

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Library and Information Services

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

PURPOSE AND EFFECT: The purpose of this amendment is to add a Community Libraries in Caring grant program. Guidelines for this grant program are outlined in the application packet that contains information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures and application forms.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Community Libraries In Caring grant program administered by the Division of Library and Information Services.

SPECIFIC AUTHORITY: 257.14, 257.15, 257.193 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.193 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 (The hearing must be requested in writing by 5:00 p.m., Eastern Time, Tuesday, August 24, 2003. If not requested, this hearing will not be held.):

TIME AND DATE: 9:00 a.m., Wednesday, September 1, 2004

PLACE: Archives Conference Room, First Floor, State Library and Archives of Florida, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Judith A. Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Specific Exemptions	12A-1.001
Charges by Dealers Who Adjust, Apply, Alter, Install, Maintain, Remodel, or Repair Tangible Personal Property	12A-1.006
Sales by Architects, Interior Designers, and Interior Decorators	12A-1.0515

PURPOSE AND EFFECT: The purpose of the amendments to Rule 12A-1.001, F.A.C. (Specific Exemptions), and to Rule 12A-1.006, F.A.C. (Charges by Dealers Who Adjust, Apply, Alter, Install, Maintain, Remodel, or Repair Tangible Personal Property), is to remove guidelines regarding the taxability of fees charged by interior decorators or designers and the taxability of sales of tangible personal property that will be provided in Rule 12A-1.0515, F.A.C., as created.

The purpose of the creation of Rule 12A-1.0515, F.A.C. (Sales by Architects, Interior Designers, and Interior Decorators), is to provide guidelines to architects, interior designers, and interior decorators regarding fees charged for services rendered, for sales of tangible personal property in conjunction with services rendered, and for the performance of real property improvement contracts, including mixed contracts for tangible personal property and improvements to real property. The proposed new rule: (1) defines, for purposes of the rule, the terms “architect,” “interior designer,” and “interior decorator”; (2) provides guidelines and establishes criteria for when fees charged by an architect, interior designer, or interior decorator for rendering services are not in conjunction with the sale of tangible personal property and not subject to tax; (3) provides guidelines for when an architect, interior designer, or interior decorator is required to collect tax on sales of tangible personal property, including services rendered in conjunction with the sale of such property; (4) provides that the total sales price subject to tax includes separately itemized charges or fees and provides examples of such taxable charges or fees; (5) provides guidelines regarding trade discounts received by an architect, interior designer, or interior decorator; (6) provides that sales of three-dimensional scale, working, or other models are subject to tax when title or possession is transferred to the client; (7) provides that models used to illustrate design concepts to a client without actual transfer of the model to the client are not sales of tangible personal property to the client; (8) provides that an architect, interior designer, or interior decorator who sells tangible personal property is required to register with the Department as a dealer; (9) defines the term “improvement to realty” and provides guidelines for the taxability of contracts for improvements to realty, including when an architect, interior designer, or interior decorator is required to pay sales or use tax on items used in the performance of such contracts; (10) provides guidelines for the taxability of mixed contracts for tangible personal property and improvements to realty; and (11) provides recordkeeping requirements, including records required to be maintained by an architect, interior designer, or interior decorator to establish the taxability of services rendered, sales of tangible personal property, and purchases of property used in the performance of their services.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed guidelines provided to architects, interior designers, and interior decorators regarding the

application of tax to their services, their sales of tangible personal property, and the performance of real property contracts, including mixed contracts for tangible personal property and for improvements to real property.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(4),(10),(12),(13),(14)(a),(15), (16),(17),(19),(20),(21), 212.05, 212.06(1),(2), (5)(a)1.,(14), 212.07(1), 212.08(6), (7)(f),(h),(q),(v),(x),(cc), 212.13(1), (2),(3), 212.18(3), 212.21(2) FS.

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

TIME AND DATE: 2:00 p.m., August 24, 2004

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

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-1.001 Specific Exemptions.

(1) No change.

(2) STENOGRAPHERS SERVICE TRANSACTIONS.

~~(a)1. An interior decorator's fee is taxable as part of the selling price under Section 212.02(16), F.S., or as a part of the cost price under Section 212.02(4), F.S., and cannot be exempted as a professional or personal service charge when the transaction involves the sale of tangible personal property. This is true when the fee is paid in the form of a trade discount, as is the case when a supplier grants the decorator a trade discount and the decorator in turn bills the client for the full list price. The decorator fee is also taxable when it appears as an amount added to the decorator's cost when billed to the client for tangible personal property on a cost plus basis.~~

~~2. If the decorator's fee is solely for designing the interior and exterior decorative scheme or for advising his clients and recommending colors, paints, wallpaper, fabrics, brands, sources of supply, etc., and there is no sale of tangible personal property involved, then such fee would be exempt as a professional or personal service transaction.~~

~~3. In some instances, the decorator may receive a fixed sum, which is not in any way contingent upon the sale of tangible personal property to the same client. In such cases the decorator's fee cannot be considered as a part of the selling price of the property sold because there is no connection between the transactions.~~

~~4. If the decorator's client reimburses the decorator for the payroll cost of personnel on the decorator's payroll assigned to a specific project, the duties performed by such employees will~~

~~determine whether or not this item is taxable. For example, if these employees were engaged in painting murals on walls, etc., the charge made for their services is exempt, whereas, if these employees fabricate tangible personal property such as making bedspreads or draperies then the charge for their labor is taxable.~~

~~(b) When an architect or engineer furnishes his client or customer with a scale, working, or other model the total amount he charges his customer therefor is taxable. This constitutes the sale of tangible personal property and is not exempt as an inconsequential element of a personal service transaction.~~

(c) No change.

(3) through (6) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10),(12),(16),(20),(21), 212.05, 212.08(6),(7)(f),(h),(q),(v),(x),(cc) FS. History-Revised 1-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 12-11-74, 5-27-75, 10-21-75, 9-7-78, 9-28-78, 10-18-78, 9-16-79, 2-3-80, 6-3-80, 7-7-80, 10-29-81, 12-3-81, 12-31-81, 7-20-82, 11-15-82, 10-13-83, 4-12-84, Formerly 12A-1.01, Amended 7-9-86, 1-2-89, 12-1-89, 7-7-92, 9-14-93, 5-18-94, 12-13-94, 3-20-96, 4-2-00, 6-28-00, 6-19-01, 10-2-01(1), (2), 10-2-01(2)-(7), 10-2-01(3)-(7), 8-1-02, _____.

12A-1.006 Charges by Dealers Who Adjust, Apply, Alter, Install, Maintain, Remodel, or Repair Tangible Personal Property.

(1) through (11) No change.

~~(12) Charges by an interior decorator are exempt when no materials or supplies are used.~~

(13) through (18) renumbered (12) through (17) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4),(15),(16),(17),(20), 212.05(1), 212.06(1),(2),(5)(a)1., 212.08(7)(v), 212.21(2) FS. History-Revised 10-7-68, 6-16-72, 12-11-74, 12-31-81, Formerly 12A-1.06, Amended 7-7-92, 10-17-94, _____.

12A-1.0515 Sales by Architects, Interior Designers, and Interior Decorators.

(1) SCOPE. This rule is intended to clarify the application of tax to services performed by architects, interior designers, and interior decorators. This rule is also intended to clarify how tax applies to sales of tangible personal property, services that are included in the sales price of tangible personal property, the performance of real property contracts by such persons, and mixed contracts for tangible personal property and for the improvement of real property.

(2) DEFINITIONS. For purposes of this rule, the following terms are defined:

(a)1. "Architect" means any person required to be licensed with the Department of Business and Professional Regulation, as provided in Part I, Chapter 481, F.S., to engage in the practice of "architecture." "Architecture," as defined in Section 481.203(6), F.S., means the rendering or offering to render services in connection with the design and construction of a structure or structures which have as their principal purpose

human habitation or use, and the use of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.

2. "Architects" licensed with the Department of Business and Professional Regulation may practice "interior design."

(b) "Interior designer" means any person who is required to be licensed with the Department of Business and Professional Regulation to practice interior design, as provided in Part I, Chapter 481, F.S. "Interior design," as defined in Section 481.203(8), F.S., means designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural elements of a building or structure. Examples of interior design are reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings.

(c) "Interior decorator" means any person who performs interior decorator services. "Interior decorator services," as defined in Section 481.203(15), F.S., includes the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings not subject to regulation under applicable building codes.

(3) FEES CHARGED FOR SERVICES RENDERED.

(a) Fees charged by an architect, interior designer, or interior decorator for rendering services described under the licensing provisions of Chapter 481, F.S., are not subject to tax when no sale of tangible personal property occurs in conjunction with the services rendered. Structural plans, study designs, drawings, blueprints, or specifications furnished by the architect, interior designer, or interior decorator are provided as a part of the services rendered.

(b) Fees charged by an architect, interior designer, or interior decorator to his or her client are solely for services rendered and not in conjunction with the sale of tangible personal property to the client when all of the following conditions are met:

1. The fee is allocated in the contract to architecture, interior design, or interior decorator services;

2. The client is not obligated to purchase tangible personal property from the architect, interior designer, or interior decorator;

3. The architect, interior designer, or interior decorator does not transfer to the client title or possession of any tangible personal property that the architect, interior designer, or interior decorator designs or creates specifically for the client as part of the services rendered;

4. The client is obligated to pay the architecture, interior design, or interior decorator service fee regardless of whether the client purchases any tangible personal property from the architect, interior designer, or interior decorator under the contract;

5. The amount of the fee for architecture, interior design, or interior decorator services is not contingent upon whether the client purchases any tangible personal property from the architect, interior designer, or interior decorator or upon the sales price of any tangible personal property the client purchases from the architect, interior designer, or interior decorator;

6. The contract provides for separate pricing of any tangible personal property that may be purchased by the client from the architect, interior designer, or interior decorator; and

7. The fee for architecture, interior design, or interior decorator services is separately stated from the sales price of any tangible personal property on bills, statements, or invoices issued to the client for the property.

(4) FEES FOR SERVICES RENDERED IN CONJUNCTION WITH SALES OF TANGIBLE PERSONAL PROPERTY.

(a) Architects, interior designers, and interior decorators are required to collect tax on the total sales price charged to the client on any sale of tangible personal property that does not become a part of real property.

(b) Fees charged by architects, interior designers, or interior decorators in conjunction with the sale of tangible personal property are a part of the total sales prices for the tangible personal property and are subject to tax.

(c) The total sales price of tangible personal property includes any separately itemized charges or fees for:

1. The cost of the property;

2. The design or creation of the property;

3. The cost of materials and supplies used in providing or installing the property;

4. The cost of labor or other services to deliver and install the property;

5. The recovery of losses incurred;

6. Any expenses incurred in providing the property to the client; and

7. Any profit or markup over the architect's, interior designer's, or interior decorator's costs or expenses factored into the price to the client.

