YEAR NINE (July 13, 2005 through July 12, 2006)

A. In coordination with the Florida Keys Aqueduct Authority and the Key Largo Sewer District, initiate the process to obtain \$80 million in bond financing secured by connection fees.

Agencies: County, FCAA, Key Largo Sewer District

B. Secure site for lower Keys and Key Largo wastewater facilities.

Agencies: County, FCAA

YEAR TEN (July 13, 2006 through July 12, 2007)

A. Award contract for design, construction and operation for the lower Keys and Key Largo wastewater facilities.

Agencies: County, FCAA, Key Largo Sewer District

B. Begin construction of the lower Keys and Key Largo wastewater plants.

Agencies: County, FCAA, Key Largo Sewer District

C. Initiate connections to lower Keys and Key Largo wastewater systems.

Agencies: County, FCAA, Key Largo Sewer District

D. Complete construction and hookups for Baypoint, Conch Key and Key Largo Trailer Village/Key Largo Park.

Agencies: County, FCAA, Key Largo Sewer District

E. Obtain \$80 million in bond financing secured by connection fees.

Agencies: County, FCAA, Key Largo Sewer District

(2) Policy 101.12.4

Upon adoption of the comprehensive plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new or the significant expansion (25 percent) of any existing public facility:

(a) Assessment of needs;

(b) Evaluation of alternative sites, and design alternatives for the alternative sites;

(c) Assessment of direct and secondary impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach berm areas, units of the coastal barrier resources system, undisturbed uplands (particularly high quality hammock and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Natural Areas (Tier I).

Except for passive recreational facilities on publicly-owned land, no new public community or utility facility other than water distribution and sewer collection lines or lift stations shall be allowed within the Natural Areas (Tier I) unless it can be accomplished without clearing of hammock or pinelands. Exceptions to this requirement may be made to protect the public health, safety, and welfare, if all the following criteria are met:

1. No reasonable alternatives exist to the proposed location; and

2. The proposed location is approved by a super-majority of the Board of County Commissioners.

The proposed site for the Key Largo Wastewater Treatment Facility (located at mile marker 100.5) with an allowed clearing area of up to 4.2 acres shall not be subject to this policy.

(3) Policy 101.3.4

Public facilities shall be exempt from the requirements of the Permit Allocation System for new non-residential development. Certain development activity by federally tax-exempt not-for-profit educational, scientific, health, religious, social service, cultural and recreational organizations may be exempted from the Permit Allocation System by the Board of County Commissioners after review by the Planning Commission upon a finding that:

1. Such activity will predominantly serve the County's non-transient population, and;

2. Any such development activity is not planned within an area proposed for acquisition by governmental agencies for the purpose of resource protection.

All public and institutional uses that predominantly serve the County's non-transient population and which house temporary residents shall be included in the Permit Allocation System for residential development, except on factual demonstration that such transient occupancy is of such a nature so as not to adversely affect the hurricane evacuation clearance time of Monroe County.

(4) Policy 101.5.4.3 Lot Aggregation

Points shall be assigned to Allocation Applications for proposed dwelling unit(s) which includes a voluntary reduction of density permitted as of right within subdivisions (residential units per legally platted, buildable lots) by aggregating vacant, legally platted, buildable lots.

<u>Weighting category</u>	<u>Criteria</u>
<u>Moderate Positive</u>	<u>The applicant aggregates two (2) contiguous, vacant, legally buildable lots. No points shall be awarded for lot aggregation within those areas proposed for acquisition by public agencies for the purpose of resource protection.</u>
<u>Moderate Positive</u>	<u>Each additional contiguous vacant, legally platted, buildable lot aggregated over two (2). No points shall be awarded for lot aggregation within those areas proposed for acquisition by public agencies for the purpose of resource protection.</u>

(5) Policy 101.5.11

If not listed in the document “Parcels Not Located in Threatened and Endangered Species Habitat and Not Subject to FWS Consultation”, or involving minor development activity exempted by the U.S. Fish and Wildlife Service (USFWS)”, any application for a ROGO or NROGO allocation shall contain a technical coordination letter from the USFWS. The County shall consider the recommendations of the USFWS’s technical coordination letter in the issuance of the subject permit, except that if a low-effect habitat conservation plan is required by USFWS, the mitigation requirements of that plan shall be incorporated in the conditions of the permit.

(6) Policy 205.2.7

Clearing of native vegetation shall be limited to the immediate development area. For applications that receive points for lot aggregation under the Permit Allocation System for residential development, clearing of vegetation shall be limited to the open space ratios in Policy 205.2.6 or 5,000 square feet, whichever is less. The immediate development area shall be fenced throughout the duration of construction. During construction, there shall be no disturbances of the ground surface and vegetation within required open space areas.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History-- New _____.

28-20.120 Land Development Regulations.

The Monroe County Land Development Regulations, as the same exists on January 1, 2004, is hereby amended to read as follows:

(1) Section 9.5-120(b) Definitions. The following definitions are amended; all others remain the same.

(a) Known habitat of threatened/endangered animal species or species of special concern is either:

(1) habitat that has documented evidence of sightings, collection, trapping, or direct evidence of the presence of the animal(s) in a specific habitat area, or

The county’s threatened and endangered species maps shall constitute prima facie evidence of the species. Within areas designated for public acquisition for the purposes of resource protection, any threatened, endangered or species of special concern species observed on site while conducting a habitat evaluation shall be noted on the adopted Threatened and Endangered Species Maps. Such observations noted while conducting a habitat evaluation by County Staff Biologists, consultants certified by the County, conducting habitat evaluations, or state or federal agency representatives conducting field inspections shall also constitute evidence of species.

(b) Potential habitat of threatened/endangered animal species or species of special concern is where there is a lack of direct evidence documenting the presence of an animal and where the habitat area is not suitably close to an existing population to make colonization possible, but the habitat area is of a size and ecological character sufficient to support the animal(s). The county’s threatened and endangered species maps shall constitute prima facie evidence of the species.

(c) Wide-ranging threatened or endangered animal species or species of special concern is one (1) whose individuals typically move over a large area, usually seasonally. They occur in any of the listed habitats within their mapped ranges. The county’s threatened and endangered species maps shall constitute prima facie evidence of wide ranging threatened or endangered species.

(2) Section 9.5-122.3(a)(8)

The following points are based on probable impacts of a proposed development on the successful protection and recovery of a threatened or endangered animal species in its natural habitat.

Point

- Assignment: Criteria:
- 10 An application which proposes a dwelling unit within a known habitat of a documented threatened/endangered species or a species of special concern. For species of special concern, negative points shall only be applied to areas designated for public acquisition for the purposes of resource protection.
 - 10 An application which proposes a dwelling unit within one hundred (100) feet of any known nesting area for marine turtles, as described in section 9.5-286 (Shoreline Setbacks).
 - 10 An application which proposes a dwelling unit within five hundred (500) feet of any known nesting or resting area of the piping plover.
 - 5 An application which proposes a dwelling unit within a potential habitat of a threatened/endangered species or a species of special concern. For species of special concern, negative points shall only be applied to areas designated for public acquisition for the purposes of resource protection.
 - 2 An application which proposes a dwelling unit within the habitat of a wide-ranging threatened/endangered species or a species of special concern.

(3) Section 9.5-336 Existing Conditions Map

(a) Applicability: The existing conditions map, which consist of the 1985 Department of Transportation aerial photographs at a scale of 1" = 200', depicting habitat types coded according to the system set forth in the comprehensive plan is hereby designated, established and incorporated as a part of this chapter; and the originals thereof, which are on file at the offices of the property appraiser and the department of planning, shall be as much a part of this chapter as if the information contained therein were set out in full in this chapter.²

(b) Review and Amendment: The existing conditions map may be refined to reflect conditions legally in existence on February 28, 1986. Such refinements shall be made pursuant to the procedures for typographical and drafting errors in section 9.5-511(e). The existing conditions map as referenced throughout this chapter is intended only to serve as a general guide to habitat types for the purpose of preliminary determination of regulatory requirements. The county biologist shall make the final determination of habitat type based upon field verification, except that existing conditions that reflect disturbed with hammock shall be classified as a low quality hammock. Unlawful conditions shall not be recognized when determining regulatory requirements.

(4) Section 9.5-347(e)

(e) Lot Aggregation and Clearing: For ROGO applications that receive points for lot aggregation under Section 9.5-122.3 (a)(3), clearing of vegetation shall be limited to the open space ratios in paragraph (b) above or five-thousand (5,000) square feet, whichever is less.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History--New _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Administration Commission

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

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLES:	RULE NOS.:
Required Parent Co-Payment	60BB-4.400
Co-Payment Collection	60BB-4.401
Reimbursement	60BB-4.500
Reimbursement During Emergency Closures	60BB-4.501
Records to be Maintained and Monitoring for Reimbursements	60BB-4.502
Misrepresentation of Fraud Regarding Reimbursement	60BB-4.503

PURPOSE AND EFFECT: To adopt rules to administer the provisions of Chapter 411.01, Florida Statutes, which relate to preparing and implementing the system for school readiness.

SUMMARY: These rules address co-payments and reimbursement procedures to be implemented by school readiness programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 120, 411.01(4)(k) FS.

LAW IMPLEMENTED: 411.01(4)(k) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robin Westcott, Senior Attorney, 600 South Calhoun Street, Suite 202, Post Office Box 7416, Tallahassee, Florida 32314-7416, (850)922-4200

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-4.400 Required Parent Co-Payment.

(1) Each family that receives school readiness services shall be assessed a co-payment based on family size and the family's income, according to the sliding fee scale included in the coalition's approved school readiness plan.

(a) For protective services in-home placements and out-of-home placements (relative/non-relative/foster placements) in which the child does not receive a TANF "child-only" benefit, relative caregiver payment, or other income:

1. The co-payment shall be assessed against the income of the parent or legal guardian of the child, and shall be court ordered if necessary; or

2. The co-payment may be reduced to the minimum fee, based on the documented recommendation of the Department of Children and Families, or its designee.

(b) For protective services out-of-home placements (relative/non-relative/foster placement) in which the child receives a TANF "child-only" benefit in which the needs of the relative or legal guardian are not included in the grant and TANF at-risk (Relative Caregiver Program) participants, based upon appropriate documentation from the court system or the Department of Children and Families, or its designee:

1. The co-payment shall be assessed against the child's income and paid by the relative or legal guardian; or

2. The amount of the co-payment may be reduced to the minimum fee based on the documented recommendation of the Department of Children and Families, or its designee.

(c) A co-payment may be waived on a case-by-case basis for foster parents and families participating in an at-risk program based on documented recommendation of the Department of Children and Families, or its designee.

(2) A coalition may adopt a policy that establishes criteria and authorization procedures for fee reduction on case-by-case basis during the duration of special circumstances. The duration of the fee reduction shall coincide with the duration of the special circumstances.

(3) A coalition's sliding fee scale must be set at a level that provides low-income families equal access to the care available to families whose income is high enough not to qualify for financial assistance for school readiness services. To that end, the co-payment for the family of an "economically disadvantaged child", as defined by Section 411.01(6), Florida Statutes, should not exceed 10 percent of the family's income, regardless of the number of children in care. If the coalition's proposed sliding fee scale does exceed 10 percent of family income, the coalition must provide justification of how the sliding fee scale meets the federal requirement that the co-payment be affordable, prior to approval of the proposed sliding fee scale by the Partnership board.

(4) Prior to a child's enrollment, the person determining eligibility shall inform the parent and the school readiness service provider of the co-payment to be paid by the parent and that additional fees which are charged by the provider may apply. Amount of co-payment shall be in effect for the family's 12-month eligibility period, unless:

(a) Redetermination is conducted during the year pursuant to Rule 60BB-4.209, F.A.C.:

(b) The caretaker parent or legal guardian requests, and is granted, a reduction in co-payment due to special circumstances; or

(c) An incorrect co-payment was assessed by the eligibility determiner as a result of an error of the eligibility determiner, program participant error, or program participant fraud, resulting in corrective action to reduce or increase the family's co-payment; and

(d) If there is any change in marital status, employment status, income or family size.

1. The coalition or its designee shall not take action to recover a reimbursement rate overpayment caused by an incorrect co-payment due to an error of the coalition or its designee.

2. A reimbursement rate overpayment caused by an incorrect co-payment which resulted from program participant error or program participant fraud shall be recovered pursuant to the laws of the State of Florida or applicable rule.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k) FS. History--New _____.

60BB-4.401 Co-Payment Collection.

The co-payment amount for which the family is responsible shall be subtracted from the provider's reimbursement, prior to payment by the coalition or its designee. Collection of the family's required co-payment for school readiness services shall be the responsibility of the provider of school readiness services.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k) FS. History--New _____.

60BB-4.500 Reimbursement.

General provisions regarding reimbursements for holidays and absences.

(1) Holidays. A recognized holiday as approved by the local coalitions shall not be counted as an absence for purposes of reimbursement. The Partnership for School Readiness shall include reimbursements to providers of full and part-time care for up to twelve (12) recognized holidays per year.

(2) Absences. Reimbursement shall be authorized for no more than three (3) absences per calendar month per child except in the event of extraordinary circumstances in which case the coalition or its designee shall provide written approval for payment based on written documentation provided by the parent justifying the excessive absence for up to an additional seven (7) days.