(d) Trade discounts received by the architects, interior designers, or interior decorators from suppliers of tangible personal property that are not passed on to the client do not reduce the taxable sales price of the property sold to the client.

(e) Any person who provides a three-dimensional scale, working, or other model as part of his or her services to a client is selling tangible personal property and is required to collect tax on the total sales price charged to the client, as provided in paragraph (c). This paragraph applies only if title or possession of the scale, working, or other model is transferred to the client and does not apply to models used to illustrate design concepts to a client without actual transfer of the model to the client.

(f) Architects, interior designers, and interior decorators that sell tangible personal property to their clients are required to register as dealers with the Department to collect and report sales and use tax. (See Rule 12A-1.060, F.A.C.) Registered dealers who sell tangible personal property may extend a copy of their Annual Resale Certificate to purchase items tax-exempt for purposes of resale to their clients and collect tax on the total sales price to the client.

(5) IMPROVEMENTS TO REAL PROPERTY.

(a) For purposes of this rule, "improvement to real property" includes the activities of building, erecting, constructing, altering, improving, repairing, or maintaining real property.

(b) Any person who enters into a contract for the improvement to real property is generally the ultimate consumer of materials and supplies used to perform such improvement to real property. However, when a contractor enters into a "retail sale plus installation contract," the contractor, including architects, interior designers, or interior decorators, is selling tangible personal property to the client.

(c) A "retail sale plus installation contract" is a contract in which the contractor agrees to sell specifically described and itemized materials and supplies at an agreed price or at the regular retail price and to complete the work either for an additional agreed price or on the basis of time consumed. All the materials must be itemized in the contract before the work begins. The provisions of this rule do not apply to retail sale plus installation contracts. Guidelines for such contracts are provided in paragraph (3)(d) of Rule 12A-1.051, F.A.C.

(d) When architects, interior designers, or interior decorators enter into contracts with their clients to furnish and install tangible personal property that becomes a part of real property, no tax is due on the contract price charged to the client. The architect, interior designer, or interior decorator is required to:

1. Pay sales or use tax on all tangible personal property the architect, interior designer, or interior decorator purchases to be incorporated into a real property improvement; and

2. Pay tax on the cost of all materials the architect, interior designer, or interior decorator fabricates for use in performing such contracts, as provided in Rule 12A-1.043, F.A.C.

(e) Architects, interior designers, and interior decorators are permitted to extend a copy of their Annual Resale Certificates to selling dealers to purchase items of tangible personal property that the architect, interior designer, or

interior decorator will incorporate into real property tax-exempt when the applicable tax, as provided in paragraph (d), is paid directly to the Department.

(f) When the architect, interior designer, or interior decorator uses subcontractors to install tangible personal property that becomes a part of realty, the subcontractor is responsible for paying the applicable tax due on the materials and supplies purchased by the subcontractor and used in installing the items. When the architect, interior designer, or interior decorator furnishes items, materials, and supplies to the subcontractor for installation, the architect, interior designer, or interior decorator is required to pay tax on the items purchased and provided to the subcontractor.

(6) MIXED CONTRACTS.

(a)1. For the purposes of this rule, a "mixed contract" is a contract that includes both real property work and tangible personal property. A mixed contract is one that involves a real property improvement and also involves providing tangible personal property that remains tangible personal property and does not become a part of real property.

2. Taxability of a mixed contract depends on the predominant nature of the work performed under the contract and upon the contract terms. The determination of the predominant nature of a contract will depend upon the facts and circumstances of each case. Consideration will be given to the description of the project and the responsibilities of the architect, interior designer, or interior decorator as set forth in the contract. Consideration will also be given to the relative cost of performance of the real property and tangible personal property components of the contract.

(b)1. When a mixed contract clearly allocates the contract price among the various elements of the contract, and such allocation is bona fide and reasonable in terms of the costs of materials and nature of the work to be performed, taxation will be in accordance with the allocation. The elements of the contract that remain tangible personal property when installed will be treated as sales of tangible personal property. The elements of the contract that constitute improvements to real property will be treated as improvements to real property.

2. For example, an interior designer contracts to design the interior elements of a residence. The contract provides for separately stated prices for the installation of flooring, lighting, cabinetry, and other fixtures to be installed in the residence and for approved furnishings and accessories. The furniture and accessories remain tangible personal property. However, the flooring, lighting, cabinetry, and other fixtures become realty when installed. The interior designer may purchase the furniture and accessories tax-exempt at the time of purchase by issuing a copy of its Annual Resale Certificate to the selling dealer and collect tax on the total sales price of the items charged to the client. The interior designer is required to pay tax on all the materials and supplies used to install the flooring,

lighting, cabinetry, and other fixtures within the residence, and no tax should be charged to the client on the price of those portions of the contract.

(c) When the predominant nature of a mixed contract is a contract for improvements to real property and the contract does not allocate the purchase price as provided in paragraph (b), taxability will be determined as if the contract were entirely for improvements to real property, as provided in subsection (5).

(d) When the predominant nature of a mixed contract between an architect, interior designer, or interior decorator and the client is a contract for sales of tangible personal property and the contract does not allocate the purchase price as provided in paragraph (b), taxability of purchases and sales of tangible personal property by the architect, interior designer, or interior decorator will be determined entirely as sales of tangible personal property to the client, as provided in subsection (4).

(e) If an architect, interior designer, or interior decorator hires a subcontractor to provide a real property fixture or improvement, that subcontractor is required to pay tax on the subcontractor's purchases of tangible personal property incorporated into the improvement regardless of the predominant nature of the prime contract between the architect, interior designer, or interior decorator and the client.

(7) RECORDKEEPING REQUIREMENTS.

(a) Architects, interior designers, and interior decorators who provide architecture, interior design, or interior decorator services and make sales of tangible personal property that are not in conjunction with services rendered to the same client must maintain copies of contracts, agreements, billings, invoices, and other documentation necessary to evidence that the charges for services rendered are not in conjunction with the sale of the property to the client. Architects, interior designers, and interior decorators must also maintain adequate records to establish the taxability of their services rendered, sales of tangible personal property, and purchases of property used in the performance of their services or in performance of contracts for improvement to real property until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S. Upon request, records must be made available to the Department.

(b) Electronic storage by the architect, interior designer, or interior decorator of required documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Cross Reference: Rule 12A-1.012, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(h),(12),(13),(14)(a),(15)(a),(16),(19),(20),(21), 212.05, 212.06(14), 212.07(1), 212.13(1),(2),(3), 212.18(3) FS. History—New _____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:

RULE NOS.:

Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12A-19.070
Department of Revenue Electronic Database	12A-19.071
Certification of Service Address Databases	12A-19.072
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12A-19.073
Public Use Forms	12A-19.100

PURPOSE AND EFFECT: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these proposed rules ensures the following: (1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; (2) that the procedures for the Department and local governments to maintain the accuracy of the database on an on-going basis are available; (3) that the procedures for application for certification by the Department of databases used by communications services tax dealers are available; and (4) that interested parties are aware that the applicable forms have been incorporated into Rule 12A-19.100, F.A.C.

The purpose of the proposed creation of Rule 12A-19.070, F.A.C. (Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods), is to provide guidelines on: (1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; (2) the use of certain databases to avoid liability for errors in customer service address assignments; (3) the due diligence standard applicable to dealers using

databases that provide protection from liability for errors in assigning customer service addresses; and (4) the collection allowance available depending on the database used by a communications services dealer.

The purpose of the proposed creation of Rule 12A-19.071, F.A.C. (Department of Revenue Electronic Database), is to provide guidelines on: (1) the electronic customer service address database maintained by the Department of Revenue; (2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and (3) procedures for any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database.

The purpose of the proposed creation of Rule 12A-19.072, F.A.C. (Certification of Service Address Databases), is to provide guidelines on the standards and procedures for certification of a customer service address database developed by a communications services dealer or a vendor.

The purpose of the proposed creation of Rule 12A-19.073, F.A.C. (Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions), is to provide guidelines on the use of an enhanced zip code method to assign customer service addresses.

These proposed rules adopt and incorporate by reference two (2) sets of instructions that are incorporated into the on-line Department of Revenue service address database. The on-line instructions incorporated by reference are the "Guide for Address Change Requests" and the "Instructions for Preparing and Submitting Customer Address Files for Certification Testing." The rules also reference the following forms that are currently incorporated, by reference, in Rule 12A-19.100, F.A.C. (Public Use Forms): (1) DR-700012, "Application for Certification of Communications Services Database"; and (2) DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax)."

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms) is to incorporate, by reference, the following forms used by the Department in the administration of the communications services tax: (1) DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; and (2) DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment."

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the implementation of requirements regarding situsing service addresses to the appropriate local taxing jurisdiction and the procedures for certification of databases. These requirements were the subject of a rule development workshop on October 17, 2002. The draft rule text was amended in response to comments received at that workshop, and a second rule development workshop was held on July 31, 2003. Both local government and industry representatives attended the second workshop and offered

comments. The rule text has been further amended in response to some of those comments, and the subject of this workshop is the rule text as amended.

SPECIFIC AUTHORITY: 202.151, 202.16(2), 202.26(3)(b),(c),(d),(f),(g), 202.28(1) FS.

LAW IMPLEMENTED: 202.11(4),(11),(12), 202.13(2), 202.151, 202.16(2),(4), 202.17(6), 202.22, 202.23, 202.28, 202.34(1)(a),(3),(4)(c), 202.35(3) FS.

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

TIME AND DATE: 9:30 a.m., August 24, 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 at (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: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.070 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the effective communications services tax Address/Jurisdiction Database, which is the official electronic database maintained by the Department that is posted 90 days prior to its adoption and becomes effective every January 1 and July 1, as discussed in Rule 12A-19.071, F.A.C. Except as otherwise provided in subsection (2), a dealer is liable for any additional local communications services taxes, interest, and penalties that are due as a result of assigning service addresses to incorrect local taxing jurisdictions when the correct local taxing jurisdiction's tax rate exceeds the incorrectly assigned local taxing jurisdiction's tax rate.

(b) In determining the liability for any additional local communications services taxes, interest, and penalties of a dealer who has failed to assign a service address to the correct local taxing jurisdiction, the Department will take into account any amount of local communications services tax that was collected and erroneously assigned by the dealer to another local taxing jurisdiction. The Department will reallocate and redistribute such amounts between the local taxing jurisdictions involved to apply the payment of any additional local communications services taxes to the correct local taxing jurisdiction. Interest and penalties will be applied only to the additional local communications services taxes due on the sale after crediting the dealer with the amount of local communications services tax collected that was erroneously based on an assignment to an incorrect local taxing jurisdiction. In addition, a specific penalty of 10 percent of any tax collected but reported to an incorrect jurisdiction as a result of an incorrect address assignment, not to exceed \$10,000 per return, will be imposed on any dealer that does not use a database described in paragraph (2)(a).

(c) When a dealer fails to respond to a contact by the Department to the managerial representative regarding the completeness or accuracy of the dealer's return, or when a dealer's records are determined to be inadequate for purposes of determining whether the dealer properly allocated tax to or between local governments, the Department may use the best information available to determine the proper allocation or reallocation. In such circumstances, the Department shall seek the agreement of the affected local governments.

(2)(a) A dealer will not be liable for any additional local communications services taxes, interest, or penalty due solely because of an error in assigning a service address to a local taxing jurisdiction if the dealer exercised due diligence in employing one or more of the following methodologies in assigning that service address:

1. The Address/Jurisdiction Database;

2. A database that has been certified by the Department, as provided in Rule 12A-19.072, F.A.C.;

3. An enhanced zip code method, as discussed in Rule 12A-19.073, F.A.C.; or

4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Rule 12A-19.072, F.A.C.

(b) A dealer must timely notify the Department of the method or methods to be used in assigning service addresses. Upon initial registration with the Department for communications services tax purposes, dealers should provide that information when completing form DR-1, Application to Collect and/or Report Tax in Florida (incorporated by reference in Rule 12A-1.097, F.A.C.) If a dealer changes the method or methods to be used, the dealer must notify the Department of the change in method or methods and of the effective date of the change on form DR-700020, Notification

of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.).

(c) Due Diligence. In order to avoid liability for any additional local communications services tax, penalty, and interest resulting from errors in the assignment of customer service addresses to local taxing jurisdictions under paragraph (a), a dealer must exercise due diligence in employing one or more of the methodologies described. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person, under the circumstances, when ascertaining the correct amount of tax due on sales made by that person.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement one or more of the methods described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses.

a. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering or being notified of such errors by any person. A dealer's internal controls must ensure that procedures are in place to prevent the reoccurrence of errors that the dealer was previously notified of and has previously corrected. A dealer may choose to update its database more frequently than once every six months, as long as the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates. The auxiliary file described in paragraph (1)(b) of Rule 12A-19.071, F.A.C., that is maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months. However, the availability of the auxiliary file on the Department's website does not constitute notice to a dealer of errors in the dealer's assignments of service addresses contained in the auxiliary file.

b. Internal controls in the assignment of service addresses are not adequate if the procedures in place to prevent the reoccurrence of previously corrected errors are not used or do not prevent the reoccurrence of incorrect assignments. Once notified by any person of an error, the dealer must ensure that the corrected information is preserved in its database. In the event that an error reoccurs, the dealer will be considered to have exercised due diligence as required for the protection described in paragraph (a) only if the reoccurrence occurs even though the dealer did in fact exercise the care and attention that is expected from, and ordinarily exercised by, a reasonable and prudent person under the circumstances, with regard to the reoccurrence of the error.

2. A communications services dealer must maintain records to establish that the dealer has exercised due diligence for the period of time during which the Department is authorized to assess taxes on sales of communications services by that dealer. A dealer should maintain all records that would establish that it exercised due diligence. Examples of such records include instructions or procedures provided to employees, contracts and correspondence with third-party vendors or service providers concerning the acquisition or maintenance of data, documentation establishing that the data was consistently updated at least once every six months, records concerning customer or local taxing jurisdiction objections to the assignment of service addresses and responses to those objections, records of changes made to the assignment of service addresses and when the changes were made, and any other records that pertain to the acquisition, maintenance, and revision of the data upon which service address assignments are based. For purposes of documenting that the dealer corrected errors within 120 days of notice or discovery, dealers should maintain documentation that establishes that the amount of time between the initial notification or discovery of the error and correction of the error did not exceed 120 days. Keeping records of each step within the process or procedures used to correct the error is not necessary; however, to establish due diligence, the dealer must be able to demonstrate that the overall time required to correct errors did not exceed 120 days. A dealer will not be entitled to the protection described in paragraph (a) during any period that the dealer does not have records establishing that the dealer exercised due diligence for that period.

3. If a communications services dealer uses a certified database provided by a third-party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. A dealer using a certified database provided by a third-party vendor is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement the third-party vendor's certified database and maintains adequate internal controls in the assignment of service addresses. As part of its due diligence, the dealer must comply with the vendor's instructions or directions in the dealer's use of the certified database. Further, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry. A dealer that uses a third-party vendor's certified database must ensure that when the dealer discovers or is notified of errors in assignments of service addresses, the errors are corrected within 120 days from discovering or being notified of such errors and that procedures are in place to ensure that the error is not repeated when a subsequent update is obtained from the vendor. Nothing in this subparagraph requires a dealer using a certified

database to update its database more than two (2) times a year, so long as each update incorporates all changes received from the vendor since the prior update.

(d) If a communications services dealer uses multiple databases or methodologies, such dealer is protected from liability for any additional local communications services tax, interest, and penalty only as to service addresses assigned as specified in paragraph (a) of this subsection. Such a dealer is liable as provided in subsection (1) for any additional local communications services taxes, interest, and penalties in regard to erroneous jurisdictional assignments for any service address not assigned by a methodology described in paragraph (a). A dealer that uses multiple databases must maintain documents demonstrating that a service address has been assigned employing a methodology described in paragraph (a) in order to be held harmless for any additional local communications services taxes resulting from erroneous assignment of that service address.

(e)1. Employing one or more of the methods described in paragraph (a) protects a dealer from liability for any additional local communications services taxes and related interest and penalties that would otherwise have been due to a local taxing jurisdiction. A dealer's employment of one or more of the methods described in paragraph (a) does not deprive a purchaser of the right to a refund or credit of overpayment of local communications services taxes resulting from an erroneous assignment of that customer's service address to a local taxing jurisdiction with a higher rate than that in effect in the correct local taxing jurisdiction. If a purchaser complies with the procedural requirements of Section 202.23, F.S., and establishes that the dealer has incorrectly assigned the purchaser's service address and that an overpayment of local communications services tax has resulted, the dealer must refund or credit the amount of the overpayment to the purchaser. Upon making such refund or credit, the dealer would be entitled to an equal credit or refund from the Department upon proper reporting to the Department of the amount and jurisdictions involved. Dealers are not entitled to retain or take credits for taxes collected from any customers assigned to an incorrect local taxing jurisdiction in excess of the taxes due to the correct local taxing jurisdiction unless a refund or credit has been provided to the customer.

2. For purposes of this paragraph, a purchaser that requests a refund or credit from the provider in accordance with the provisions of Section 202.23, F.S., and that establishes that a dealer has assigned the purchaser's service address to a different local taxing jurisdiction from the one to which that address was assigned in the effective Address/Jurisdiction Database as of the date of the sale has established a presumption that the dealer's assignment was erroneous, because the effective Address/Jurisdiction Database is conclusive for purposes of the communications services taxes. If a dealer believes that the assignment of the purchaser's

address in the Department's database is incorrect, the dealer should refer that refund claim to the Department for a determination in accordance with the procedures in Section 202.23, F.S. A dealer who assigned a purchaser's service address in accordance with the effective Address/Jurisdiction Database at the time of the sale on which the purchaser asserts that tax was overpaid should refer the purchaser to the Department in order for the purchaser to object to the Address/Jurisdiction Database as a substantially affected person. The dealer is not required to make a refund or credit to the purchaser unless the Department has subsequently revised the assignment of that address to correct an error, such revision was retroactive to the date of the sale involved pursuant to paragraph (3)(g) of Rule 12A-19.071, F.A.C., and the purchaser has requested a refund or credit in accordance with the provisions of Section 202.23, F.S.

(3) Collection Allowance.

(a) Any communications services dealer that employs one or more of the methodologies described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the described methodologies. Any communications services dealer that employs any methodology that is not described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .25 percent on taxes collected on service addresses assigned using such other methodology. A communications services dealer who is not liable for an assessment of additional local communications services taxes, interest, and penalties by reason of employing a database that is found upon audit to meet the accuracy criteria for certification, as described in subparagraph (2)(a)4., is entitled to a collection allowance of .25 percent until such time as an application for certification of the database is made and approved.

(b) A communications services dealer must maintain records to demonstrate that a .75 percent collection allowance was claimed only in regard to taxes that were collected for service addresses that were assigned employing one or more of the methodologies that qualify for that allowance. If a communications services dealer's records do not clearly establish that the assignment of the service addresses was made employing one or more of the methodologies described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3., the dealer shall be entitled to only a .25 percent collection allowance on sales made to such service addresses.

(c) A communications services dealer must also timely file its return, correctly remit all tax reported, and meet all the other requirements of Section 202.28, F.S., in order to be entitled to any collection allowance. This rule deals only with determining the amount of collection allowance available to a

dealer who otherwise qualifies to receive the allowance. It does not create any separate entitlement to an allowance other than that set forth in Section 202.28, F.S.

Specific Authority 202.26(3)(b),(f),(g), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6),(8), 202.23, 202.28(1),(2), 202.34(1)(a), 202.35(3) FS. History--New

12A-19.071 Department of Revenue Electronic Database.

(1)(a) The Department maintains an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of Section 202.22(2)(a), F.S. The electronic database, referred to as the communications services tax Address/Jurisdiction Database, is maintained on the Department's website at the address inside the parentheses (www.myflorida.com/dor). An updated Address/Jurisdiction Database is posted to the Department's website 90 days prior to adoption of the Address/Jurisdiction Database. The updated Address/Jurisdiction Database is adopted and becomes effective every January 1 or July 1. References to the effective Address/Jurisdiction Database refer to the official database that is available on the website and conclusive for purposes of communications services tax, which was adopted the previous January 1 or July 1. The effective Address/Jurisdiction Database does not include the information contained in the auxiliary file described in paragraph (b).

(b) When a change to the Address/Jurisdiction Database has been approved, it is stored in an auxiliary file pending its inclusion in the next scheduled update of the database to become effective the next January 1 or July 1. The auxiliary file is maintained by the Department and contains the most recent service address local taxing jurisdictional assignment information. Dealers may use the auxiliary file to update their service address assignments between the January 1 and July 1 effective date of the Address/Jurisdiction Database even though such use of the auxiliary file is not required to satisfy due diligence requirements.

(c) Local taxing jurisdictions and communications services providers are provided with access codes to permit them to register as users of the database. Registered local taxing jurisdictions and communications services dealers have the capability of downloading databases of addresses assigned to each local taxing jurisdiction. A file of addresses in the format adopted by the Federation of Tax Administrators and the Multistate Tax Commission in accordance with the federal Mobile Telecommunications Sourcing Act is available. Local taxing jurisdictions also have access to an on-line form for requesting changes in service address assignments.

(d) The Department will allow other persons, such as third-party vendors of databases or billing services, to download the database, when permitting such access is practicable and the Department determines that such access will further efficient administration of the taxes for which the Department is responsible.