(a) Examples of extraordinary circumstances include the following:

1. Hospitalization of the child or parent with appropriate documentation;
2. Illness requiring home-stay as documented;
3. Death in the immediate family with appropriate documentation (i.e. obituary, death certificate);
4. Court ordered visitation with appropriate documentation (i.e. court order); or
5. Unforeseen documented military deployment or exercise of the parent(s)

(b) Total monthly reimbursed absences shall not exceed ten (10) calendar days.

(c) In the event that a child is absent for five consecutive days with no contact from the parent, the provider shall notify the local coalition or its designee who in turn shall determine the need for continued care. If a termination is filed, the notice will be provided to the referring entity.

(d) When an At-Risk child has an unexcused absence or seven consecutive days of excused absences, the school readiness provider shall notify the Department of Children and Families. The Rilya Wilson Act establishes these reporting requirements for children 3 to 5 years old. This rule shall apply to all at-risk children of any age in a school readiness program.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k) FS. History--New _____.

60BB-4.501 Reimbursement During Emergency Closures.

(1) Each coalition shall maintain a Continuation of Operations Plan (C.O.O.P.) to be used in the event of emergency closings due to catastrophic events. Providers shall be reimbursed at the rate normally received during non-emergency hours when a coalition activates its Continuation of Operations Plan (C.O.O.P.).

(2) The coalition may consider reimbursement, in accordance with Federal and State law, for circumstances of temporary closure for individual providers when closure is beyond the control of the provider. In no circumstances may a coalition reimburse in excess of the pre-existing approved hours for an individual child during the temporary closure.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k) FS. History--New _____.

60BB-4.502 Records to be Maintained and Monitoring for Reimbursements.

(1) Daily attendance documentation shall be maintained by each school readiness provider. At a minimum, this documentation shall include a "sign in/sign out" process, as approved by the coalition, maintained at the provider site to validate the attendance data.

(2) Each coalition is responsible for implementing a records retention policy insuring that all documentation is maintained in accordance with the provisions set forth in their sub-grant awards.

(3) The coalition and/or it's designee must conduct monitoring activities to ensure the accuracy of payments of the monthly reimbursement requests.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k) FS. History--New _____.

60BB-4.503 Misrepresentation or Fraud Regarding Reimbursement.

(1) If a school readiness provider misrepresents enrollment or attendance which results in a disallowed cost to the coalition, the coalition may disengage services of that provider. This applies to either contracted reimbursement or voucher reimbursement.

(2) If a school readiness provider, after investigation and adjudication by a court of competent jurisdiction, has fraudulently misrepresented enrollment or attendance for funds related to the school readiness programs, the coalition shall permanently disengage services of that provider. This applies to either contracted reimbursement or voucher reimbursement.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(c) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robin Westcott, Senior Attorney, 600 South Calhoun Street, Suite 202, Post Office Box 7416, Tallahassee, Florida 32314-7416, (850)922-4200

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gladys Wilson, Interim Executive Director, Florida Partnership for School Readiness, Holland Building, 600 South Calhoun Street, Tallahassee, Florida 32399

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Biennial Licensure Fee
RULE NO.: 64B4-4.005

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to reduce the biennial licensure fee.

SUMMARY: The proposed rule decreases the biennial license fee from \$250 to \$150 in recognition of a reduction in regulatory costs.

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

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

SPECIFIC AUTHORITY: 456.025(1), 491.004(5), 491.007(1) FS.

LAW IMPLEMENTED: 456.025(1), 491.007(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.005 Biennial Licensure Fee.

The biennial licensure fee for a clinical social worker license, marriage and family therapist license and mental health counselor license shall be ~~\$150~~ ~~\$250~~ each.

Specific Authority 456.025(1), 491.004(5), 491.007(1) FS. Law Implemented 456.025(1), 491.007(1) FS. History--New 4-3-89, Amended 2-25-90, 6-1-92, Formerly 21CC-4.005, Amended 1-9-94, Formerly 61F4-4.005, 59P-4.005, Amended 10-9-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLE: _____ RULE NO.:

Diagnostic and Treatment Facilities or Services – Specific 64C-4.003

PURPOSE AND EFFECT: The proposed rule updates the Children’s Medical Services (CMS) required standards for approved pediatric cardiac facilities that provide care to Children’s Medical Services (CMS) participants. This rule incorporates by reference the CMS Cardiac Facilities Standards, July 2004.

SUMMARY: This rule requires that all CMS cardiac facilities must comply with the updated CMS Cardiac Facilities Standards.

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: 391.026(18) FS.

LAW IMPLEMENTED: 391.026(10), 391.035(1) FS.

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

TIME AND DATE: 1:00 p.m., Tuesday, August 10, 2004

PLACE: Capital Circle Office Complex, 4025 Esplanade Way, Room 301, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tobi L. Goodman, Government Analyst II, Children’s Medical Services Network, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-1707, (850)245-4444, Ext. 2226, Fax (850)921-5241

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64C-4.003 follows. See Florida Administrative Code for present text.)

64C-4.003 Diagnostic and Treatment Facilities or Services – Specific.

CMS Cardiac Facilities. CMS Headquarters approves cardiac facilities for the CMS Network on a statewide basis upon consideration of the recommendation of the Cardiac subcommittee of the CMS Network Advisory Council. CMS approved cardiac facilities must comply with the CMS Cardiac Facilities Standards, July 2004, which are incorporated herein by reference and available from CMS Headquarters, 4052 Bald Cypress Way, Bin A06, Tallahassee, FL 32399-1707.

Specific Authority 391.026(18) FS. Law Implemented 391.026(10), 391.035(1) FS. History--New 1-1-77, Amended 2-11-85, Formerly 10J-5.09, 10J-5.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tobi Goodman, Government Analyst II, CMS Network Operations Bureau

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Posner, Chief, CMS Network Operations Bureau

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2004

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

temperature and refrigeration, as required by paragraph 64F-12.013(3)(d), F.A.C., whether or not the person intends to wholesale prescription drugs requiring storage under controlled room temperature conditions or refrigeration; except that a person who will act as a broker only of prescription drugs may apply for a "broker only" designation on the Prescription Drug Wholesaler permit and then the requirement that the permitted address provide for "controlled room temperature" and refrigeration is waived. A "broker only" cannot take possession of prescription drugs under any circumstances.

(b) through (c) No change.

(d) Application requirements for Compressed Medical Gases Wholesalers include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ ~~January~~ 2004.

3. through 4. No change.

(e) No change.

(f) Application requirements for Retail Pharmacy Wholesalers include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ ~~January~~ 2004.

3. through 5. No change.

(g) Application requirements for freight forwarders.

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ ~~January~~ 2004.

3. through 4. No change.

(h) Application requirements for Veterinary Prescription Drug Wholesalers include:

1. Contact the department's Bureau of Statewide Pharmaceutical Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective August 2004, and the attachment for the Veterinary Prescription Drug Wholesaler permit, August July 2004.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018, F.A.C.

4. Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

(8) OTHER DISTRIBUTORS. Persons conducting certain distributions of prescription drugs which are not considered wholesale distributions in the state of Florida must obtain a permit from the department prior to initiating that activity. These permits include Complimentary Drug Distributors, all of the designated Restricted Rx Drug Distributor permits as further discussed in Rule 64F-12.023, F.A.C., Medical Oxygen Retailers, and Veterinary Legend Drug Retailers.

(a) Application requirements for Complimentary Drug Distributors include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ ~~January~~ 2004.

3. through 5. No change.

(b) Application requirements for Restricted Rx Drug Distributor – Health Care Entity include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ ~~January~~ 2004.

3. through 5. No change.

(c) Application requirements for Restricted Rx Drug Distributor – Charitable Organization include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ ~~January~~ 2004.

3. through 6. No change.

(d) Application requirements for Restricted Rx Drug Distributor – Reverse Distributor or Restricted Rx Drug Distributor – Destruction include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ ~~January~~ 2004.

3. through 4. No change.

(e) Application requirements for Restricted Rx Drug Distributor – Government Programs include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ ~~January~~ 2004.

3. through 6. No change.

(f) Application requirements for a Restricted Rx Drug Distributor – Institutional Research include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, “Application for Permit Under Chapter 499, F.S.,” effective ~~August~~ January 2004.

3. through 4. No change.

(g) Application requirements for a Veterinary Legend Drug Retailer include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, “Application for Permit Under Chapter 499, F.S.,” effective ~~August~~ January 2004.

3. through 4. No change.

(h) Application requirements for a Medical Oxygen Retailer include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, “Application for Permit Under Chapter 499, F.S.,” effective ~~August~~ January 2004.

3. through 5. No change.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History–New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01, 10-29-02, 7-6-03, 1-1-04, _____.

64F-12.018 Fees.

(1) No change.

(2)(a) Biennial fees for a wholesaler’s permit that is issued on a biennial basis are as follows:

Permit	Biennial Fee
Compressed Medical Gas Wholesaler	\$500
Retail Pharmacy Wholesaler	\$100
Freight Forwarder	\$250
<u>Veterinary Prescription Drug Wholesaler</u>	<u>\$1,000</u>

(b) No change.

(3) through (5) No change.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History–New 7-1-96, Formerly 10D-45.0544, Amended 4-17-01, 7-6-03, 1-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Awareness and Tobacco

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-78
RULE CHAPTER TITLE: Participation by Disadvantaged Business Enterprises

RULE NO.: 14-78.005
RULE TITLE: Participation by Disadvantaged Business Enterprises

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 30, No. 20, May 14, 2004, Pages 1980-1982, issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: In response to the review by the Joint Administrative Procedures Committee, the Department is making the following change:

In the Special Provision for DBE Contracts table, the DBE Records and Reports section is changed as follows:

“DBE Records and Reports. Submit the Anticipated DBE Participation Statement at or before the Pre-construction Conference. Report monthly, through the Equal Opportunity Reporting System, manually or on the Department’s website, actual payments, retainage, minority status, and work type of all subcontractors and major suppliers. . .”

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

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-1.002 Delegation of Authority

NOTICE OF CORRECTION

Notice is hereby given that the rule number in the Notice of Proposed Rulemaking published in Florida Administrative Code, Vol. 30, No. 21, Page 2084 and 2085 was incorrectly published as Rule 40D-1.1002, F.A.C. However, the rule text published was correct and will become effective within the required 90-day period. The correct rule number is 40D-1.002. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: RULE TITLE:
60A-1.011 Identical (Tie) Bids/Proposals,
 Commodities/Contractual
 Services

NOTICE OF WITHDRAWAL

Notice is hereby given that the amendment to the above rule, as noticed in Vol. 30, No. 10, March 5, 2004, Florida Administrative Weekly, and subsequently changed in Vol. 30, No. 21, May 21, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:
61J1-4.005 Notice of Satisfactory Course
 Completion

NOTICE OF CORRECTION

The Department of Business and Professional Regulation, Florida Real Estate Appraisal Board, announces a correction to the Notice of Change, which appeared in the June 25, 2004 issue of the Florida Administrative Weekly, Vol., 30, No. 26. Specifically, the notice inadvertently published Rule 61J1-4.005, F.A.C., under the heading of the Florida Real Estate Commission.

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 Optometry

RULE NO.: RULE TITLE:
64B13-5.003 Exemption of Spouse of Member of
 Armed Forces from License
 Renewal Requirements

NOTICE OF CHANGE

The Board of Optometry gives notice that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 21, of the May 21, 2004, issue of the Florida Administrative Weekly.

These changes are being made in response to comments received from the public. The Board, at its June 23, 2004 meeting, voted to make the following changes to the rule. When changed it shall read as follows:

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. The licensee must document the absence and the spouse's military status to the Board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:
64B13-18.002 Formulary of Topical Ocular
 Pharmaceutical Agents

NOTICE OF CHANGE

The Board of Optometry gives notice that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 21, of the May 21, 2004, issue of the Florida Administrative Weekly.

These changes are being made in response to comments received from the public. The Board, at its June 23, 2004 meeting, voted to make the following changes to the rule. When changed it shall read as follows:

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), Florida Statutes. The formulary list containing the specific ocular pharmaceutical agents, in each of the categories listed below, that have been initially reviewed by the Topical Ocular Pharmaceutical Agent Committee and subsequently approved by the Board shall be maintained at the Board office and shall

also be available on the website. The topical ocular pharmaceutical agents in the formulary include legend drugs in the following categories, alone or in combination:

- (1) CYCLOPLEGIC AND MYDRIATICS – except:
 - (a) Atropine sulfate in concentrations greater than 1%;
 - (b) Phenylephrine HCL in concentrations greater than 2.5%; and
 - (c) Cyclopentolate HCL in concentrations greater than 2%.
- (2) LOCAL ANESTHETICS
- (3) DIAGNOSTIC PRODUCTS
- (4) ANTIBACTERIAL – except chloramphenicol.
- (5) NON-STEROIDAL AND STEROIDAL ANTI-INFLAMMATORY AGENTS
- (6) ANTIHISTAMINES, MAST CELL STABILIZERS AND ANTI-ALLERGY AGENTS
- (7) ANTIVIRAL AGENTS
- (8) ANTI-GLAUCOMA AGENTS – except cholinesterase inhibitors.
- (9) MISCELLANEOUS – other topical ocular legend agents not otherwise classified above, except for agents classified as antifungal.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.004
 RULE TITLE: Criteria for the Selection of Consultants

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 20, May 14, 2004, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

RULE NO.: 69C-6.003
 RULE TITLE: The Plan; Prescribed Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 38, September 19, 2003, of the Florida Administrative Weekly. These changes are being made to address comments expressed by the Joint Administrative Procedures Committee.

The above Rule was proposed as 4C-6.003, F.A.C.

69C-6.003 The Plan; Prescribed Forms.

(1) Form ~~DFS-J3-1176~~ ~~DA-1176~~ (rev. 4/04 ~~1/02~~), State of Florida Employees Deferred Compensation Plan, is hereby established and incorporated into this rule by reference as the plan contemplated in Section 112.215, F.S.

(2) The forms listed below are incorporated into and made a part of this rule chapter by reference and shall take effect on the effective date of these rules. The forms can be obtained from investment providers servicing the plan. A listing of authorized investment providers can be obtained from the Deferred Compensation Section, Division of State Treasury, 200 East Gaines Street, Tallahassee, Florida 32399-0346.

(a) Form DFS-J3-1163 ~~DA-1163~~ (rev. 8/03 ~~1/02~~) Participant Action Form.

(b) Form DFS-J3-1164 ~~DA-1164~~ (rev. 8/03 ~~1/02~~) Enrollment Information Form.

(c) Form DFS-J3-1165 ~~DA-1165~~ (rev. 7/03 ~~1/02~~) Company to Company Transfer and/or Replacement Authorization.

(d) through (l) No change.

(m) Form DFS-J3-1541 (rev. 06/04) Investment Policy and Product Selection and Retention Policy.

(3) through (4) No change.

Specific Authority 112.215(11) FS. Law Implemented 18.125(4)(c), 112.215 FS. History–New 1-1-87, Amended 10-7-87, 2-14-88, 2-19-89, 6-21-89, 8-7-95, 9-21-98, 6-3-02,_____.

The remainder of the proposed rule reads as previously published.

**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: Personnel Performance Excellence Program
 RULE NO.: 53ER04-36

SUMMARY OF THE RULE: The emergency rule sets forth the provisions for the Personnel Performance Excellence Program.

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:

53ER04-36 Personnel Performance Excellence Program.

(1) Effective July 1, 2004, the Personnel Performance Excellence Program shall be conducted in accordance with the provisions set forth in this emergency rule.

(2) Statement of Policy.

(a) Performance Excellence is the Florida Lottery's annual performance evaluation program. It functions as an annual review of the work performance of all Lottery employees in the areas of technical expertise, professional excellence and customer satisfaction. This program connects an employee's work performance to the implementation of the Lottery's strategic business plan, and subsequent achievement of the agency's business goals.

(b) An employee's performance measures will be based on the performance goals for that employee's work unit, as specified in the strategic business plan.

(c) The Florida Lottery's Performance Excellence Program serves the following purposes:

1. Provides all employees with the opportunity to clearly understand and focus upon annual performance expectations.

2. Identifies improvement needs to enhance future individual, and ultimately organizational, performance.

3. Motivates all employees to improve skills and job knowledge to ensure consistent professional and technical expertise.

4. Documents and tracks an employee's performance against the strategic goals of the employee's work unit and ultimately, the agency.

5. Documents an employee's eligibility for salary adjustments or one-time lump sum payments.

6. Provides a basis for monitoring and improving the overall performance and productivity of the Florida Lottery's work force.

(3) Procedures.

(a) Performance Evaluation Cycle.

1. Phase I – Work Planning – During this initial phase, following consultation with executive management, a work plan shall be developed by the immediate supervisor. The work plan should identify the employee's key work activities and responsibilities, and be prioritized in accordance with the agency's strategic objectives. The work plan should correspond to the employee's position description in terms of functional accountability, knowledge, experience and skills. Both the supervisor and the employee must sign and date the work plan.

2. Phase II – Interim Review – Approximately midway through the fiscal year, the supervisor and employee meet to review the employee's progress on his/her work activities and responsibilities to date including an indication of what ratings the employee has earned at this point in the fiscal year. If

necessary, the meeting shall include any necessary changes to work activities and related responsibilities and/or performance measures.

3. Phase III – Annual Review – This last phase is the year-end performance review and feedback session between the supervisor and the employee. The following items are included in Phase III.

a. An employee gathers input from three peers which are:

i. Work Unit Peer – A peer that works within an employee's work unit.

ii. Partner Peer – A peer that closely partners with an employee in the performance of work activities. A Partner Peer can be an employee of the Lottery or of a third party who is affiliated in some way with the Lottery, i.e. another state agency, contractor or vendor.

iii. Customer Peer – A peer that is from the employee's customer group, i.e. Retailer Contracting serves the retailer as customer, or Information Resources serves various Lottery divisions as customer.

b. The supervisor provides the employee with a final rating for each work activity and related responsibility. Both the supervisor and the employee sign and date the final rating. A copy of the final rating is provided to the employee and the original is placed within the employee's personnel file in Human Resource Management.

(b) Performance Categories.

1. Ratings will be given based on activity outcome, and the process by which an activity is implemented.

2. It is assumed and expected that in order to be in the employ of the Florida Lottery, one must maintain and demonstrate, at a minimum, specific characteristics and behaviors that are non-negotiable such as integrity, honesty, courtesy, professional demeanor, and product/process knowledge, in providing public service. While a performance rating cannot be improved by regularly meeting these minimum "non-negotiable" standards, failure to do so will result in a reduction in an employee's overall performance rating.

3. Outlined below are the three levels of assessment and required performance characteristics and behaviors for each performance role.

a. Technical Expertise – How well an employee knows and performs the specific tasks associated with his/her work activities and responsibilities in terms of knowledge, skill, experience, and ability.

b. Professional Excellence – The manner in which an employee implements or carries out his/her work activities and responsibilities in terms of attitude, behavior, character.

c. Customer Appreciation – How well an employee provides service and value to his/her customer via the daily implementation of an employee's work activities and responsibilities, in terms of customer needs, interaction, and

responsiveness. Additional consideration will be given to the level of appreciation, value, and importance a customer has for the employee.

(c) Rating Scale.

1. Clearly Outstanding (C) = 3 Points – This score is given to an employee who consistently exceeds performance expectations in technical expertise, and has also assumed additional activities and work responsibilities and exceeded those. This employee also demonstrates on a daily basis a “beyond-the-call-of-duty” attitude, team spirit, and a high level of professional excellence. Consideration may be given for a salary increase and/or career advancement should an advanced position be available.

2. Meets Expectations (M) = 2 Points – An employee meets performance expectations (minimum acceptable standard) in all performance categories. This employee is performing as requested.

3. Does Not Meet Expectations (D) = 1 Point – An employee does not meet expectations in any activities and work responsibilities. A retention decision will be considered if this is an overall performance rating, and, if the employee is retained, a Performance Improvement Plan will be required.

(d) Performance Improvement Plan (PIP).

In some cases, a supervisor might find it necessary to develop and implement a Performance Improvement Plan (PIP) for an employee. The purpose of a PIP is to provide immediate attention to performance failures, by allowing an employee to improve performance based on an interim or previous annual rating that was at or below minimum standard. A PIP is created at the discretion of the supervisor following consultation with executive management. A PIP may be up to 90 days in duration, however, at anytime that a PIP is in effect an employee may be separated or demoted at the discretion of the Lottery Secretary.

(e) Annual Appraisal Phases.

1. For employees as of June 30, the phases of the performance evaluation cycle shall be completed as follows:

(a) Phase I – For the fiscal year 2004-2005, to be completed by July 30, 2004; thereafter, to be completed by July 1.

(b) Phase II – To be completed December 1 through January 31.

(c) Phase III – To be completed by May 31.

2. For new hires, Phase I work plans are due within 30 days of the employee’s hire date. A Phase II interim review shall be conducted provided the employee was hired prior to October 1. A Phase III annual review shall be conducted provided the employee was hired prior to March 1. The initial work plan shall cover the period from the hire date through June 30. Thereafter, the employee shall be appraised on the fiscal year cycle as set forth above in subparagraph (3)(e)1.

(4) This emergency rule supersedes Chapter 53-17, Personnel Employee Performance Evaluations, Florida Administrative Code.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History--New 7-1-04.

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

EFFECTIVE DATE: July 1, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: MEGA M\$NEY® Estimated Jackpot

RULE NO.: 53ER04-37

SUMMARY OF THE RULE: This emergency rule sets forth the specifics regarding supplementing the MEGA MONEY jackpot pool, if necessary, to yield the estimated jackpot amount.

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:

53ER04-37 MEGA M\$NEY® Estimated Jackpot. Effective June 30, 2004, if the cash available in the MEGA M\$NEY® (referred to herein as MEGA MONEY) jackpot pool is insufficient to yield the announced or advertised estimated jackpot value over the twenty (20) year deferred payment period, the Lottery may add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the jackpot prize pool to render it sufficient to yield the announced or advertised estimated jackpot. Use of unclaimable prize money to increase the jackpot pool for MEGA MONEY shall only occur when the Lottery has determined in writing prior to the drawing that circumstances warrant the use of such funds to positively impact sales. Nothing in this rule shall be construed to prohibit a guaranteed Jackpot.

Specific Authority 24.105(9)(e) FS. Law Implemented 24.115(1)(f) FS. History--New 7-1-04.

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

EFFECTIVE DATE: July 1, 2004

DEPARTMENT OF THE LOTTERY

RULE TITLE: MEGA M\$NEY®

RULE NO.: 53ER04-38

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of MEGA M\$NEY® and replaces Emergency Rules 53ER04-4 and 53ER04-37, F.A.C.

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:

53ER04-38 MEGA M\$NEY®.

(1) How to Play MEGA M\$NEY® (referred to herein as MEGA MONEY).

(a) MEGA MONEY is an on-line game in which players select four numbers from a field of one through forty-four and one MEGABALL® number from a separate field of one through twenty-two.

(b) Players may use a MEGA MONEY play slip to make their selections. There are five panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five numbers (four in the upper play area and one in the lower play area) from each panel played, or may mark the "Quick Pick" box for the terminal to randomly select any or all of the five numbers from either or both play areas. For each panel played, the first four of the five numbers appearing in a single horizontal row on a MEGA MONEY ticket shall be the numbers selected from the upper play area of the play slip and the last number shall be the MEGABALL number selected from lower play area of the play slip. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by an on-line retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(c) Players may play up to thirty consecutive MEGA MONEY drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel played.

(2) MEGA MONEY Drawings.

(a) MEGA MONEY drawings shall be conducted two times per week, on Tuesday and Friday.

(b) MEGA MONEY drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (one ball set and one drawing machine) used in a MEGA MONEY drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing.

(d) A ball set contains sixty-six balls comprised of one subset of forty-four balls ("subset 1") and one subset of twenty-two balls ("subset 2"). The balls in subset 1 are numbered one through forty-four. The balls in subset 2 are numbered one through twenty-two. A MEGA MONEY drawing machine contains two separate mixing chambers and two ball display devices.

(e) Once a set of balls has been selected and inspected, the selected MEGA MONEY drawing machine shall be loaded by the Draw Manager by placing each subset of balls into its mixing chamber. The two subsets of balls shall be mixed by the action of an air blower.

(f) Four balls from subset 1 and one MEGABALL from subset 2 are drawn by vacuum action into their respective display device. The numbers shown on the four balls and the number shown on the MEGABALL, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(g) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in paragraph (2)(b). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity.

(h) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(3) Determination of Prize Winners.

(a) Wherever used, the terms "jackpot prize" and "top prize" both refer to the highest prize level in the MEGA MONEY game.

(b) In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E) must match the official winning MEGA MONEY numbers for the draw date for which the ticket was purchased, in one of the following combinations:

1. Jackpot Prize: Four numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

2. Second Prize: Four numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

3. Third Prize: Three numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

4. Fourth Prize: Three numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

5. Fifth Prize: Two numbers selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

6. Sixth Prize: One number selected from the first subset of balls plus the MEGABALL number selected from the second subset of balls.

7. Seventh Prize: Two numbers selected from the first subset of balls excluding the MEGABALL number selected from the second subset of balls.

8. Eighth Prize: No numbers selected from the first subset of balls and the MEGABALL number selected from the second subset of balls.

(4) MEGA MONEY Odds of Winning.

(a) The odds of winning the prizes described in subsection (3) are as follows:

1. Jackpot Prize – 1:2,986,522.00

2. Second Prize – 1:142,215.33

3. Third Prize – 1:18,665.76

4. Fourth Prize – 1:888.85

5. Fifth Prize – 1:638.15

6. Sixth Prize – 1:75.57

7. Seventh Prize – 1:30.39

8. Eighth Prize – 1:32.68

(b) The overall odds of winning a prize in a MEGA MONEY drawing are 1:12.58.

(5) MEGA MONEY Prize Divisions.