(e) The Department's website also has a single address lookup feature that permits any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature does not require an access code or registration. The individual address lookup feature searches the auxiliary file as well as the effective database and may therefore reflect information that has not yet been incorporated into the effective database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(f) The availability and effective date of the updated Address/Jurisdiction Database are announced in the Florida Administrative Weekly. Updates incorporate corrections of any errors discovered since the last preceding update, as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions. Each update of the Address/Jurisdiction Database is posted on the Department's website at least 90 days prior to adoption and is also available to dealers of communications services, vendors of databases, and other persons authorized to download the database in magnetic or electronic media for a fee not to exceed the cost of furnishing the updated version in such media. Requests for electronic or magnetic media copies should be addressed to: Florida Department of Revenue, Communications Services Tax, Local Government Unit, Post Office Box 5885, Tallahassee, Florida 32314-5885.

(g) To fulfill its statutory responsibility to maintain the database, the Department will when practicable initiate procedures to correct apparent errors, such as an address being assigned to two jurisdictions or not being assigned to any jurisdiction. The Department will in such cases initiate an objection to the database in accordance with the provisions of subsection (3) and will process the objection in the same manner in which other objections are processed.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the Address/Jurisdiction Database, such as changes in service addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters. Local taxing jurisdictions are limited to two (2) authorized contact persons; however, local taxing jurisdictions may provide updated contact person information as frequently as necessary to ensure that the appropriate contact person can be reached by the Department to administer database matters. The contact list of authorized local government contact persons for all local taxing jurisdictions is located on the Department's website and is available to those persons who have an access code.

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (hereby incorporated by reference). Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (incorporated by reference in Rule 12A-19.100, F.A.C.).

(c) In the event that a local taxing jurisdiction improperly formats its batch submission, the Department will notify the requesting jurisdiction of its error and designate the file as a pending submission until such time as a corrected submission is received. If the corrected submission is not received in time to be included in the next update, the pending submission will be denied and the local taxing jurisdiction should provide a new submission for those addresses or address ranges. Local taxing jurisdictions should not submit jurisdiction changes between the last date of submission for the next update and the posting of that update of the Address/Jurisdiction Database on the Department's website. Submissions initiated during this time frame will be denied, and a new submission will be necessary.

(d) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the Address/Jurisdiction Database. The effective date must be the next January 1 or July 1 after the date of submission of the information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July 1 on which changes are to be effective.

(e)1. Any requested changes or additions to the Address/Jurisdiction Database must be supported by competent evidence. Competent evidence to support a change to the Address/Jurisdiction Database is documentation establishing that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, the plat filed for a newly approved subdivision, or the enhanced 911 Master Street Address Guide (MSAG) database information relating to local law enforcement responders issued by the local jurisdiction coordinator's office. Competent evidence must clearly designate the service addresses or address ranges that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should attempt to obtain written consent to the change from an authorized contact person of the non-requesting jurisdiction. Form

DR-700022 contains an authorization statement that will serve as the written consent of the non-requesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. The Department will consider the receipt of a form DR-700022 containing the signatures of the authorized contact persons of both the initiating and affected jurisdictions to be sufficient competent evidence. In such instances, the Department will make the change based upon the representations on the form. A local taxing jurisdiction that objects to the change should use form DR-700022 to change the address information and, unless the affected local taxing jurisdiction signs the form, the Department will treat the request as one that must be resolved by the local taxing jurisdictions involved as provided in this paragraph. Identification of the case number associated with the address changes is insufficient by itself to demonstrate competent evidence establishing that the service addresses are located in the local taxing jurisdiction indicated on the request.

3. If the requesting jurisdiction has not obtained the written consent of the non-requesting jurisdiction, the Department will contact the non-requesting jurisdiction before making the change. Based upon the response of the non-requesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the non-requesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the non-requesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the non-requesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This will not preclude the non-requesting jurisdiction from subsequently submitting requests to change the new address assignments after they have been processed.

4. If a requested change affects only the requesting local taxing jurisdiction and does not affect another local taxing jurisdiction, the Department will consider receipt of an affidavit signed by the authorized contact person for that local taxing jurisdiction that identifies the addresses or address ranges and states that the change affects only the requesting local taxing jurisdiction to be sufficient competent evidence. The use of an affidavit is not required but, at the option of the requesting local taxing jurisdiction, may be used in lieu of providing other documentation such as subdivision plats. In such instances, the Department will make the change based upon the representations on the form and the affidavit. A local taxing jurisdiction that objects to the change should use form DR-700022 to change the address information and, unless the affected local taxing jurisdiction signs the form, the

Department will treat the request as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

(f) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2005. The plat indicates street names but no address numbers have yet been assigned. In order for the addresses to be added to the electronic database effective the following July 1, the local taxing jurisdiction must file form DR-700022 with a copy of the approved subdivision plat or an affidavit indicating that the change affects only the requesting local taxing jurisdiction and submit on-line address change information by March 3, 2005. If that deadline is not met, the earliest date on which the new service addresses can be added to the database is January 1, 2006. In order to meet the deadline and be certain that the actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain to include the actual numbers. Because the development of the subdivision affects only the requesting jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2004. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a form DR-700022 on March 2, 2004. Included with the form are a copy of the annexation ordinance and a map with the annexed area outlined with street address ranges included in the annexed area noted. The county database contact person has not signed the form DR-700022 or otherwise given written consent to the changes. On March 5, 2004, the Department notifies the county of the requested changes and provides copies of the municipality's form DR-700022, annexation ordinance, and map. The county does not respond with written consent or a written objection. On March 26, 2004, the Department processes the changes, and they are included in an update posted on April 2, 2004, to take effect July 1, 2004. The county's database contact person notifies the Department on July 15, 2004, that the county believes the database now incorrectly assigns 25 service addresses to the municipality. The county should submit form DR-700022 to move the addresses from the municipality to the county. The Department will handle this as a change to the database.

3. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2004. The municipality's contact person timely enters address change requests for the 1500 addresses on-line and writes a letter to the county's contact person requesting that consent be indicated by signing a form DR-700022 that has been prepared by the municipality and enclosed with the letter. Also enclosed with

the letter is a copy of the annexation ordinance and a street map on which the annexed area is outlined. The county contact person signs the form DR-700022. The municipality submits the form to the Department on February 15, 2004. The Department will approve the changes and include them in the July 1, 2004 update to the Address/Jurisdiction Database.

(3)(a) Any substantially affected party may object to information contained in the Address/Jurisdiction Database by submitting form DR-700025, Objection to Communications Services Tax Electronic Database Service Address Assignment (incorporated by reference in Rule 12A-19.100, F.A.C.), along with competent evidence to support the party's objection. Only objections to the effective Address/Jurisdiction Database can be considered; those objections that are not objections to the effective Address/Jurisdiction Database will be denied. Before submitting an objection, a person should check the effective Address/Jurisdiction Database and the auxiliary file to determine whether the contemplated objection is necessary. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, the Department of Revenue, and local taxing jurisdictions. However, local taxing jurisdictions should use form DR-700022 to create addresses in the Address/Jurisdiction Database or to request address assignment changes. Regardless of which form is used to request changes to the Address/Jurisdiction Database, the consent of an affected jurisdiction will be required.

(b) Multiple address submissions affecting multiple jurisdictions should be segregated, based on the specific combinations of the affected jurisdictions, in a manner that segregates the changes from City A to City B from the changes from City B to City A.

(c) When a dealer that is required to collect local communications services tax objects to information contained in the Address/Jurisdiction Database, the dealer must file form DR-700025. In the event the dealer objects to the assignment of multiple addresses or address ranges, the dealer should electronically submit the addresses in the format used to apply for certification of databases by following the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing, as provided in paragraph (2)(a) of Rule 12A-19.072, F.A.C. In the event that the dealer is unable to submit its objection electronically, the dealer should contact the Department to request authorization to submit changes through alternative electronic media.

(d) Examples of competent evidence that supports an inquiry into a substantially affected party's objection include a voter registration card indicating the voter residing at a service address is entitled to vote in municipal elections or only in county elections, the enhanced 911 MSAG database, or a map that includes the boundaries of a local taxing jurisdiction and clearly places a service address inside or outside those

boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that a service address on that street should be assigned to that municipality in the database. The Department will notify the substantially affected party of any deficiencies in the objection or competent evidence.

(e) When the Department believes that addresses or address ranges have been assigned to an incorrect local taxing jurisdiction, the Department will initiate the change by using form DR-700025. The Department will use any information at its disposal, including enhanced 911 MSAG database address information and information supplied by any dealer, as a basis for initiating an objection; however, in no event, will the Department change any address assignment without providing notice to the affected jurisdictions in the manner provided in paragraph (3)(f). If the change is approved, it would be included in the auxiliary file with other approved changes for inclusion in the next update of the database.

(f) Upon receipt of an objection on a completed form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation, to the database contact person in each affected taxing jurisdiction. The Department will, when practicable, provide the information electronically for review by the local taxing jurisdictions. The local taxing jurisdictions should review the specific address(es) at issue as well as the address range(s) that will be impacted by the change to ensure that each local taxing jurisdiction retains all of the addresses that it believes are within its jurisdictional boundaries. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection. If the affected local taxing jurisdictions both indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address with a special designation that indicates that the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;

2. The Department receives written notification from the party that filed the form DR-700025 that the objection was erroneous and the assignment in the database was correct; or

3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.

(g) No communications services provider who relies on the assignment of a service address in the effective Address/Jurisdiction Database will be held liable for any additional local communications services tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. For purposes of making refunds to purchasers that have requested a refund pursuant to the provisions of Section 202.23, F.S., a correction to the effective Address/Jurisdiction Database will be retroactive to the July 1 or January 1 on which the erroneous assignment took effect only when form DR-700025 objecting to the assignment is filed with the Department no later than the August 31 following an assignment that became effective on July 1 or the February 28 (February 29 in a leap year) following an assignment that became effective on January 1 and the objection is subsequently approved.

Specific Authority 202.26(3)(b),(g) FS. Law Implemented 202.22(2), 202.23 FS. History—New _____.

12A-19.072 Certification of Service Address Databases.

(1) A communications services dealer that develops and maintains its own database for assigning service addresses to local taxing jurisdictions or a third-party vendor that provides a database for sale to communications services dealers or uses such a database in providing billing or other services to communications services dealers may apply to the Department for certification of the database. A database will be certified if it assigns street addresses, address ranges, post office boxes, and post office box ranges to the proper local taxing jurisdictions with an overall accuracy rate of 95 percent with a 95 percent level of confidence, based on a statistically reliable sample. Accuracy must be measured based on the entire geographic area within the state of Florida covered by the database for which certification is sought.

(2)(a) Application for certification must be made to the Department on form DR-700012, Application for Certification of Communications Services Database (incorporated by reference in Rule 12A-19.100, F.A.C.), and in accordance with the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing (available at the Department's website, www.myflorida.com/dor, and hereby incorporated by reference). All applicable portions of the application must be completed. Communications services dealers and vendors that sell databases of addresses to dealers must submit the address databases for which certification is sought with their applications.