(a) MEGA MONEY is a pari-mutuel game. For each draw, fifty percent of the net sales after cancels and promotional plays shall be allocated as the winning pool for the payment of the jackpot prize, second prize, third prize, fourth prize, fifth prize, sixth prize and seventh prize. Free MEGA MONEY tickets issued as an eighth prize shall not be included in gross revenue calculations.

(b) Jackpot Prize.

The jackpot prize pool shall consist of 54.32 percent of the winning pool plus any money carried forward from the prior draw until the jackpot prize pool reaches the estimated cash equivalent of the deferred payment value of \$2 million paid over twenty (20) years, at which point the jackpot prize pool will be capped. When this threshold is met, the jackpot prize pool will comprise zero percent of the winning pool in excess of the cap, and any money in excess of the cap shall roll down and be distributed among the second through the seventh prize levels according to the percentage each prize level comprises of the adjusted prize pool. The total winning prize pool, less the amount required to achieve the cap (not to exceed 54.32 percent of the total winning prize pool), shall comprise the adjusted prize pool.

1. If there is a jackpot prize winner in a drawing and the jackpot prize is not capped, the prize money allocated to the jackpot prize pool shall be divided equally among the jackpot prize winners for that drawing.

2. If there is a jackpot prize winner in a drawing in which the jackpot prize is capped, the capped amount shall be divided equally among the jackpot prize winners for that drawing.

3. If there is not a jackpot prize winner in a drawing and the jackpot prize is not capped, the jackpot prize pool shall be carried over and added to the jackpot prize pool of the next MEGA MONEY drawing.

4. If there is not a jackpot prize winner in a drawing in which the jackpot prize is capped, the capped amount shall be carried over to the next MEGA MONEY drawing and the money in excess of the cap shall be returned to an adjusted prize pool and then be distributed among the second through the seventh prize levels according to the adjusted percentage each prize level comprises of that winning prize pool.

(c) Second Prize.

When the jackpot prize pool is not capped, the second prize pool shall consist of 1.72 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the second prize pool shall consist of 3.75 percent of the adjusted prize pool for the drawing. The second prize pool shall be divided equally among the second prize winners for that drawing.

(d) Third Prize.

When the jackpot prize pool is not capped, the third prize pool shall consist of 3.77 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the third prize shall consist of 8.20 percent of the adjusted prize pool for the drawing. The third prize pool shall be divided equally among the third prize winners for that drawing.

(e) Fourth Prize.

When the jackpot prize pool is not capped, the fourth prize pool shall consist of 11.25 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the fourth prize pool shall consist of 24.50 percent of the adjusted prize pool for the drawing. The fourth prize pool shall be divided equally among the fourth prize winners for that drawing.

(f) Fifth Prize.

When the jackpot prize pool is not capped, the fifth prize pool shall consist of 7.84 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the fifth prize pool shall consist of 17.25 percent of the adjusted prize pool for the drawing. The fifth prize pool shall be divided equally among the fifth prize winners for that drawing.

(g) Sixth Prize.

When the jackpot prize pool is not capped, the sixth prize pool shall consist of 7.94 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the sixth prize pool shall consist of 18 percent of the adjusted prize pool for the drawing. The sixth prize pool shall be divided equally among the sixth prize winners for that drawing.

(h) Seventh Prize.

When the jackpot prize pool is not capped, the seventh prize pool shall consist of 13.16 percent of the winning pool for the drawing. When the jackpot prize pool is capped, the seventh prize pool shall consist of 28.30 percent of the adjusted prize pool for the drawing. The seventh prize pool shall be divided equally among the seventh prize winners for that drawing.

(i) Eighth Prize.

1. An eighth prize shall consist of one free MEGA MONEY quick pick ticket (\$1.00 value), except as provided in subparagraph (5)(i)2. below. An eighth prize shall consist of one free MEGA MONEY quick pick ticket regardless of whether the MEGA MONEY jackpot prize pool is capped. Eighth prizes shall not utilize any portion of the winning prize pool or adjusted prize pool for the drawing.

2. A player who submits by mail a MEGA MONEY lottery ticket which entitles the claimant to a free MEGA MONEY quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(j) If there is not a winner within one of the second through seventh prize categories for a drawing, the prize pool for that category shall be distributed for that drawing in accordance with the following table:

<u>PRIZE POOL CATEGORY FOR WHICH THERE IS NO WINNER</u>	<u>PRIZE POOL CATEGORY TO WHICH THE NONWINNING PRIZE POOL CATEGORY IS ADDED</u>
<u>Second Prize – 4 of 4</u>	<u>3 of 4 + MEGABALL</u>
<u>Third Prize – 3 of 4 + MEGABALL</u>	<u>3 of 4</u>
<u>Fourth Prize – 3 of 4</u>	<u>2 of 4 + MEGABALL</u>
<u>Fifth Prize – 2 of 4 + MEGABALL</u>	<u>2 of 4</u>
<u>Sixth Prize – 1 of 4 + MEGABALL</u>	<u>To fund future prizes in Lottery games or for special Lottery prize promotions</u>
<u>Seventh Prize – 2 of 4</u>	<u>1 of 4 + MEGABALL</u>

(k) Except for the jackpot prize, all prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the sixth and seventh prizes shall be no less than \$2.00. All rounding differences will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(6) MEGA MONEY Estimated Jackpot.

(a) For each drawing the Lottery will announce the estimated deferred payment value of the MEGA MONEY jackpot that can be won by a single player, based upon the estimated cash value of the jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any, except that for each MEGA MONEY drawing, the deferred payment value of the MEGA MONEY jackpot prize that can be won by a single player shall be guaranteed at a minimum of \$500,000 paid over twenty (20) years.

(b) If the cash available in the jackpot prize pool is insufficient at the time the ticket is submitted for payment to yield \$500,000 paid over the twenty (20) year deferred payment period, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the jackpot prize pool to render it sufficient.

(c) In the event the cash available in the jackpot prize pool is insufficient at the time the ticket is submitted for payment to yield \$2 million paid over twenty (20) years on a capped jackpot prize, the Lottery shall add prize money rendered unclaimable by Section 24.115, Florida Statutes, to the jackpot prize pool to render it sufficient.

(d) In the event the cash available in the jackpot prize pool at the time the ticket is submitted for payment exceeds the amount required to purchase securities to fund \$2 million paid over twenty (20) years, the excess cash will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(7) MEGA MONEY Payment Options.

(a) Players can choose one of two payment options for receiving their portion of the MEGA MONEY jackpot prize. Payment options are “Cash Option” and “Annual Payment.”

(b) Jackpot prize winners have sixty days after the winning draw date to choose between the two payment options. Once the jackpot prize 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. In order to select the Cash Option, the jackpot prize winner must submit his or her ticket for payment within sixty days after the winning draw date. If the jackpot prize winner does not file a claim electing the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (7)(e) below.

(c) A jackpot prize winner who chooses the Cash Option for payment will receive one lump sum cash payment of his or her portion of the amount in the jackpot prize pool that is available immediately for investment, determined at the time the ticket is submitted for payment, less applicable withholding taxes, except as follows:

1. The minimum amount of the cash option payment to a single winner will be the amount required at the time the ticket is submitted for payment to purchase securities to fund \$500,000 paid over twenty (20) years, less applicable withholding taxes.

2. A jackpot prize winner who chooses the Cash Option for payment in a MEGA MONEY drawing in which the jackpot prize is capped will receive his or her portion of the amount required at the time the ticket is submitted for payment to purchase securities to fund \$2 million paid over twenty (20) years, less applicable withholding taxes.

(d) If a jackpot prize winner elects the Annual payment option, his or her portion of the amount in the jackpot prize pool will be invested in U.S. Treasury securities covering a

nineteen year period to provide an income stream to the winner of twenty (20) equal annual installments, each less applicable withholding taxes, except as follows:

1. The minimum amount payable to a single winner over twenty (20) years will be \$500,000, less applicable withholding taxes.

2. If a jackpot prize winner elects the Annual payment option in a MEGA MONEY drawing in which the jackpot prize is capped, his or her portion of the amount required at the time the ticket is submitted for payment to purchase securities to fund \$2 million paid over twenty (20) years will be invested in U.S. Treasury securities covering a nineteen year period to provide an income stream to the winner of twenty equal annual installments, each less applicable withholding taxes.

(e) If the cash available in the jackpot pool is determined on the business day following the drawing to be insufficient to yield at least \$100,000 over twenty (20) years for each winning ticket, the Lottery shall pay the jackpot winner or winners in a single cash payment of their share of the amount in the jackpot pool available immediately for investment determined on the business day following the drawing, less applicable withholding taxes.

(f) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(g) Any interest or earnings accrued on a MEGA MONEY jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

(8) MEGA MONEY Rules and Prohibitions.

(a) By purchasing a MEGA MONEY ticket, a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) MEGA MONEY prize payments 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.

(c) Tickets shall not be purchased by or sold to persons under the age of eighteen.

(d) Subject to a retailer's hours of operation and on-line system availability, MEGA MONEY lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, Eastern Time (ET).

(e) The scheduled time for the Tuesday and Friday MEGA MONEY drawings is approximately 11:00 p.m., ET. Ticket sales for a specific MEGA MONEY drawing will close approximately twenty minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next MEGA MONEY draw date.

(f) Retailer cancellations of MEGA MONEY tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no MEGA MONEY ticket can be cancelled after game close for the related drawing and no eighth prize (free MEGA MONEY quick pick ticket) can be cancelled at any time. The two-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related MEGA MONEY close of game.

(g) It is the responsibility of the player to determine the accuracy of selected panels of numbers and date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections which are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

(9) MEGA MONEY tickets for drawings held prior to January 28, 2004, shall be governed by the provisions set forth in Chapter 53-32, Florida Administrative Code.

(10) This emergency rule replaces Emergency Rules, 53ER04-4 MEGA MONEY® and 53ER04-37 MEGA MONEY® Estimated Jackpot, Florida Administrative Code.

Specific Authority 24.105(2), 24.105(9)(a),(b),(c),(d),(e),(f),(g),(h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 24.105(9)(a),(b),(c),(d), (e),(f),(g),(h), 24.115(1), 24.116(1), 24.117(2) FS. History—New 7-6-04, Replaces 53ER04-4 and 53ER04-37, F.A.C.

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

EFFECTIVE DATE: July 6, 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 Accounting and Auditing

RULE TITLES:	RULE NOS.:
Registration	69IER04-1
Full Disclosure	69IER04-2
Notarized Sworn Statement	69IER04-3
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:	

Registration

On July 1, 2004, the Governor signed CS for CS for SB 2994 into law. July 1, 2004, is the effective date of the law. Section 121 of the legislation amends Section 717.124(1), Florida Statutes, to provide that a claimant's representative must be a registered Florida P.I., Florida CPA, or a Florida attorney. Section 121 of the legislation amends Section 717.124(4), Florida Statutes, to provide that a Florida P.I., Florida CPA, or Florida attorney must be registered with the Department in order to receive a distribution of fees from the Department. Section 141 of the legislation created Section 717.1400, Florida Statutes, to provide that any registration shall be on a form prescribed by the Department.

The Department finds that there is an immediate danger to the public health, safety or welfare for the following reasons: (a) In order for a claimant's representative to receive the payment of fees from the Department as provided for in their representation agreements, the representative must be registered on the Department's form. The failure to receive income from the Department due to the inability to register due to the lack of a form will cause extreme financial hardship to the representatives that depend exclusively on income from filing claims pursuant to Chapter 717, Florida Statutes.

(b) Claimants have entered into agreements with claimants' representatives for the purpose of recovering unclaimed property on their behalf. However, in order for a claimant's representative to file claims for unclaimed property on behalf of claimants, the representative must be registered with the Department on the Department's form. The inability of claimants' representatives to file claims for unclaimed property on behalf of claimants due to the inability to register due to the lack of a form will cause extreme emotional distress to the claimants' representatives.

Full Disclosure

On July 1, 2004, the Governor signed CS for CS for SB 2994 into law. July 1, 2004, is the effective date of the law. Section 139 of the legislation amends Section 717.135, Florida Statutes, to provide for unclaimed property disclosures by claimants' representatives must be on a form prescribed by the Department. Section 140 of the legislation creates Section 717.1351, Florida Statutes, to provide for unclaimed property disclosures by a person desiring to purchase unclaimed property reported to the Department must be on a form prescribed by the Department.

The Department finds that there is an immediate danger to the public health, safety or welfare for the following reasons: (a) The Florida legislature has mandated that there be meaningful disclosure when unclaimed property recovery or acquisition fees exceed 20%. The failure to provide meaningful disclosure will endanger the welfare of claimants, because they will not be in a position to make an informed decision regarding whether it is in their best interest to agree to unclaimed property recovery or acquisition fees that exceed 20%. (b) The

inability to make an informed decision will endanger the public welfare by reducing the financial well-being of the owners of the unclaimed property by reducing the amount of unclaimed property remitted to them. Further, in order for the disclosure to be meaningful, it must be given to the unclaimed property owner at the time the unclaimed property recovery or acquisition agreement is provided to the owner. (c) Making uninformed decisions by agreeing to unclaimed property recovery or acquisition fees that exceed 20% will cause the owners of unclaimed property to have emotional distress.