(b) The Department will notify the applicant of any errors or omissions in the application and of all additional information or documentation required within 90 days of receipt of the application. The Department will review the application and contact the individual designated in the application concerning any additional information required and the format in which such information must be submitted. The applicant shall provide access to all records, facilities, and

processes reasonably required to review, inspect, or test the database within 10 working days of the Department's request for such access.

(c)1. The Department will test the applicant's database by comparing the assignments of service addresses to the assignments of service addresses in the Address/Jurisdiction Database, which is the Department's on-line database described in Rule 12A-19.071, F.A.C. The Department will notify the applicant of all service addresses that do not match the Department's database, regardless of whether the applicant's database meets the accuracy criterion for certification.

2. In the event that an applicant vendor has a software program that assigns addresses to jurisdictions rather than a database of addresses, the vendor should include a copy of the "user manual" or equivalent directions that will be provided to purchasers of the software with its application for certification. Procedures for testing the software and its assignment of addresses or address ranges to local taxing jurisdictions will be determined on a case-by-case basis. The procedures must be sufficient to ensure that the software meets an overall accuracy rate of 95 percent with a 95 percent level of confidence.

(d) Within 180 days of receipt of a completed application, the Department will issue a written determination.

1. If the notice grants certification, it will specify the expiration date, which will be three years from the date of the notice.

2. If the notice denies certification, it must specify the grounds, inform the applicant of any available remedy, and set forth procedures for protesting the denial. If the applicant cures the defects that formed the basis for denial and upon retesting the database meets the requirements for certification, the Department will issue a notice certifying the database. If the defects forming the basis of the denial are based on a sample, correction of the errors identified in the sample does not constitute correction of the database. The Department is authorized to grant certification of the database even in cases where the applicant has filed a petition and a proceeding is pending under Chapter 120, F.S.

(3) An application for recertification of a database must be submitted on form DR-700012 when the certification period expires. If an application for recertification is received prior to the stated expiration date of the certification period, the prior certification will not expire until the Department takes final action on the application for recertification. In such cases, if the Department denies recertification, the prior certification will remain in effect until the time for administrative or judicial review of the Department's denial of recertification has expired or, if later, the date fixed by order of the reviewing court.

(4) Certification or recertification of a database is effective upon the date of the Department's notice approving the application. The notice approving the application is in the form of a letter stating that the database is certified and that an

application for renewal should be applied for by a specified date. Unless a timely application for recertification has been filed as provided under subsection (3), a certification or recertification is effective through the date stated on the notice.

(5) In determining whether a database qualifies for certification, the Department will consider whether the applicant will implement procedures designed to maintain the accuracy level required for certification throughout the certification period. If the Department obtains information indicating that a certified database is not being properly maintained and updated to ensure on-going accuracy at the required levels, the Department will notify the applicant and review the operation and maintenance of that database. If the Department determines that a database no longer qualifies for certification and remedial steps are not promptly taken, the Department will revoke the certification. The Department will first provide notice to the applicant of its intent to revoke the certification, as provided in Section 120.60, F.S., and afford the applicant a point of entry under Chapter 120, F.S., to contest the notice of intent.

(6) Certification is contingent upon there being no material changes to the database or procedures for its updating and maintenance. If there are such changes, the applicant should inform the Department and request a determination whether a new form DR-700012 should be submitted. If practicable, the Department will test the effect of the changes rather than require a new certification procedure for the entire database. A material change is any change that could reasonably be expected to affect whether the database would still meet the 95 percent accuracy level required for certification. Examples of changes that could be material would be a substantial expansion of the service area covered by a database, the merger of the certified database with a non-certified database, a change in the sources from which information for the database is obtained, or alteration of the methods by which service addresses are assigned, updated, or corrected. Changes to the assignment of service addresses or address ranges that are made in the course of consistently followed procedures to obtain and incorporate accurate updates and to correct errors in assignments of service addresses as required to satisfy the due diligence standards set forth in paragraph (2)(c) of Rule 12A-19.070, F.A.C., are not material changes that require Department review of a database.

Specific Authority 202.26(3)(g) FS. Law Implemented 202.22(3) FS. History—New _____.

12A-19.073 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

(1) An enhanced zip code method is a method of assigning service addresses to local taxing jurisdictions based on United States postal zip codes of at least nine digits.

(2) A communications services dealer may avoid liability as provided in Rule 12A-19.070, F.A.C., for any additional local communications services tax, penalty, and interest

resulting from errors in assigning service addresses to an incorrect local taxing jurisdiction when the correct local taxing jurisdiction has a higher local tax rate by employing an enhanced zip code method only if the requirements of this rule are satisfied.

(3)(a) The dealer or the vendor providing the database is not permitted to rely solely on the location of the post office to which an enhanced zip code is assigned by the United States Postal Service if the area covered by the enhanced zip code is not entirely located within the same local taxing jurisdiction as the post office. In some cases, the area included in an enhanced zip code overlaps local jurisdictional boundaries or is outside the local taxing jurisdiction where the post office to which a zip code is assigned is located. In addition, a dealer may provide services to customer service addresses for which an enhanced zip code is not available, because the service address is in a rural area or is without postal delivery. The dealer or the vendor must use a reasonable methodology that accurately assigns service addresses to the correct local taxing jurisdictions in such circumstances. The dealer or vendor will be considered to have used a reasonable methodology if it relies on information obtained from one or more of the following sources:

1. The Address/Jurisdiction Database, described in Rule 12A-19.071, F.A.C.;

2. A database that has been certified by the Department as provided in Rule 12A-19.072, F.A.C.;

3. Representatives of relevant local taxing jurisdictions whose responsibilities entail knowledge of the location of addresses as within or without their jurisdictions;

4. The United States Census Bureau; or

5. The United States Postal Service.

(b) The dealer must maintain records that establish the methodology used to assign service addresses as provided in this subsection.

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in paragraphs (2)(b) and (c) of Rule 12A-19.070, F.A.C. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The due diligence requirement includes the requirement to correct errors in the assignments of service addresses within 120 days of discovering or being notified by any person of such errors. The database vendor or dealer must also maintain adequate internal controls to assure the on-going accuracy of an enhanced zip code database as described in subparagraph (2)(c)1. of Rule 12A-19.070, F.A.C.

(5) Mobile communications services providers using an enhanced zip code method are subject to the safe harbor provisions of Title 4 United States Code (U.S.C.) section 120, including the termination of the safe harbor provided by that section. Such providers will be held harmless from liability for additional local communications services tax, penalty, and interest resulting from erroneous assignments of customer service addresses to local taxing jurisdictions as provided in the federal Mobile Telecommunications Sourcing Act. On May 23, 2003, the Department provided notice, as required by Title 4 U.S.C. s. 119(b), that the Department of Revenue's Address/Jurisdiction Database complies with the formatting requirements of Title 4 U.S.C. s. 19(a)(2) of the Mobile Telecommunications Sourcing Act.

(6) In order to be entitled to the .75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of subsection (3) of this rule and the requirements of subsection (3) of Rule 12A-19.070, F.A.C.

Specific Authority 202.26(3)(b),(f),(g), 202.28(1) FS. Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2 FS. History--New

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

Form Number	Title	Effective Date
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(2) through (6) No change.

<u>(7) DR-700022</u>	<u>Local Communications Services Tax Notification of Jurisdiction Change (R. _____)</u>	_____
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<u>(8)(7) DR-700025</u>	<u>Objection to Communications Services Tax Electronic Database Service Address Assignment (R. _____ N. 04/02)</u>	_____ 04/03
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(9)(8) No change.

Specific Authority 202.151, 202.16(2), 202.26(3)(c),(d) FS. Law Implemented 202.11(4),(11),(12), 202.13(2), 202.151, 202.16(2),(4), 202.17(6), 202.34(3),(4)(c) FS. History--New 4-17-03, Amended 7-31-03, 10-1-03,

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Prompt Settlement or Legal Defense of Claims and Disqualification for Failure to Settle Claims	14-24

RULE TITLE:	RULE NO.:
Provisions for Prompt Settlement or Legal Defense of Claims and Disqualification for Failure to Settle Claims	14-24.001

PURPOSE AND EFFECT: This amendment is to update the revision date for Form 700-050-21, Contractor's Affidavit and Surety Consent (Form 21-A), which is incorporated by reference in Rule 14-79.006, F.A.C., and cross referenced in this rule. Rule 14-79.006, F.A.C., also is being amended by separate notice to incorporate the revised form by reference.

SUBJECT AREA TO BE ADDRESSED: This is an editorial amendment to update the revision date for Form 700-050-21, Contractor's Affidavit and Surety Consent (Form 21-A), which is cross referenced within this rule and incorporated by reference under Rule 14-79.006, F.A.C.

SPECIFIC AUTHORITY: 334.044(2), 337.18(1) FS.

LAW IMPLEMENTED: 334.044(28), 337.141, 337.18(1) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-24.001 Provisions for Prompt Settlement or Legal Defense of Claims and Disqualification for Failure to Settle Claims.

Any surety which does not settle or provide defense for claims or actions in connection with liabilities arising under a contract promptly and satisfactorily shall be disqualified from issuing bonds for future contracts by the Department in accordance with this rule.

(1) Failure on the part of the surety to furnish an affidavit to the effect that these requirements have been met on Contractor's Affidavit and Surety Consent (Form 21-A), Florida Department of Transportation Form 700-050-21, Rev. 08/04 10/99, which is incorporated by reference under Rule 14-79.006, F.A.C., to the Department within 90 days of the Department's offer of final payment shall constitute grounds for disqualification. Preliminary notice of disqualification will be furnished to the surety 30 days prior to disqualification.

Qualification will be reinstated upon receipt by the Department of the properly executed Form Contractor’s Affidavit and Surety Consent (Form 21-A).

(2) No change.

Specific Authority 334.044(2), 337.18(1) FS. Law Implemented 334.044(28), 337.141, 337.18(1) FS. History—Formerly 14-10.01, F.A.C., Amended 3-21-64, 9-24-75, Formerly 14-24.01, Amended 10-30-96, 1-17-99, 3-28-00, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Construction Management Development Program and Bond Guarantee Program
 RULE CHAPTER NO.: 14-79

RULE TITLE: Construction Management Development Program
 RULE NO.: 14-79.006

PURPOSE AND EFFECT: This amendment is to incorporate by reference a revised version of Form 700-050-21, Contractor’s Affidavit and Surety Consent (Form 21-A). A cross reference to this form in Rule 14-24.001, F.A.C., is being amended by separate notice.

SUBJECT AREA TO BE ADDRESSED: This amendment is to incorporate by reference a revised version of Form 700-050-21, Contractor’s Affidavit and Surety Consent (Form 21-A).

SPECIFIC AUTHORITY: 334.044(2), 337.18(1) FS.

LAW IMPLEMENTED: 334.044(28), 337.141, 337.18(1) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-79.006 Construction Management Development Program.

This rule implements a voluntary comprehensive Construction Management Development Program (CMDP) for Disadvantaged Business Enterprises and other small businesses and establishes a program for providing financial assistance to Disadvantaged Business Enterprises through a Bond Guarantee Program (BGP).

- (1) through (9) No change.
- (10) Bond Guarantee Program.
 - (a) Department Requirements/Limitations.
 - 1. No change.

2. As a condition of receiving a bond guarantee on a Department contract, the Department shall retain five percent of the total contract amount designated for the Disadvantaged Business Enterprise. This bond guarantee retainage shall be released upon final acceptance of the project and receipt of a Contractor’s Affidavit and Surety Consent (Form 21-A), Florida Department of Transportation Form 700-050-21, Rev. ~~08/04 10/99~~, showing all subcontractors and suppliers have been paid.

(b) through (13) No change.

(14) Forms. The following listed forms are hereby incorporated by reference and made a part of the rules of the Department:

Form Number	Form Title	Revision Date
275-030-070-a	Application for Construction Management Development Program (CMDP) and Bond Guarantee Program (BGP)	03/89
275-030-071-a	Application for Small Business Certification (SBC)	03/89
275-030-073-a	Technical Assistance Request	03/89
275-030-074-a	Justification for Bond Guarantee	03/89
700-050-21	Contractor’s Affidavit and Surety Consent (Form 21-A)	08/04 10/99

Copies of these forms are to be obtained from the Florida Department of Transportation, Equal Opportunity Office, 605 Suwannee Street, Mail Station 65, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 339.0805(1)(b) FS. Law Implemented 334.044(28), 337.141, 339.0805(2) FS. History—New 5-24-89, Amended 8-5-96, 10-30-96, 5-6-97, 1-17-99, 3-17-00, _____.

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.”

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: International Promotions
 RULE CHAPTER NO.: 20-116
 RULE TITLES: Purpose
 Payments
 RULE NOS.: 20-116.001
 20-116.002

PURPOSE AND EFFECT: Establishing consistency between state and federal rules governing reimbursement of expenditures for FAS-funded international programs and events.

SUBJECT AREA TO BE ADDRESSED: Establishing by rule the guidelines for reimbursement of FAS-funded international programs and events.

SPECIFIC AUTHORITY: 601.15(10)(a),(h), 601.15(8)(b),(c) FS.

LAW IMPLEMENTED: 601.15(10)(h), 601.15(8)(b),(c) 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: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLES:	RULE NOS.:
Definitions	25-4.003
Private Line/Special Access Cost Manual	25-4.044
Hearing/Speech Impaired Persons	25-4.079
Directory Assistance	25-4.115

PURPOSE AND EFFECT: To conform the rule to the legislative changes made in 2003 to Chapter 364, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Elimination of the need to certificate interexchange companies (IXCs).

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01, 364.01(4), 364.02, 364.025, 364.03, 364.04, 364.07, 364.08, 364.14, 364.17, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602, 364.603, 364.604 FS.

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

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

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Marlene Stern, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nancy Pruitt, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6127

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLES:	RULE NOS.:
Scope and Waiver	25-24.455
Terms and Definitions; Rule Incorporated	25-24.465
Registration Required	25-24.470
Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited	25-24.4701
Application for Certificate	25-24.471
Improper Use of a Certificate	25-24.472
Application for Approval of Assignment or Transfer of Certificate	25-24.473
Cancellation of Registration	25-24.474
Company Operations and Customer Relations	25-24.475
Records and Reports	25-24.480
Tariffs	25-24.485
Customer Relations; Rules Incorporated	25-24.490
Notice to Customers Prior to Increase in Rates or Charges	25-24.491
Application and Scope	25-24.600
Terms and Definitions; Rules Incorporated	25-24.610
Service Requirements for Call Aggregators	25-24.640
Rules Incorporated	25-24.835
Service Standards	25-24.840
Scope	25-24.900
Terms and Definitions	25-24.905
Registration or Certificate of Public Convenience and Necessity Required	25-24.910
Tariffs or Price Lists	25-24.915
Standards for Prepaid Calling Services and Consumer Disclosure	25-24.920
Adequacy of Service	25-24.930
Penalties	25-24.940

PURPOSE AND EFFECT: To conform the rule to the legislative changes made in 2003 to Chapter 364, Florida Statutes.

~~(b)(d)~~ Pay telephones shall not be installed where the required "clear floor or ground space" provided for in ADA Accessibility Guidelines for Buildings and Facilities ANSI sections 4.2.4.1, 4.2.4.2, and 4.31.2 ~~704.2.1~~ would be reduced by a vehicle parked in a designated parking space.

(19) No change.

(20) Toll Fraud Liability.

(a) A company providing interexchange telecommunications services or local exchange telecommunications services shall not collect from a pay telephone provider for charges billed to a line for calls that ~~which~~ originated from that line through the use of access codes such as 10XXX, 10XXXX, 101XXXX, 950, and toll free (e.g., 800, 877, 888) access codes, or when the call originating from that line otherwise reached an operator position, if the originating line is subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) through (23) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035, 364.063, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 4-14-92, 12-21-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Early Termination of Supervision

RULE NO.: 33-302.111

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language.

SUBJECT AREA TO BE ADDRESSED: Early termination of supervision.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.111 Early Termination of Supervision.

(1) No change.

(2) In order for an officer to request an ~~Onee~~ a recommendation for early termination of supervision from the sentencing or releasing authority, approval must be obtained from the officer's supervisor, the circuit administrator, a request must be sent to the State Attorney's Office, and the victim, if applicable requesting their approval.

~~(a) If the offense involved a victim, the officer will request the State Attorney's Office to obtain the victim's consent to the early termination. The Recommendation to Early Terminate Probation or Community Control, Form DC3-272, or a letter that contains the information required in Form DC3-272, shall be forwarded to the State Attorney's office, citing the officer's justification for an early termination of supervision. Form DC3-272 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500. The effective date of this form is 11-26-01.~~

~~(b) If the State Attorney's office denies the request, or the victim opposes the early termination, the officer shall notify the offender that the department will not proceed with the early termination recommendation. The officer shall not disclose a victim's objection to the offender.~~

~~(3) If the State Attorney's Office approves the recommendation, and the victim does not oppose the early termination, the officer shall prepare an Order Terminating Probation, Form DC3-257, and a letter to the judge outlining the offender's history of supervision and reasons for recommending the early termination. Form DC3-257 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 6-29-03.~~

~~(4) If the State Attorney's office is unable to contact the victim, the officer shall attempt to contact the victim by telephone or by certified letter to provide the victim with an opportunity to have input on the offender's early termination request. If no response is received from the victim, this shall be reported to the judge in the officer's letter.~~

~~(3)(5) The officer shall notify the offender of the judge's decision upon receipt of the judge's response, and if the petition for early termination is granted, the officer will provide the offender with a copy of Form DC3-257. If the offender was adjudicated guilty, the officer shall review the restoration of civil rights process with the offender. The officer and the offender shall sign and date Form NH-027, Notification of Restoration of Civil Rights Review Process. In addition to Form DC3-257, the officer shall provide the offender with a termination of supervision letter and Form NH-027. Form NH-027 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 6-29-03.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 11-26-01, Amended 6-29-03, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Works of the District	40D-6
RULE TITLES:	RULE NOS.:
Policy and Purpose	40D-6.011
Definitions	40D-6.021
Implementation	40D-6.031
Permits Required	40D-6.041
Exemptions	40D-6.051
Encroachment Lines	40D-6.091
Content of Application	40D-6.101
Permit Processing Fee	40D-6.201
Conditions for Issuance of Permits	40D-6.301
Duration of Permits	40D-6.321
Modification of Permits	40D-6.331
Completion Report	40D-6.411

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to repeal Chapter 40D-6, F.A.C. in its entirety. The effect will be to eliminate an obsolete and unnecessary regulatory requirement for Works of the District permits when activities are proposed that will affect a waterbody adopted by the District as a "Works".

SUBJECT AREA TO BE ADDRESSED: Permitting requirements for Works of the District.

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

LAW IMPLEMENTED: 373.084, 373.085, 373.086, 373.087, 373.103, 373.109, 373.429, 403.813 FS.

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-6.011 Policy and Purpose.

~~(1) The purpose of Chapter 40D-6 of these Rules and Regulations is to implement the declared water policy of the Southwest Florida Water Management District and the state of Florida insofar as it relates to the works of the District. The Southwest Florida Water Management District adopted rules relating to protection of the works of the District on February~~

~~20, 1964. The Rules so adopted which are still applicable are set forth herein. The Rules in this Chapter are for the protection of the works of the District.~~

~~(2) The Governing Board of the Southwest Florida Water Management District in discharging its duties and responsibilities, has committed itself in writing to the Secretary of the Army to perform the requirements of local cooperation under the project, "Four River Basins, Florida" (H.D. 585, 87th Congress, 2nd Session). Among these requirements is the following:~~

~~"In the case of all canals, reservoir outlets, floodways, and natural streams on which upstream projects works are provided, the necessary floodway should be preserved or the rights thereon secured to permit discharges which would not cause significant damages under present conditions of development."~~

~~(3) The Southwest Florida Water Management District owns, maintains, or has accepted responsibility for certain canals, water control structures, rights-of-way, lakes, and streams, as well as other works which are specifically names in this part as the "Works of the District."~~

~~(4) The protection of existing works from actions which would impair its capacity to accomplish the purpose for which it was intended, and the protection of other works for which planning is under way, is the responsibility of this District.~~

~~(5) These regulations establish procedures to be followed by those who find it necessary to connect to, withdraw water from, discharge water into, place construction within or across, or to otherwise make use of the works of the Southwest Florida Water Management District.~~

~~(6) State laws prohibit such work unless approved by the Governing Board of the District. This approval is usually granted in the form of a permit.~~

~~(7) The permit does not convey any property rights or privileges other than those specified in the permit; it does not authorize any injury to private property or invasion of private rights nor does waive the governing requirements of any other agency or authority. It simply expresses the assent of the Southwest Florida water Management District insofar as concerns the public's interest and protection of the water resources of the District.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS., Chapter 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086, 373.087 FS. History-Readopted 10-5-74, Formerly 16J-1.01, 16J-1.001, Repealed~~

40D-6.021 Definitions.

~~The terms set forth herein shall have the meanings ascribed to them unless the context clearly indicates otherwise and such meanings shall apply throughout Chapter 40D-6 of these Rules and Regulations. The terms defined in Rule 40D-1.102 shall also apply throughout Chapter 40D-6.~~

(1) "~~Tributaries~~" means the contributing streams and other watercourses including brooks, rills, and rivulets, extending upstream to the point where water usually begins to flow in a regular channel, with an alveus, or bed, and banks or sides, or to the point where the lines of ordinary high water marks converge, whichever extends the farthest up-gradient.