Notarized Sworn Statement

On July 1, 2004, the Governor signed CS for CS for SB 2994 into law. July 1, 2004, is the effective date of the law. Section 121 of the legislation amends Section 717.124, Florida Statutes, to provide that a claimant may provide a notarized statement in lieu of providing photographic identification. It further provides that any claim without the required identification or the sworn statement is void. Section 123 of the legislation creates Section 717.12404, Florida Statutes, to provide that a claimant for assets of a dissolved corporation may provide a notarized statement in lieu of providing photographic identification. It further provides that any claim without the required identification or the sworn statement is void. Section 140 of the legislation creates Section 717.1351, Florida Statutes, to provide that a claimant may provide a notarized statement of the seller in lieu of providing photographic identification. It further provides that any claim without the required identification or the sworn statement is void.

The Department finds that there is an immediate danger to the public health, safety or welfare because photographic identification filed with the Department is a public record thereby creating a risk of identity theft.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: On July 1, 2004, the Governor signed CS for CS for SB 2994 into law. July 1, 2004, is the effective date of the law. The Department has already begun to initiate rulemaking. On May 14, 2004, the Department published a Notice of Proposed Rule Development in the FAW. On June 2, 2004, the Department held a workshop which included the forms. There is insufficient time to promulgate a permanent rule amendment by July 1, 2004, effective date of the statutory amendments to Chapter 717, Florida Statutes.

SUMMARY OF THE RULE: 69IER04-1, F.A.C.: Sections 717.117(8) and 717.1400, Florida Statutes, require that a Florida private investigator, a Florida accountant or a Florida attorney must be registered with the Department in order to file claims, purchase unclaimed property, receive fee distributions, and obtain social security numbers. The proposed rule incorporates by reference into the Department's rules the application forms in order to register with the Department.

69IER04-2, F.A.C.: The rule amendments incorporate by reference into the Department's rules the full disclosure form.

69IER04-3, F.A.C.: The proposed rule amendment incorporates by reference into the Department's rules the notarized sworn statement.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, Division of Legal Services, Suite 464, The Fletcher Building, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)410-9461

THE FULL TEXT OF THE EMERGENCY RULE IS:

69IER04-1 Registration.

Sections 717.117(8) and 717.1400, Florida Statutes, requires that, in order to file claims as a Claimant's Representative, acquire ownership or entitlement to unclaimed property, and receive a distribution of fees and costs from the Department, private investigators licensed to practice in the State of Florida, certified public accountants licensed to practice in the State of Florida and attorneys licensed to practice in the State of Florida must register with the Department.

(1) To register with the Bureau of Unclaimed Property a private investigator licensed to practice in the State of Florida must file a duly completed and executed, Form DFS-UP-140, Application for Registration as an Unclaimed Property Claimant Representative – Florida Private Investigator, effective July 2, 2004, and must provide the documents specified in the form.

(2) To register with the Bureau of Unclaimed Property a certified public accountant licensed to practice in the State of Florida must file a duly completed and executed, Form DFS-UP-142, Application for Registration as an Unclaimed Property Claimant Representative – Florida Certified Public Accountant, effective July 2, 2004, and must provide the documents specified in the form.

(3) To register with the Bureau of Unclaimed Property an attorney licensed to practice in the State of Florida must file a duly completed and executed, Form DFS-UP-141, Application for Registration as an Unclaimed Property Claimant Representative – Florida Attorney, effective July 2, 2004, and must provide the documents specified in the form.

(4) The forms referred to herein are hereby incorporated by reference and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358.

Specific Authority 717.138 FS, Law Implemented 92.525, 717.124, 717.135, 717.1351, 717.1400 FS, History–New 7-2-04.

69IER04-2 Full Disclosure.

Full disclosure must be provided on a duly completed and executed, Form DFS-UP-143, Unclaimed Property Full Disclosure Form, which is hereby incorporated by reference, effective July 2, 2004. The original disclosure form must be

filed with the Department. The disclosure form and the representation or purchase agreement, which ever is applicable, must be signed on the same day.

Specific Authority 717.138 FS, Law Implemented 717.124, 717.135, 717.1351 FS, History–New 7-2-04.

69IER04-3 Notarized Sworn Statement.

In lieu of filing a copy of a government issued photographic identification with the claim, Form DFS-UP-144, Notarized Sworn Statement of the Claimant, may be filed provided it has been accurately completed in full, executed by the claimant or the seller, which ever is applicable, and the notary. This form is incorporated by reference effective July 2, 2004, and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358. The notarized sworn statement must accurately affirm the identity of the claimant or the seller, which ever is applicable, and must state the person's address.

Specific Authority 717.138 FS, Law Implemented 717.124, 717.12404, 717.1351 FS, History–New 7-2-04.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: July 2, 2004

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on June 30, 2004, South Florida Water Management District (District) received a petition for waiver from Glades County, Application Number 04-0630-1M for issuance of a Modification to Right of Way Occupancy Permit Number 7447, for utilization of Works or Lands of the District known as the C-41 Canal, Glades County, for the proposed improvements to the County's Harney Pond Recreational Park (aka Margaret Van de Velde Park) to include existing docking facilities, a proposed CBS restroom facility and maintenance to existing, previously-authorized facilities within the east right of way of C-41, Glades County, Section 13, Township 40 South, Range 32 East. The petition seeks relief from subsections 40E-6.011(4),(5),(6) and paragraph

40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of above-ground permanent and/or semi-permanent structures 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 ELDER AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Department of Elder Affairs received, on November 3, 2003, a petition from Hospice of Naples, Inc., seeking a waiver from the requirements of paragraph 58A-2.025(10)(a), Florida Administrative Code, regarding the specifications for an emergency standby power system. A notice of receipt of petition for variance/waiver was published on December 12, 2003. On February 27, 2004, an Order was issued granting the Petition.

Copies may be obtained from: Susan Avellone, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000.

NOTICE IS HEREBY GIVEN that the Florida Department of Elder Affairs received, on November 3, 2003, a petition from Hospice of Naples, Inc., seeking a waiver from the requirement to provide corridor access to clean and soiled workrooms under paragraph 58A-2.025(3)(g), Florida Administrative Code. A notice of receipt of petition for variance/waiver was published on November 21, 2003. On February 27, 2004, an Order was issued granting the Petition.

Copies may be obtained from: Susan Avellone, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000.

NOTICE IS HEREBY GIVEN that the Florida Department of Elder Affairs received, on October 8, 2003, a petition from North Central Florida Hospice, Inc., seeking a waiver from various physical plant requirements for new inpatient units and facilities pursuant to Rule 58A-2.025, Florida Administrative Code. A notice of receipt of petition for variance/waiver was published on October 24, 2003. On February 27, 2004, an Order was issued and on May 7, 2004, an Amended Order was issued granting the Petition in part and denying the Petition in part. The amended order cited the lack of jurisdiction to grant a variance from rules promulgated by the National Fire Protection Association as grounds for the partial denial.

Copies may be obtained from: Susan Avellone, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Suite 315, Tallahassee, Florida 32399-7000.

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 behalf of Simin Zarandy, M.D., on July 6, 2004, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to verification of medical school education.

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

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

The Board of Medicine hereby gives notice that it has received a petition filed by Antonio Bruno Martins, M.D., on June 30, 2004, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to verification of medical school education.

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

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

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Maan M. Kattash, M.D. The Notice of Petition for Waiver was published in Volume 30, No. 20, of the May 14, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on May 22, 2004, and the Board considered the Committee's recommendation at its meeting held on June 5-6, 2004, in Tampa, Florida. The Board's Order, filed on June 24, 2004, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of Shahriar Shahzeidi, M.D. The Notice of Petition for Waiver was published in Vol. 30, No. 19, of the May 7, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on May 22, 2004, and the Board considered the Committee's recommendation at its meeting held on June 5-6, 2004, in Tampa, Florida. The Board's Order, filed on June 24, 2004, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-4.009, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver filed on behalf of David Solis, M.D. The Notice of Petition for Waiver was published in Vol. 30, No. 20, of the May 14, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on May 22, 2004, and the Board considered the Committee's recommendation at its meeting held on June 5-6, 2004, in Tampa, Florida. The Board's Order, filed on June 24, 2004, grants the petition for waiver finding that the underlying purpose of the statute, as implemented by Rule 64B8-5.001, F.A.C., has been met and that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

NOTICE IS HEREBY GIVEN that on June 24, 2004, the Department of Health received a petition from Luc Lapierre requesting a variance pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from paragraph 64E-6.010(4)(a), Florida Administrative Code, which requires the contents of any treatment tank, including all chambers of a multi-chambered tank, or pump tank to be removed in their entirety when pumped.

Comments on this petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

A copy of the petition may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has received a Petition for Waiver of subsection 65C-15.010(1), F.A.C. The Petition was received by the Agency Clerk on June 23, 2004, by Community Based Care of Seminole, Inc., assigned Case Nos. 04-002W. Subsection 65C-15.010(1), F.A.C., requires that agencies beginning operation shall have the capital necessary for six-month period of operation.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that on June 15, 2004, the Florida Fish and Wildlife Conservation Commission issued an order denying a request for a temporary variance that was submitted on behalf of Rick Rawlins, Ron Rawlins, and James Hillman on March 30, 2004. The requested variance was for portions of the Volusia County manatee protection rule (Rule 68C-22.012, Florida Administrative Code). A notice of petition was published in the Florida Administrative Weekly (FAW) on April 30, 2004. The Commission received one letter commenting on the variance request. The request for a temporary variance was denied because the Commission determined that the submitted materials failed to demonstrate that the purposes of the underlying Florida Statute, § 370.12(2), would be or have been achieved by other means by the applicant.

Copies of the order may be obtained by contacting: Mr. Scott Calleson, Commission's Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of Legal Services, has received a petition for a waiver of certain requirements in Rule 4-211.042 (renumbered as 69O-211.042), Florida Administrative Code, which requires waiting periods before applicants, who have certain criminal history records, may be licensed as insurance agents. The petition was filed on June 18, 2004, by Natalie Ann Godfrey.

Interested persons may receive a copy of the petition by contacting: R. Terry Butler, Senior Attorney, Room 612, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-4237, butlert@dfs.state.fl.us. Please be sure to include your phone number in case any questions arise concerning your request. Written comments on the petition will

be accepted until 5:00 p.m. on the 14th day after the date this notice is published. Comments should be submitted to Mr. Butler.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The NACW Convention Planning Committee of the Florida **Commission on the Status of Women** will hold a telephone conference to which all interested persons are invited.

DATE AND TIME: July 20, 2004, 3:00 p.m.

PLACE: Call (850)414-3300 for information on participation

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 advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council (AITC)** announces a meeting to which all interested persons are invited.

DATE AND TIME: September 10, 2004, 1:00 p.m. – 4:00 p.m.

PLACE: Wyndham Palace Resort & Spa, Orlando, FL, (407)827-2727

Any questions, please call: Anne Vuxton, (850)410-0935

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: July 24, 2004, 10:00 a.m. – 11:30 a.m.

PLACE: Carribean Salon, Marriott Harbor Beach Resort & Spa, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss current and proposed Council programs and budget issues.

Additional information may be obtained by writing: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

Pursuant to 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 in advance by contacting Ms. O'Neil at the number above.

The Florida **Department of Agriculture and Consumer Services** announces a meeting of the Shrimp Liaison Working Group.

DATE AND TIME: July 28, 2004, 1:00 p.m. – 4:00 p.m.

PLACE: Hilton Tampa Airport Westshore Hotel, 225 North Lois Avenue, Tampa, FL 33609-2232

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss marketing activities of the Florida Wild caught shrimp marketing campaign.

A copy of the agenda can be obtained by contacting: Amanda MacKee, 2051 East Dirac Drive, Tallahassee, FL 32310-3760, (850)488-0163.

DEPARTMENT OF EDUCATION

The **Department of Education, State Board of Education** announces a meeting to which all interested persons are invited to participate.

DATES AND TIME: July 26-30, 2004, 8:00 a.m. – 5:00 p.m.

PLACE: Turlington Building, Room 1703/07, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting to review and evaluate proposals received in response to the Bid No. Request for Proposals 2004-20, Selection of Diagnostic Reading Assessment Instruments for Use in Florida Schools.

To obtain additional information and request an agenda for this meeting, please contact: Dr. Judith Keck, (850)245-0513.

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel; all persons are invited.

Teacher Hearing

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

PLACE: Sheraton Suites Tampa Airport, 4400 W. Cypress Street, Tampa, Florida 33607, (813)873-8675

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Teacher 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, 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 at 711.

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, July 28, 2004, 10:00 a.m. – 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Audit and Finance Committee; Academic and Student Affairs Committee; Strategic Planning Committee.

A copy of the agenda and call-in phone number may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431, (561)297-4030.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD NO. (561)297-2130.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public hearing to receive input from all interested parties on the Low-Income Home Energy Assistance Program (LIHEAP) State Administrative Plan for federal fiscal year (FFY) 2005 to which all interested parties are invited.

PUBLIC HEARING ON THE LIHEAP STATE ADMINISTRATIVE PLAN FOR FFY 2004

DATE AND TIME: August 2, 2004, 9:00 a.m. – 10:00 a.m.