(2) "~~Work of the District~~" means any lake or other impoundment, or stream or other watercourse, control structure, or other facility, owned and maintained by the District or adopted by the Governing Board as a work of the District.

Specific Authority 373.044, 373.113, 373.149, 371.171 FS., Chapter 61-691, Laws of Florida. Law Implemented 373.086 FS. History-Readopted 10-5-74, Formerly 16J-1.002, Repealed _____.

40D-6.031 Implementation.

(1) Chapter 40D-6 shall continue to be implemented throughout the entire area which remained as part of the District after the transfer pursuant to Chapter 76-243, Laws of Florida, which occurred at 11:59 p.m. on December 31, 1976; and shall be immediately implemented in the areas transferred as a part of the District pursuant to Chapter 76-243, Laws of Florida, which occurred at 11:59 p.m. on December 31, 1976. In addition, Chapter 40D-6 shall be immediately implemented in the area transferred as a part of the District pursuant to Chapter 78-65, Laws of Florida, which occurred on July 1, 1978. If any provisions of Chapter 40D-6 are inconsistent with prior rules and procedures, the new provisions shall apply commencing July 1, 1977.

(2) The following have been declared to be "~~Works of the District~~" by the Governing Board of the Southwest Florida Water Management District through the adoption of the indicated resolutions and motions:

(a) ~~The Hillsborough River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63, dated October 9, 1963.~~

(b) ~~The Oklawaha River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63, dated October 9, 1963.~~

(c) ~~The Withlacoochee River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63, dated October 9, 1963.~~

(d) ~~The Peace River, its natural floodway and tributaries, connecting channels, canals, and the lakes which are regulated by the District control structures, including their connecting channels and canals. By Resolution No. 63, dated October 9, 1963.~~

(e) ~~The authorized Green Swamp Basin reservoirs, connecting channels, control structures, and discharge channels below reservoirs. (Note: The land areas required for the three (3) areas, reservoirs must be protected against encroachment by private or public works to insure proper functioning of the "Four River Basins, Florida" projects.) By Resolution No. 63, dated October 9, 1963.~~

(f) ~~The Anelote River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63, dated October 9, 1963.~~

(g) ~~Lake Tarpon, its connecting channels and canals, including the Lake Tarpon Outfall Canal. By Resolution No. 63, dated October 9, 1963.~~

(h) ~~Old Tampa Bay north of Courtney Campbell Causeway and all tributary streams, channels, and canals discharging therein. By Resolution No. 63, dated October 9, 1963.~~

(i) ~~The Alafia River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63 A, adopted March 17, 1965.~~

(j) ~~The Little Manatee River, its natural floodway and tributaries, connecting channels, canals, and lakes. By Resolution No. 63 A, adopted March 17, 1965.~~

(k) ~~The Palm River and Six Mile Creek, their natural floodways and tributaries, connecting channels, canals, and lakes. By Resolution No. 63, dated October 9, 1963.~~

(l) ~~The Pithlachasee River, its natural floodway and tributaries, connecting channels, canals, and lakes. By motion adopted March 15, 1967.~~

(m) ~~The Waccasassa River, its natural floodway and tributaries, connecting channels, canals, and lakes. By motion adopted March 15, 1967.~~

(n) ~~McKay Bay north of 22nd Street Causeway, all tributaries, channels, and canals discharging therein. By motion adopted March 15, 1967.~~

(o) ~~The Weeki Wachee River, its natural floodway, tributaries, connecting channels and canals. By motion adopted March 13, 1968.~~

(p) ~~Lake Sloan, in Hillsborough County, together with its natural floodways and tributaries, connecting canals and lakes. By Resolution No. 538, dated April 10, 1974.~~

(q) ~~Crystal River, its natural floodways and tributaries, connecting channels, canals, and lakes. By Resolution No. 542, dated April 10, 1974.~~

(r) ~~Homosassa River, its natural floodways and tributaries, connecting channels, canals, and lakes. By Resolution No. 542, dated April 10, 1974.~~

(s) ~~Chassahowitzka River, its natural floodways and tributaries, connecting channels, canals, and lakes. By Resolution No. 542, dated April 10, 1974.~~

(t) ~~Bullfrog Creek, north of Big Bend Road (S.R. 672).~~

(u) ~~Delany Creek, west of the eastern boundary of Section 30, Township 29S, Range 20E.~~

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., Chapter 78-65, Laws of Florida. Law Implemented 373.069, 373.084, 373.085, 373.086, 373.087 FS. History-Readopted 10-5-74, Amended 7-21-77, 10-16-78, Formerly 16J-1.003, 16J-1.03, Repealed _____.

40D-6.041 Permits Required.

~~Unless expressly exempted under Rule 40D-6.051, a permit shall be required to connect to, withdraw water from, discharge water into, place construction within or across, or otherwise make use of a work of the District or to remove any facility or otherwise terminate such activity.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS., Chapter 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086, 403.813 FS. History-Readopted 10-5-74, Amended 12-31-74, 8-2-78, Formerly 16J-1.05(1), Repealed _____.~~

40D-6.051 Exemptions.

~~A permit shall not be required:~~

~~(1) To remove any dock, pier, piling, or boat house.~~

~~(2) To construct, alter, or remove any pumping facility withdrawing water from any stream, lake, or pond for individual domestic use or for watering residential lawns and shrubs so long as such activity does not breach or alter the bank of shoreline of constitute a hindrance to the flow of any stream or other watercourse which is a work of the District, provided however, that Chapter 40D-2 shall apply to the use of water for such purposes.~~

~~(3) To temporarily dewater an area within the limits of a work of the District for construction, alteration, or repair of buildings or other foundations and roadways, or during installation, alteration, or repair of utility pipelines, cables, culverts, and catch basins, when such temporary dewatering will be for a period not exceeding six (6) months; provided however, that the District shall be advised in writing prior to commencing such activity. A permit shall be required prior to continuation of dewatering activities beyond the initial six (6) month period.~~

~~(4) For activities exempted from Chapter 373 permits by Section 403.813(2), Florida Statutes, as amended by Chapter 78-146, Laws of Florida.~~

~~(5) For activities which receive an Environmental Resource Permit from the District under Chapters 40D-4, 40 or 400, F.A.C.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.084, 373.085, 373.086, 403.813 FS. History-Readopted 10-5-74, Amended 12-31-74, 8-2-78, Formerly 16J-1.051(2), Amended 10-26-00, Repealed _____.~~

40D-6.091 Encroachment Lines.

~~(1) The Board, after Notice and hearing, may establish encroachment lines and prohibit or restrict construction out into the waters in works of the District beyond such lines.~~

~~(2) Encroachment lines shall become effective upon recording in the public records of the county wherein such lines are located.~~

~~(3) Hillsborough River Encroachment Line.~~

~~(a) No solid fill, bulkhead or seawall will be allowed out into the Hillsborough River, in Hillsborough County, beyond an encroachment line which has been established by the Governing Board for that portion of the river extending~~

~~downstream from the City of Tampa Dam to the Columbus Drive Bridge unless an exception is granted by the Board as provided in Rule 40D-6.301(3).~~

~~(b) A legal description of this encroachment line has been recorded in the Official Record book 2047, beginning on page 499 of the Public Records of Hillsborough County, Florida. Aerial photo maps upon which have been shown the location of such encroachment line have also been recorded in the same Official Record Book beginning on page 505.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS., Chapter 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086 FS. History-Readopted 10-5-74, Amended 8-11-80, Formerly 16J-1.40, 16J-1.41, Repealed _____.~~

40D-6.101 Content of Application.

~~(1) A Permit application shall be sworn to and dated by the applicant or his duly authorized agent and shall be filed with the Board on forms provided by the Board which shall include:~~

~~(a) The name and address of the applicant.~~

~~(b) The name and address of the owner or owners of the land upon which the construction or alteration is to take place, and a legal description of such land.~~

~~(c) Location of the work.~~

~~(d) Plans and specifications.~~

~~(e) The name and address of the person who prepared the plans and specifications.~~

~~(f) The name and address of the person who will construct the proposed work, when available.~~

~~(2) The Board may also require the applicant to submit other information deemed necessary.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS., Chapter 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086 FS. History-Readopted 10-5-74, Amended 12-31-74, Formerly 16J-1.06(1),(2), Repealed _____.~~

40D-6.201 Permit Processing Fee.

~~A permit processing fee shall be paid to the District at the time a permit application is filed in the amount prescribed in the schedule set forth in Rule 40D-1.607(12), F.A.C.~~

~~Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109 FS. History-Readopted 10-5-74, Formerly 16J-1.061, Amended 10-26-00, Repealed _____.~~

40D-6.301 Conditions for Issuance of Permits.

~~(1) To obtain a permit under Chapter 40D-6, the permitted activity:~~

~~(a) Must be reasonable and beneficial; and~~

~~(b) Must not be inconsistent with the public interest.~~

~~(2) Issuance of a permit will be denied if the permitted activity:~~

~~(a) Will place fill material, or any non-water use related structure within the mean annual floodplain of a lake or other impoundment, or of a stream or other watercourse.~~

~~(b) Will cause significant adverse effects on lands not owned, leased, or otherwise controlled by the applicant by drainage or inundation.~~

~~(c) Will restrict or alter the rate of flow of a stream or other watercourse within the floodplain of a twenty-five (25) year flood unless the land is owned, leased, or otherwise controlled by the applicant.~~

~~(d) Will place solid fill, a bulkhead, or a seawall beyond a line of encroachment established by the Board.~~

~~(e) Will cause an increase or decrease in the rate of flow of a stream or other watercourse by five percent (5%) or more.~~

~~(f) Will cause an increase in the peak rate of flow or total volume of storm runoff by ten percent (10%) or more from lands owned, leased, or otherwise controlled by applicant.~~

~~(3) The Board for good cause shown may grant exceptions to the provisions of subsection (2) above when, after consideration of all data presented, including economic information, it finds that it is not inconsistent with the public interest.~~

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., Chapter 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086 FS. History-Readopted 10-5-74, Amended 12-31-74, 8-11-80, Formerly 16J-1.06(3),(4),(5), Repealed _____.

40D-6.321 Duration of Permits.

~~Unless revoked or otherwise modified, the duration of a Works of the District Permit issued pursuant to this chapter is:~~

~~(1) five years from the date of issuance to the completion of construction and submittal of the Statement of Completion and Request for Transfer to Operation Entity, including the supporting as-built documents;~~

~~(2) perpetual from the date of authorization by the District for operation by the entity identified in the permit.~~

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., Law Implemented 373.084, 373.085, 373.086, 371.103 FS. History-New 10-26-00, Repealed _____.

40D-6.331 Modification of Permits.