PLACE: Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Conference Room 250L, Tallahassee, Florida 32399-2100, (850)488-7541

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the LIHEAP State Administrative Plan for FFY 2004 which will be submitted to the United States Department of Health and Human Services.

A copy of the state plan and agenda may be obtained by writing: Department of Community Affairs, Susan Lawrence, Planner IV, The Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488, or by appearing in person at the agency headquarters.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will

need a record of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this public hearing because of a disability or physical impairment should contact the community assistance section at (850)488-7541 at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs, Division of Emergency Management** announces the following public meeting:

COMMITTEE: Hurricane Loss Mitigation Program Advisory Council Residential Construction Mitigation Program

DATE AND TIME: July 29, 2004, 9:30 a.m.

PLACE: Florida Department of Community Affairs, Randall Kelley Training Center, Room 305, 2555 Shumard Oak Boulevard, Room 305, Tallahassee, FL 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Hurricane Loss Mitigation Program Advisory Council (RCMP) meeting pursuant to Section 215.559, Florida Statutes. The proposed SFY 2004-05 budget shall be reviewed. Recommendations for proposed projects, in addition to those included in the current project-array, shall be accepted for consideration.

For more information, please contact: Charles McCool, Planning Manager, Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)488-3141.

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 be taped by the Division of Emergency Management.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Charles McCool, Department of Community Affairs, (850) 488-3141, at least ten (10) days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces the following meeting dates, times and places for the Criminal Justice Standards and Training Commission and related meetings:

LXR and Grade Machine Training

DATE AND TIME: Monday, August 2, 2004, 10:00 a.m.

Training Center Directors' Committee Meetings

DATE AND TIME: Tuesday, August 3, 2004, 9:30 a.m.

Training Center Directors' Business Meeting

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

Probable Cause Determination Hearings

DATE AND TIME: Wednesday, August 4, 2004, 8:30 a.m.

Local Item Bank Workshop

DATE AND TIME: Wednesday, August 4, 2004, 10:00 a.m.

Regional Criminal Justice Selection Center Directors' Association

DATE AND TIME: Wednesday, August 4, 2004, 1:00 p.m.

Commission Workshop

DATE AND TIME: Wednesday, August 4, 2004, 2:00 p.m.

CJS&T Commission meeting business agenda

DATE AND TIME: Thursday, August 5, 2004, 8:30 a.m.

Officer Discipline Informal Hearings

DATE AND TIME: Thursday, August 5, 2004, 10:30 a.m.

PLACE: Marriott at Sawgrass Resort, 1000 PGA Tour Boulevard, Ponte Vedra, Florida 32082 (Guestroom Rate: \$80.00 for single or double occupancy; Telephone Number For Hotel Reservations: (904)285-7777, Fax (904)285-0259)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, and certification and recertification of criminal justice training schools. All parties are invited to attend.

COMMISSION MEETING AGENDAS: A copy of the August 2004 Commission Meeting agenda may be obtained by contacting: Donna Hunt, (850)410-8615, e-mail: donnahunt@fdle.state.fl.us. The agenda and Commission issues will be posted to the FDLE website on July 16, 2004, and may be accessed at www.fdle.state.fl.us, (click on Criminal Justice Resource Center, click on "Rules, Policies, and Commission Information, click on "Commission" and then click on "agenda.")

A copy of the Officer Discipline Agenda may be obtained by contacting: Brenda Presnell, (850)410-8648, e-mail: brendapresnell@fdle.state.fl.us. If you wish to write the Commission for a copy of the above meeting agendas, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell. If you wish to write or call for a copy of the Training Center Directors' Association agenda, please write: Training Center Director Association Chairman Edward Mandt, Broward Community College, 3501 S. W. Davie Road, Ft. Lauderdale, Florida 33314, (954)201-6788.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 5 days prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The **Florida Transportation Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: August 12, 2004, 9:30 a.m. – 11:30 a.m.

PLACE: Hyatt Regency Grand Cypress at Orlando, One Grand Cypress Boulevard, Orlando, Florida 32836

GENERAL SUBJECT MATTER TO BE CONSIDERED: Transportation Funding.

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.

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."

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

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

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 030102-WS – Application for authority to transfer Certificate Nos. 620-W and 533-S in Highlands County from The Woodlands of Lake Placid, L. P. to L. P. Utilities Corporation.

DATE AND TIME: August 2, 2004, 1:30 p.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: August 3, 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; 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 to which all interested persons are invited.

DATE AND TIME: August 3, 2004, Immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, 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. 980119-TP – Complaint of Supra Telecommunications and Information Systems, Inc. against BellSouth Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of

disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief.

DATE AND TIME: August 4, 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. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief, 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 July 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).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida announces the annual meeting to which all persons are invited.

DATES AND TIMES: July 22, 2004, 1:00 p.m. – 6:00 p.m.; July 23, 2004, 9:00 a.m. – 1:00 p.m.

PLACE: The Ansin Building, 3250 S. W. 3rd Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business.

A copy of the agenda may be obtained by writing: Gwen Erwin, Volunteer Florida, the Governor's Commission on Volunteerism and Community Service, 401 South Monroe Street, Tallahassee, FL 32301-2034

If you require a reasonable accommodation to participate, please contact: Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Governor's Developmental Disabilities**, Blue Ribbon Task Force announces the following meeting:

DATES AND TIMES: Monday, July 26, 2004, 9:00 a.m. – 5:00 p.m.; Tuesday, July 27, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Ramada Inn North, 2900 N. Monroe Street, Tallahassee Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Kevin Edwards with the Council on Quality and Leadership in Supporting People with Disabilities will be discussing what people expect from services and supports they receive. The members will continue working on a plan of action for expanding and improving inclusive community living options for individual with developmental disabilities; coordinating the provision of transition services statewide for students with developmental disabilities as they leave school and seek employment, postsecondary education, vocational training, programs and/or adult community services; and expanding and improving competitive, integrated employment opportunities for individuals with developmental disabilities.

Public input may be submitted to the task force in a variety of ways. The Agency for Persons with Disabilities website <http://www.dcf.state.fl.us/apd/> has a link where anyone can provide written recommendations or ask questions. Additionally, when you attend any of the meetings, written comments and questions may be submitted. Assistance will be provided at the meetings if accommodations are necessary to provide comments in writing.

If accommodations are needed, please contact Edith Washington, (850)414-6582, prior to July 22 so that arrangements can be made.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, August 5, 2004, 8:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Personnel, Budget and Finance Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 5, 2004, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Transportation and Economic Development Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, August 5, 2004, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation and economic development issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, August 5, 2004, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 21, 2004, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 21, 2004, 12:00 Noon (working lunch)

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: myregion.org Regional Concurrence Committee Meeting

A copy of the agenda may be obtained by writing: Ms. Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751

The **Tampa Bay Local Emergency Planning Committee**, (LEPC), District VIII, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 28, 2004, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council; 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, Ext 33.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, within three working days of the meeting.

The **South Florida Regional Planning Council** announces a meeting of the Executive Committee to which all persons are invited.

DATE AND TIME: Monday, August 2, 2004, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, Florida

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; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Executive Committee meeting on monthly Council business.

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 **Suwannee River Water Management District** announces the following public meeting to which all interested persons are invited.

DATE AND TIME: July 27, 2004, 7:00 p.m.

PLACE: Lee Elementary (Lunchroom), 7731 East US Highway 90, Lee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Receive public comment on the recommended minimum flows and levels (MFLs) for Madison Blue Spring.

A copy of the Draft technical document is available on the District's website (www.mysuwanneeriver.com) or may be obtained by writing: SRWMD, Attn.: David Hornsby, 9225 CR 49, Live Oak, Florida 32060.

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 Madison Blue Spring.

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 this meeting 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 **St. Johns River Water Management District** announces the following meeting which may be attended by one or more Governing Board members. All persons are invited:

AMERICAN WATER RESOURCES ASSOCIATION (AWRA), FLORIDA SECTION

DATES AND TIMES: Thursday, July 29, 2004, 10:00 a.m. through Saturday, July 31, 2004 12:00 Noon

PLACE: Wyndham Casa Marina Resort, 1500 Reynolds Street, Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: This conference will provide a forum for water managers, government officials, industry leaders, environmentalists, farmers, and other interested parties to discuss water supply and water management issues.

NOTE: A copy of the agenda for these meetings may be obtained by writing to AWRA, Florida Section, P. O. Box 186, Palatka, FL 32178 or contacting conference management, (386)329-4214.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate is requested to advise conference management at least 48 hours before the meeting.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited:

NEW BOARD MEMBERS BRIEFING

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

PLACE: SWFWMD, Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Briefing on Land Acquisition and Land Management Program, Mapping and Global Information Systems, and Public and Youth Education.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Tuesday, July 27, 2004, 9:00 a.m.
 PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing.

RULE DEVELOPMENT PUBLIC WORKSHOP
 DATE AND TIME: Tuesday, July 27, 2004, 6:00 p.m.
 PLACE: Webber International University, 1201 North Scenic Highway, Babson Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss development of proposed minimum and guidance levels for Crooked Lake in Polk County.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, July 28, 2004, 9:00 a.m.
 PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

AMERICAN WATER RESOURCES ASSOCIATION MEETING 2004

DATE AND TIME: Thursday, July 29, 2004 through Saturday, July 31, 2004
 PLACE: Wyndham Casa Marina Resort, Key West, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual meeting.
 These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

AGRICULTURAL ADVISORY COMMITTEE
 DATE AND TIME: Friday, July 23, 2004, 1:00 p.m.
 PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community and Legislative Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

ENVIRONMENTAL ADVISORY COMMITTEE
 DATE AND TIME: Monday, July 26, 2004, 4:00 p.m.
 PLACE: Sarasota Service Office, 6750 Fruitville Road, Sarasota, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community and Legislative Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

PUBLIC MEETING – PASCO COUNTY CORRIDORS
 DATE AND TIME: Thursday, July 29, 2004, 9:00 a.m.
 PLACE: Starkey Wilderness Park Education Center, 10500 Wilderness Park Road, New Port Richey, FL 34655
 GENERAL SUBJECT MATTER TO BE DISCUSSED: Pasco County Corridors.

Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agenda for the above meeting may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida), or (352)796-7211, Extension 4604, Fax (352)754-6874, TTD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, July 28, 2004, 9:00 a.m. – 4:00 p.m. or until completed

PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Lower East Coast Regional Water Supply Plan meeting to discuss water issues.

A copy of the agenda may be obtained at the (1) District Website (www.sfwmd.gov/gover/wrac/agendas.html) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-6297, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information please contact: Rick Smith, WRAC Facilitator, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, July 29, 2004, 9:00 a.m.

PLACE: The South Florida Water Management District, Florida Richard Rogers Conference Room, Building B-1, 2nd Floor, 3301 Gun Club Road, West Palm Beach, Florida 33406 (Meet Me No.: (850)488-5778, Suncom 278-5778)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee, created pursuant to Section 373.41492, Florida Statutes, to discuss and approve previous Lake Belt Mitigation meeting minutes and discuss other Committee matters.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 7210, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ruth Clements, Land Acquisition Department or Beth McArdle, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7210, West Palm Beach, FL 33406, (561)682-6172.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces an Ombudsman Committee Meeting to which all persons are invited.

DATE AND TIME: Monday, July 26, 2004, 10:00 a.m. – completion

PLACE: Renaissance Orlando Resort at Sea World, 6677 Sea Harbor Drive, Orlando, FL 32821, (407)351-5555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address regular Committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Quarterly Business Meeting to which all persons are invited.

DATE AND TIME: Monday, July 26, 2004, 1:00 p.m. – completion

PLACE: Renaissance Orlando Resort at Sea World, 6677 Sea Harbor Drive, Orlando, FL 32821, (407)351-5555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address regular Commission business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Conference to which all persons are invited.

DATES AND TIME: Tuesday, July 27, 2004 – Wednesday, July 28, 2004, 9:00 a.m.

PLACE: Renaissance Orlando Resort at Sea World, 6677 Sea Harbor Drive, Orlando, FL 32821, (407)351-5555

For registration information, contact: Erin Schepers, (850)410-5710.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting should contact: Erin Schepers, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Medicaid Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, July 29, 2004, 9:00 a.m. – completion

PLACE: Renaissance Orlando Resort at Sea World, 6677 Sea Harbor Drive, Orlando, FL 32821, (407)351-5555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address regular Committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Business Meeting to which all persons are invited.

DATE AND TIME: Thursday, July 29, 2004, 1:00 p.m. – completion

PLACE: Renaissance Orlando Resort at Sea World, 6677 Sea Harbor Drive, Orlando, FL 32821, (407)351-5555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address Medicaid Non-Emergency Transportation Issues.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact: Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Technology Office** announces a workshop and public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: July 27, 2004, 9:30 a.m.

PLACE: Shared Resource Center (SRC), 2585 Shumard Oak Blvd., Room 124, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Linda Fuchs, State Technology Office, 4030 Esplanade Way, Suite 280, Tallahassee, Florida 32399-0950 or linda.fuchs@myflorida.com.

If a person decided to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure 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 some accommodation at this hearing because of a physical impairment should call the State Technology Office, (850)922-7435, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the State Technology Office by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). The conference call number is (850)921-5400 or Suncom 291-5400.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: July 27, 2004, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: August 2, 2004, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, Telephone Number To Call (850)921-6513, Suncom 291-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners, (850)922-5012, at least forty-eight (48) hours 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 Real Estate Appraisal Board (FREAB)** announces a meeting to which all persons are invited.

DATES AND TIME: Monday, August 2, 2004, 10:00 a.m. or the soonest thereafter; reconvening Tuesday, August 3, 2004, 8:30 a.m.

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions and general subject matter.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Ashley Dashnaw, Regulatory Specialist III, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

The Probable Cause Panel of the Florida **Real Estate Appraisal Board** announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 4, 2004, 10:00 a.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Mobile Home Relocation Corporation** announces a meeting of its Board of Directors to consider mobile home applications for compensation and relocation due to eviction as a result of land use change.

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

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in the use of the land, and such other business as may come before the board. A schedule for the next meeting will be determined.

Additional information may be obtained by contacting: Connie Prince, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317, 1(888)862-7010.

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 Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Thursday, July 29, 2004, 9:00 a.m. or shortly thereafter; Friday July 30, 2004, 9:00 a.m. or shortly thereafter

PLACE: The Omni Jacksonville Hotel, 245 Water Street Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Saturday and Sunday, July 17-18, 2004, 8:00 a.m.

PLACE: The Naples Beach Hotel & Golf Club, 851 Gulf Shore Boulevard, North, Naples, Florida 34102, Meet me Number (239)261-2222

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: Saturday, July 17, 2004, immediately following the Board Meeting

PLACE: The Naples Beach Hotel & Golf Club, 851 Gulf Shore Boulevard, North, Naples, Florida 34102, Meet me Number (239)261-2222

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**, North Probable Cause Panel will hold a duly noticed conference call meeting, to which all persons are invited to attend.

DATE AND TIME: August 9, 2004, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number, (850)921-5470

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 to: 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: August 25 2004, 6:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number, (850)921-6433

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, Board of Pharmacy**, Tripartite Continuing Education Committee announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2004, 11:00 a.m.

PLACE: Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss the criteria for continuing education providers.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Daisy King, Regulatory Supervisor, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Daisy King, (850)245-4291, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, District 14 announces the following meeting to which all persons are invited.

Heart of Florida Community Alliance Monthly Meeting (3rd Wednesday of each month)

DATE AND TIME: Wednesday, July 21, 2004, 3:00 p.m.

PLACE: Polk County Board of County Commissioners, 4th Floor, Board Members Conference Room, 330 W. Church Street, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly meeting of the Heart of Florida Community Alliance. For copies of the agenda, additional information or persons needing special accommodations to participate in the meeting, please contact: Ethel M. Smith, (863)619-4155, 1(800)342-0825 or TDD (863)648-3337.

The Florida **Substance Abuse and Mental Health Corporation**, created by Ch. 2003-279, Laws of Florida, announces a meeting of the Ad Hoc Committee on Behavioral Health Managed Care to which all persons are invited.

DATES AND TIMES: Wednesday, July 21, 2004, 10:00 a.m. – 6:00 p.m.; Thursday, July 22, 2004, 9:00 a.m. – 5:00 p.m.; Friday, July 23, 2004, 9:00 a.m. – 12:00 Noon

PLACE: Wyndham Westshore Hotel, 4860 West Kennedy Blvd., Tampa, Florida 33609

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be a workgroup session to formulate recommendations to the full Corporation on responding to the legislative mandate to analyze the shift to behavioral health managed care for Medicaid beneficiaries and its impact on the publicly funded substance abuse and mental health systems.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Audra Carter seven days prior to the meeting at: Substance Abuse and Mental Health Corporation, Building 1, Room 206B-3, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1575.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a series of public meetings of the Food Shrimp Fishery Disaster Relief Appeals Board, at the following times, dates, and places:

DATE AND TIME: August 2, 2004, 10:30 a.m. – 4:00 p.m.

PLACE: Crown Plaza Tampa at Sabal Park, 10221 Princess Palm Avenue, Tampa, Florida

DATE AND TIME: August 3, 2004, 9:00 a.m. – 4:00 p.m.

PLACE: Crown Plaza – Miami International Airport, 950 N. W. LeJeune Road, Miami, Florida

DATE AND TIME: August 11, 2004, 8:30 a.m. – 4:00 p.m.

PLACE: Courtyard Marriott – Jacksonville International Airport, 14668 Duval Road, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Food Shrimp Fishery Disaster Relief Appeals Board is meeting to consider appeals by persons challenging the Commission's determination of individual relief entitlements in the distribution of federal disaster relief funds for the Florida food shrimp fishery.

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

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The **Fish and Wildlife Conservation Commission** announces a public workshop concerning the live collection marine life fishery, to which all interested persons are invited:

DATE AND TIME: August 4, 2004, 6:00 p.m. – 8:00 p.m.

PLACE: Marathon Government Center, 2798 Overseas Highway, Mile Marker 48.5, Marathon, Florida 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workshop to gather public testimony on a draft rule regarding limited entry options for commercial fishers holding a marine life 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 five calendar days before the workshop/meeting

by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Jessica McCawley, Division of Marine Fisheries, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The **Fish and Wildlife Conservation Commission** announces a public meeting of the Blue Crab Advisory Board, to which all interested persons are invited:

DATES AND TIME: August 12-13, 2004, 8:30 a.m. – 5:00 p.m. each day

PLACE: Hilton-Ocala, 3600 S. W. 36th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Blue Crab Advisory Board of the Fish and Wildlife Conservation Commission will convene to receive the results of workshops seeking comment on development of a blue crab effort management plan. The Board will discuss possible options for such a plan and consider what recommendations to make to the Commission.

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

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

CLERK OF COURT OPERATIONS CORPORATION

The Florida **Clerks of Court Operations Corporation** announces a public teleconference to which all persons are invited to join.

DATE AND TIME: July 20, 2004, 10:00 a.m.

PLACE: Call In: 1(800)977-8002, Code to join the conference: 387276#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the teleconference is to discuss budget issues and the potential contract between the Corporation and the Department of Financial Services.

Information regarding the meeting may be obtained by contacting: John Dew or Judy Zorn, (850)386-2223.

LOCAL GOVERNMENT INVESTMENT TRUST

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: July 23, 2004, 10:30 a.m.

PLACE: Orange County Comptroller's Office, 201 S. Rosalind Ave., Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Trust's Administrator, FACC Service Corporation, (850)921-0808.

COMMISSION ON TOURISM

The **Florida Commission on Tourism** announces a public meeting of the New Product Development Council.

DATE AND TIME: Monday, July 26, 2004, 10:00 a.m. – adjournment

PLACE: Dixie Crossroads Restaurant, 1475 S. Garden Street, Titusville, FL 32796, (321)268-5998

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council orientation meeting for new members.

For further information contact: Jill Rutli, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 347.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

MEDICAL MALPRACTICE UNDERWRITING ASSOCIATION

The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims and Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 27, 2004, 4:00 p.m.

PLACE: Sawgrass Marriott, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308

The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

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

PLACE: Sawgrass Marriott, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager, and such other business properly brought before the Board.

A copy of the agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 28, 2004, 1:30 p.m.

PLACE: SRB, Trustees Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, SRB-CFO, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Barbara Sawyer by Friday, July 23, 2004.

INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a Board telephone conference meeting to which all interested parties are invited to attend.

DATE AND TIME: August 3, 2004, 9:30 a.m. – 11:00 a.m. (Eastern Time) or as soon as business has been concluded

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Insurance Guaranty Association Board will meet to discuss business of the Association.

A copy of the agenda and telephone conference information may be obtained by contacting: Mr. Anthony Grippa, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Mr. Anthony Grippa, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD at 1(800)955-1339.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Acupuncture received a Petition for Declaratory Statement filed on July 1, 2004, from Unity Church in Christ by Reverend Jean de Barbieris Owen and Barbara Butz. Petitioner requests a declaratory statement from the Board regarding Chapter 457, Florida Statutes and Rule 64B1-4.005, Florida Administrative Code, concerning the performance of certain Reiki procedures and if they fall under the definition of acupuncture.

A copy of the Petition for Declaratory Statement may be obtained by writing: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

NOTICE IS HEREBY GIVEN that the Board of Massage Therapy received a Petition for Declaratory Statement filed on July 1, 2004, from Unity Church in Christ by Reverend Jean de Barbieris Owen and Barbara Butz. Petitioner requests a declaratory statement from the Board regarding Section 480.033(3), Florida Statutes, concerning the performance of certain Reiki procedures and if they fall under the definition of Massage.

A copy of the Petition for Declaratory Statement may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

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:

Ocean Properties, Ltd. vs. Public Service Commission; Case No.: 04-2250RX; Rule No.: 25-6.109(4)

Florida Professional Firefighters, Inc. vs. Department of Health; Case No.: 04-2273RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Leon County vs. Department of Environmental Protection and City of Tallahassee; Case No.: 04-0082RP; Rule No.: 62-304.300; Dismissed upon Withdrawal

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

**PUBLIC ANNOUNCEMENT FOR
CONSTRUCTION MANAGEMENT SERVICES**
PROJECT NAME: Kirk Memorial Hall Renovations
PROJECT LOCATION: The Florida School for the Deaf and the Blind, 205 N. San Marco Avenue, St. Augustine, FL 32084-2799

The Florida School for the Deaf and the Blind (FSDB) requests qualifications from construction management firms to provide Construction Management at Risk for renovations to Kirk Memorial Hall, Building #8. Renovations will include a complete HVAC system retrofit, upgrades for ADA compliance, new fire alarm and door security system, installation of fire sprinkler system, update of electrical service distribution panels, installation of emergency messaging system, installation of new audio-visual equipment, and upgrade of auditorium seating. The construction budget for this project is \$3,200,000.

Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Section 255.29(3), F.S., and the procedures and criteria established by the Division of Building Construction.

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, form DBC5085.
3. Resumes of proposed staff and staff organization.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. A description of the applicant's plan for Minority Business Enterprise and Women-Owned Business Enterprise.
6. References from prior clients received within the last five years.

Submit four (4) copies of application to: The Florida School for the Deaf and the Blind, Attn. Mr. John Connor, Purchasing Director, Building #28 Stores/Receiving, 207 North San Marco Avenue, St. Augustine, FL 32084-2799.

For further information, contact: Lloyd Jenkins, Project Manager, (904)827-2363.

Response Due Date: August 20, 2004, no later than 3:00 p.m.

Firms will be short-listed on September 2, 2004. Following the short-list selection, a Pre-interview workshop will be held on September 8, 2004 at 9:00 a.m. for all short-listed firms. Interviews will be conducted on September 22, 2004. A final selection will be made after the interviews have taken place.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building #28 Stores/Receiving, St. Augustine, FL and can be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after each selection. Any protest of the

selections must be made within 72 hours of the postings. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the Florida Administrative Weekly.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

INVITATION TO NEGOTIATE

The Florida Prepaid College Board is accepting proposals in response to an Invitation to Negotiate, ITN #04-02, to obtain proposals from firms qualified to provide Investment Consultant Services for the Florida Prepaid College Plan and the Florida College Savings Plan.

Copies of the Invitation to Negotiate, ITN #04-02, are available on or after July 16, 2004, by submitting a written request to: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, Fax (850)488-3555. All information received in regard to this ITN must be sent to the above named address.

There is no bidder's conference. Only written inquiries concerning the ITN will be accepted. No written inquiries will be accepted after 5:00 p.m., Eastern Time, July 30, 2004. The original unbound copy and five (5) copies of each response to the ITN must be received by 12 Noon, Eastern Time, August 17, 2004, at the Florida Prepaid College Board, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308. Proposals must be submitted in full accordance with the requirements and mandatory criteria of the ITN.

The Board reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State. Certified Minority Business Enterprises are encouraged to participate.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the bid opening because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the bid opening.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR CONTINUING AREA CONTRACTS AREA 2

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction requests qualifications from Architectural firms to provide services in Area 2, counties of Dixie, Franklin, Gadsden, Hamilton, Jefferson, Lafayette, Leon, Liberty, Madison, Suwannee, Taylor, Wakulla, and other counties as may be determined necessary by the owner.

For details please visit the Department’s website listed below and click on “Search Advertisements – Division of Facilities Management and Building Construction.” http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FISH AND WILDLIFE CONSERVATION COMMISSION

REQUEST FOR PROPOSAL

Florida Fish and Wildlife Conservation Commission requests Competitive sealed request for proposal will be received by the Purchasing Office until the time and date shown for the following:

*****THIS RPF HAS BEEN CANCELED UNTIL FURTHER NOTICE*****

DATE AND TIME: August 10, 2004, 2:30 p.m.
 PRE-PROPOSAL CONFERENCE: JULY 21, 2004, 10:00 a.m.
 PROPOSAL NO.: RFP 04/05-02
 PROPOSAL TITLE: LEASING OF BUILDING IN PORT CHARLOTTE FLORIDA

*****THIS RPF HAS BEEN CANCELED UNTIL FURTHER NOTICE*****

Proposals are requested from responsible developers interested in developing a site and building, containing 6600 net rentable square feet (3600 office/3000 warehouse), for the purpose of leasing the building and its site to the State of Florida.

The site of the building which is to be located in the Port Charlotte, FL area between:

- Northern limit – I-75 exit 179 (Toledo Blade Blvd exit)
- Eastern limit – I-75 (location should be west of I-75)
- Southern limit – I-75 exit 158 (Tuckers Grade exit)
- Western limit – Toledo Blade Blvd./Flamingo Blvd

All program requirements and instructions shall be furnished to all interested developers at a pre-proposal conference to be held at 10:00 a.m., EDT on July 21, 2004, at 1481 Market Circle Unit 1, Pt Charlotte, Florida, between the State of Florida and interested developers. The building is to be used as office and warehouse space.

If you have any question please contact Philip Stevens, (941)255-7403 between 9:00 a.m. and 4:00 p.m., Monday through Friday.

To receive a copy of the Proposal contact Philip Stevens, (941)255-7403, Charlie Miller, (850)488-7345, or the Purchasing Office by Fax (850)921-2500.

PROPOSAL OPENING LOCATION

The public opening of this REQUEST FOR PROPOSAL will be conducted at 2:30 p.m., Eastern Daylight Time, AUGUST 10, 2004, at the Florida Fish and Wildlife Conservation Commission, Purchasing Room 364, 620 South Meridian Street, Tallahassee, Florida 32399-1600. PROPOSALS RECEIVED AFTER DATE AND TIME SPECIFIED WILL BE REJECTED.

MAILING INSTRUCTIONS

All proposals shall be submitted in a SEALED ENVELOPE addressed to the Florida Fish and Wildlife Conservation Commission, Room 364, 620 South Meridian Street, Tallahassee, Florida 32399-1600. THE ENVELOPE SHALL BE PLAINLY MARKED ON THE OUTSIDE WITH: PROPOSAL NUMBER, DATE AND TIME OF THE PROPOSAL OPENING. THE COMMISSION IS NOT RESPONSIBLE FOR THE OPENING OF ANY ENVELOPES THAT ARE NOT PROPERLY MARKED.

The Commission reserves the right to reject any and all bid/proposals.

CITY OF OCALA

City of Ocala – RFP 178 – Downtown Redevelopment of the Chamber of Commerce, Library, and Sprint Sites

The City of Ocala is seeking proposals from qualified developers to demolish several existing structures and design, construct and own or market the sale or lease of one or a combination of three mixed-use developments, a total of 3.38 acres in Downtown Ocala. The total estimated development cost is \$20,000,000. The redevelopment of these three catalytic sites is essential in strengthening the Downtown as the regional hub of economic activity, culture, civic identity and distinct urban experiences for North Central Florida.

Developers may submit proposals for a combination of projects but must price each project separately. The RFP requires the developer to specify the type and level of incentives requested (if any), and advises that the City is not necessarily committed to providing incentives. The City is

willing to alter the program for site development if it is determined to be necessary or desirable, but the overall project scope should not change.

A Mandatory Pre-Proposal Conference will be held at the Central Purchasing Department, 2100 N. E. 30th Avenue, Ocala, Florida at 2:00 p.m. (EST) on Wednesday, August 11, 2004. One (1) original and eleven (11) copies of the Proposal (a total of twelve), identified as "Response to the Downtown Redevelopment Project "Chamber of Commerce, Library, and Sprint Sites" RFP #178 must be submitted in a sealed envelope and received by 2:00 p.m. (EST) on Wednesday, September 8, 2004.

Detailed submission guidelines and requirements are outlined in the RFP, which is available at www.ocalafl.org/purchasing/BidProcessing or by contacting W. Darryl Muse, Purchasing Director, City of Ocala, 2100 N. E. 30th Avenue, Ocala, Florida 34470, (352)351-6700.

Section XII Miscellaneous

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 ELDER AFFAIRS

The Area Agency on Aging for North Florida, Inc. (AAANF) is accepting comments on the development of its 2005 Area Plan on Aging following two public hearings held in Chipley and Monticello on July 13, 2004 and July 14, 2004, respectively. In particular, the Agency is interested in receiving comments related to the Area Agency on Aging's provision of direct services to elders and their caregivers through its Family Caregiver Support Initiative and Health and Wellness program. Documents from the Public Hearings are available by contacting: AAANF, (850)488-0055.

Comments may be submitted to: Janice D. Wise, Executive Director, 2414 Mahan Drive, Tallahassee, Florida 32308.

Deadline for consideration of comments on our Area Plan is Friday, August 6, 2004.

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: Citrus Service District: 3
CON # 9781 Decision Date: 6/15/2004 Decision: W
Facility/Project: Hernando Pasco Hospice, Inc.
Applicant: Hernando Pasco Hospice, Inc.
Project Description: Establish a hospice program

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE OF THE AVAILABILITY OF THE 2004-2005 TRAUMA CENTER LETTER OF INTENT PACKAGE

NAME OF AGENCY: Department of Health (DH)
PACKAGE TITLE: Florida Trauma Center Letter of Intent Package

PURPOSE AND EFFECT: DH is mandated by Section 395.4025(2)(a), Florida Statutes, to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a trauma center.

ELIGIBILITY: Florida licensed acute care hospitals are eligible to apply.

AUTHORITY: Section 395.4025(2)(a), Florida Statutes.

In accordance with Chapter 395.4025(14), Florida Statutes, only hospitals located in trauma service areas where there is not an existing trauma center may apply until the department has conducted the review provided under Section 395.402, Florida Statutes.

TO OBTAIN A PACKAGE: You may request a Letter of Intent package by telephone, fax, or mail, or in person.

Telephone: (850)245-4440 or Suncom 205-4440; Fax (850)488-2512

Mail request to, or pick up in person at, Florida Department of Health, Division of Emergency Operations, Office of Trauma, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738.

DEADLINE: Letters of Intent must be postmarked between September 1, 2004, and midnight, October 1, 2004.

CONTACTS: Bernadette Behmke or Susan McDevitt, (850)245-4440 or Suncom 205-4440.

P.O. # B00829

On July 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 John Chapman, R.N., license number RN 3240242. 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 July 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 Juan Raul Rivera L.P.N., license number PN 1349621. 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 July 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 Eileen C. Quinn R.N., license number RN 1375762. 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 July 2, 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 Charles Crosby, D.O., license number OS 7061. 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.

Request for Public Comments on Florida's WIC Program
The WIC Program (the Special Supplemental Nutrition Program for Women, Infants, and Children) is soliciting comments and suggestions about its program and how service delivery can be improved to better meet the clients' needs. WIC is federally funded by the United States Department of Agriculture, and serves low- and moderate-income pregnant, breastfeeding, and postpartum women; infants; and children up to age 5. The program provides a combination of nutritious foods, nutrition education, breastfeeding support, and referrals for health care. WIC is available in all 67 counties in Florida. If you have any comments or suggestions, please direct them to: Cheryl Miller, Department of Health, WIC and Nutrition Services, Bin #A16, 4052 Bald Cypress Way, Tallahassee, FL 32399-1726, Fax (850)922-3936.

Your feedback is essential and is appreciated before August 15, 2004. WIC is an equal opportunity provider.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

**AVAILABILITY OF GRANT FUNDS
FOR LOCAL GOVERNMENTS**

The Florida Fish and Wildlife Conservation Commission is accepting applications for grant funding through the Boating Infrastructure Grant Program for fiscal year 2004-2005. The deadline for receiving applications is 3:00 p.m., Monday, August 30, 2004. Applications received after the deadline will be ineligible for consideration. Projects selected for funding have approximately one year for completion.

A copy of the application and procedure guide may be downloaded from the web site: <http://myfwc.com/boating/grants/bigp.htm>. For more information, send email to bigp@fwc.state.fl.us, or phone (850)488-5600.

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 Rule 3C-105.100, 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., August 6, 2004):

APPLICATION TO MERGE

Constituent Institutions: Capital City Bank, Tallahassee, Florida, and Farmers and Merchants Bank, Dublin, Georgia
Resulting Institution: Capital City Bank, Tallahassee, Florida
Received: July 2, 2004

**REQUEST FOR CORPORATE NAME APPROVAL
BY A NON-FINANCIAL INSTITUTION**

Notice is hereby given that the Office of Financial Regulation has received the following request for corporate name approval by a non-financial institution. Comments may be submitted to the Director, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record. Any comments submitted must be received by the Office within twenty-one (21) days from publication of this notice (by 5:00 p.m., August 6, 2004):

Applicant: June E. Benning, President, Bankers Mortgage, Inc., 2350 Arlington Ridge Road, Arlington, Virginia 22202
Proposed Name: Bankers Mortgage of Florida, Inc.

Received: July 2, 2004

The Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at http://www.dbf.state.fl.us/banking/cu_expansion.html.

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Miami Postal Service Credit Union, 2190 N. W. 72 Avenue, Miami, Florida 33122

Expansion Includes: Select Employee Group

Received: July 6, 2004

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN June 28, 2004
 and July 2, 2004

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION
State Board of Education

6A-1.0014	6/30/04	7/20/04	30/20	
6A-1.094221	6/30/04	7/20/04	30/20	
6A-14.024	6/30/04	7/20/04	30/20	
6A-14.026	6/30/04	7/20/04	30/20	
6A-14.029	6/30/04	7/20/04	30/20	
6A-14.030	6/30/04	7/20/04	30/20	
6A-14.0301	6/30/04	7/20/04	30/20	
6A-14.041	6/30/04	7/20/04	30/20	
6A-14.0411	6/30/04	7/20/04	30/20	
6A-14.047	6/30/04	7/20/04	30/20	
6A-14.0491	6/30/04	7/20/04	30/20	
6A-14.054	6/30/04	7/20/04	30/20	
6A-14.0541	6/30/04	7/20/04	30/20	
6A-14.057	6/30/04	7/20/04	30/20	
6A-14.060	6/30/04	7/20/04	30/20	
6A-14.0716	6/30/04	7/20/04	30/20	
6A-14.072	6/30/04	7/20/04	30/20	
6A-14.0734	6/30/04	7/20/04	30/20	
6A-14.075	6/30/04	7/20/04	30/20	
6A-14.0765	6/30/04	7/20/04	30/20	
6A-14.077	6/30/04	7/20/04	30/20	

University of Florida

6C1-1.015	6/30/04	7/20/04	Newspaper	
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Commission for Independent Education

6E-1.003	6/30/04	7/20/04	30/19	
6E-2.004	6/30/04	7/20/04	30/19	
6E-2.0061	6/30/04	7/20/04	30/19	

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

40D-1.002	6/30/04	7/20/04	30/21	
40D-1.1002	6/30/04	7/20/04	30/21	
40D-9.021	6/30/04	7/20/04	30/22	
40D-9.091	6/30/04	7/20/04	30/22	
40D-9.101	6/30/04	7/20/04	30/22	
40D-9.110	6/30/04	7/20/04	30/22	
40D-9.111	6/30/04	7/20/04	30/22	
40D-9.120	6/30/04	7/20/04	30/22	
40D-9.130	6/30/04	7/20/04	30/22	
40D-9.131	6/30/04	7/20/04	30/22	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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40D-9.140	6/30/04	7/20/04	30/22	
40D-9.150	6/30/04	7/20/04	30/22	
40D-9.160	6/30/04	7/20/04	30/22	
40D-9.170	6/30/04	7/20/04	30/22	
40D-9.171	6/30/04	7/20/04	30/22	
40D-9.180	6/30/04	7/20/04	30/22	
40D-9.181	6/30/04	7/20/04	30/22	
40D-9.190	6/30/04	7/20/04	30/22	
40D-9.191	6/30/04	7/20/04	30/22	
40D-9.192	6/30/04	7/20/04	30/22	
40D-9.200	6/30/04	7/20/04	30/22	
40D-9.210	6/30/04	7/20/04	30/22	
40D-9.220	6/30/04	7/20/04	30/22	
40D-9.230	6/30/04	7/20/04	30/22	
40D-9.231	6/30/04	7/20/04	30/22	
40D-9.240	6/30/04	7/20/04	30/22	
40D-9.250	6/30/04	7/20/04	30/22	
40D-9.260	6/30/04	7/20/04	30/22	
40D-9.270	6/30/04	7/20/04	30/22	
40D-9.280	6/30/04	7/20/04	30/22	
40D-9.290	6/30/04	7/20/04	30/22	
40D-9.300	6/30/04	7/20/04	30/22	
40D-9.310	6/30/04	7/20/04	30/22	
40D-9.320	6/30/04	7/20/04	30/22	
40D-9.330	6/30/04	7/20/04	30/22	

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-6.010	7/1/04	7/21/04	30/22	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-302.530	6/29/04	7/19/04	29/12	
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DEPARTMENT OF HEALTH
Board of Acupuncture

64B1-3.004	6/29/04	7/19/04	30/14	
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Board of Clinical Laboratory Personnel

64B3-3.003	6/28/04	7/18/04	30/22	
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DEPARTMENT OF FINANCIAL SERVICES
Division of Insurance Agents and Agency Services

69B-211.042	7/1/04	7/21/04	30/22	
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Division of Workers' Compensation

69L-6.024	7/1/04	7/21/04	30/22	
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