~~The Board may modify or revoke a permit at any time if it determines that the permitted work or works has become a danger to the public health or safety or if its operation has become inconsistent with the objectives of the District or is in violation of any regulation or order of the District, or the conditions of the permit.~~

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., Chapter 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.086 FS. History-Readopted 10-5-74, Amended 12-31-74, Formerly 16J-1.06(3),(4),(5), Amended 7-2-98, Repealed _____.

40D-6.411 Completion Report.

~~Within thirty (30) days after the completion of construction or alteration for which a permit was granted by the District, the permittee shall file with the District a Statement of Completion and Request for Transfer to Operation Entity, as identified in Rule 40D-1.659, F.A.C.~~

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History-Readopted 10-5-74, Formerly 16J-1.10, Amended 10-26-00, Repealed _____.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

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

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

This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 40, on October 3, 2003. We are publishing a new Notice of Rule Development, because the revised handbook will be effective October 2004.

SUBJECT AREA TO BE ADDRESSED: Community Behavioral Health Services.

SPECIFIC AUTHORITY: 409.919 FS.

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

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

TIME AND DATE: 2:00 p.m., Tuesday, August 24, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michelle Comeaux, Medical/Health Care Program Analyst, Medicaid Services, 2727 Mahan Drive, Mail Stop #20, Tallahassee, FL 32308, (850)921-8288

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) No change.

(2) All community behavioral ~~mental~~ health services providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the Florida Medicaid Community Behavioral ~~Mental~~ Health Services Coverage and Limitations

Handbook, ~~October 2004~~ July 2000, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and Child Health Check-Up 221, which is incorporated in 59G-4.001 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for ICF/MR-DD Services in Publicly Owned and Publicly Operated Facilities
RULE NO.: 59G-6.040

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX ICF/MR-DD Services in Publicly Owned and Publicly Operated Facilities Reimbursement Plan (the Plan) payment methodology.

- 1. In accordance with Chapter 2004-344, Laws of Florida (SB 1064, 2004-05 Florida Legislature) Section 7(6), COST REPORTS – For any Medicaid provider submitting a cost report to the agency by any method, and in addition to any other certification, the following statement must immediately precede the dated signature of the provider’s administrator or chief financial officer on such cost report:

“I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations.”

- 2. Change from “Health Care Financing Administration (HCFA)” to “Centers for Medicare and Medicaid Services (CMS).”
- 3. Updates to Code of Federal Regulation (CFR), Florida Administrative Code (FAC), and Florida Statute references.

SUBJECT AREA TO BE ADDRESSED: ICF/MR-DD Services in Publicly Owned and Publicly Operated Facilities cost reports.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

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

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert C. Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2756

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for County Public Health Unit Services
RULE NO.: 59G-6.090

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan (the Plan).

- 1. In accordance with 2004-344, Laws of Florida (SB 1064, 2004-05 Florida Legislature) Section 7(6). COST REPORTS – For any Medicaid provider submitting a cost report to the agency by any method, and in addition to any other certification, the following statement must immediately precede the dated signature of the provider’s administrator or chief financial officer on such cost report: “I certify that I am familiar with the laws and regulations regarding the provision of health care services under the

Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations.”

- 2. Updates to Code of Federal Regulation (CFR), Florida Administrative Code (FAC), and Florida Statute references.

SUBJECT AREA TO BE ADDRESSED: County Health Departments cost reports.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: 3:00 p.m., August 25, 2004

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert C. Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2756.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General Regulations	60A-1
RULE TITLES:	RULE NOS.:
Identical Responses Received	60A-1.011
Insurance	60A-1.015
Less Than Two Responses Received	60A-1.071

PURPOSE AND EFFECT: The purpose of these changes and additions is to modernize the “Tie Bid” provisions in keeping with prior rulemaking workshop discussions; to delete an obsolete provision from the Insurance rule; and to clarify agency procedures when few or no responses to a solicitation are received.

SUBJECT AREA TO BE ADDRESSED: Tie bids, the Department of Management Service’s purchase of insurance, and the issue of agencies receiving less than two responsive bids (for background on the last matter see Section 287.0057(6), F.S. and current subsection 60A-1.002(5), F.A.C.)

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.057(6), 287.082, 287.084, 287.087, 287.092 FS.

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

TIME AND DATE: 2:00 p.m., Tuesday, August 24, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, FL 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least two days before the hearing, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Brown, Division of State Purchasing, Department of Management Services, Suite 360D, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 60A-1.011 follows. See Florida Administrative Code for current text.)

60A-1.011 Identical Responses Received (Tie) Bids/Proposals, Commodities/Contractual Services.

(1) Criteria. When evaluating vendor responses to solicitations, if the agency is confronted with identical pricing or scoring from multiple vendors, the agency shall determine the order of award using the following criteria, in the order of preference listed below (from highest priority to lowest priority):

(a) The response is from a Florida-domiciled entity, as determined by the Department of State;

(b) If the response relates to manufactured commodities, the response provides for manufacturing such commodities within the state (in preference over any foreign manufacturer);

(c) If the response relates to manufactured commodities, the response provides for a foreign manufacturer that also has at least 200 employees working in the state (in preference over a foreign manufacturer with less than 200 employees working in the state); or

(d) The response certifies that a drug-free workplace has been implemented in accordance with Section 287.087, F.S.

(2) No Applicable Criteria. If none of the criteria in subsection (1) are applicable, the agency may determine the order of award by using the number of valid vendor complaints of file or by a means of random selection (e.g., a coin toss or drawing of numbers).

Specific Authority 287.042(12) FS. Law Implemented 287.082, 287.084, 287.087, 287.092 FS. History—New 2-6-68, Revised 5-20-71, Amended 7-31-75, 10-1-78, 8-6-81, 2-13-83, 10-13-83, 3-1-84, Formerly 13A-1.11, Amended 11-3-88, 4-10-91, Formerly 13A-1.011, Amended _____.

60A-1.015 Insurance.

(1) Insurance shall be purchased for all agencies by State Purchasing whenever any part of the premium is paid by the State with the exception of title insurance for land acquisition, the State Group Health, and Life Programs, administered by the Department of Management Services and Self-Insurance Trust Fund administered by the Department of Financial Services, Division of Risk Management. Agencies may make emergency purchases of insurance pursuant to Section 287.057(5)(a), F.S. Requests for the purchase, renewal or endorsement of insurance and bonds shall be initiated in writing by authorized personnel of the requesting agency and submitted to State Purchasing. No agency shall contact the agent of record representing the insurance carrier with the exception of reporting a claim.

(2) All claims reports shall be submitted by the agency to the agent of record representing the insurance carrier. Any loss due to an alleged criminal act shall be reported immediately upon discovery to the appropriate law enforcement agency.

~~(3) Invoices will be forwarded by State Purchasing to the Department of Financial Services for the initial rate approval. The Department of Financial Services will transmit the invoice and rate approval to the State agency for payment. All renewals and endorsements with the same rate as previously approved by the Department of Financial Services will be transmitted to the State agency by the Department of Management Services. Covered agencies shall submit all premium payments directly to the agent of record representing the insurance carrier. Payments are to be made in accordance with Section 215.422, F.S.~~

Specific Authority 287.042(12) FS. Law Implemented 287.022 FS. History—New 8-6-81, Amended 11-4-82, Formerly 13A-1.15, Amended 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.015, Amended 8-24-93, 1-9-95, 7-6-98, 1-2-00, 6-21-04.

60A-1.071 Less Than Two Responses Received.

(1) Review of Solicitation Process. If, after receiving responses to a solicitation, the agency determines that there are less than two submissions that are both (i) responsive and (ii) received from responsible vendors (as those phrases are defined in Rule 60A-1.001, F.A.C.), the agency shall review the solicitation specifications and process in order to determine what caused the lack of acceptable responses.

(2) Re-Soliciting. If the results of the review discussed in paragraph (1) indicate that a second competitive solicitation would result in additional competition and that such additional competition is in the best interests of the state, the agency shall issue a notice of no award for the current solicitation. If acquiring the commodity or service is still in the best interest of the agency, the agency shall re-initiate its procurement processes, considering the additional information gained by its review.

(3) Accepting a Single Response. If (i) the results of the review discussed in paragraph (1) indicate that a second competitive solicitation would not result in additional competition, (ii) the agency receives a single responsive submission from a responsible vendor, and (iii) the agency determines that awarding to the responsive and responsible vendor is in the best interest of the state, the agency shall award the solicitation to that vendor.

(4) Negotiating with Respondents. If the results of the review discussed in paragraph (1) above indicate that a second competitive solicitation would not result in additional competition, and the agency cannot make the determinations required by paragraph (3) above, the agency shall negotiate with the respondents to the solicitation and award to the final offer determined to be in the best interests of the state. An agency electing to negotiate under this subsection shall inform the Department of its action by submitting PUR 5887 (08/04), which is hereby incorporated by reference. The form is available at <http://dms.myflorida.com>. The agency may negotiate serially (rather than concurrently), if it makes one of the following determinations:

(a) The agency determines that a respondent was responsive and responsible, and negotiates serially beginning with that responsive and responsible vendor, or

(b) The agency determines that serial negotiation is in the best interests of the State.

(5) Rejecting All Responses. This section is not intended to affect an agency's rights under Section 120.57(3)(f), F.S.

Specific Authority 287.042(12) FS. Law Implemented 287.057(6) FS. History—New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Exemption from Licensure Renewal Provisions for Spouses of Members of the Armed Forces of the United States

RULE NO.: 61G14-12.003

PURPOSE AND EFFECT: The Board proposes the development of a rule to address an exemption from licensure renewal provisions for spouses of members of the Armed Forces.

SUBJECT AREA TO BE ADDRESSED: An exemption from licensure renewal provisions for spouses of members of the Armed Forces.

SPECIFIC AUTHORITY: 310.185(1), 455.02(2) FS.

LAW IMPLEMENTED: 455.02(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 FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-12.003 Exemption from License Renewal Provisions for Spouses of Members of the Armed Forces of the United States.

(1) As used in this rule, the following definitions shall apply:

(a) "Pilot" shall include both licensed state pilots and certified deputy pilots.

(b) "Armed forces" shall include the Army, Navy, Marine Corps, Air Force, Coast Guard and National Guard.

(2) A pilot who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions and placed on inactive status for any period of time which the pilot is absent from the State of Florida due to the pilot's spouse's duties with the Armed Forces, subject to the following conditions:

(a) Copies of the military orders requiring the absence of the pilot's spouse from the port where the pilot is licensed or certified are submitted to the Board office.

(b) The licensed state pilots at the port affected by the seeking of an exemption under this provision shall, in consultation with customers of the affected port, jointly submit to the Board a plan to provide adequate piloting during the inactive status of the pilot seeking exemption. This plan shall include recommendations concerning:

1. Cross-licensing of additional pilots from other ports;
2. Declaration of a port opening for the next scheduled examination;
3. Combination of the affected port with another port; or
4. Other measures designed to assure the provision of adequate piloting during the inactive status of the pilot seeking exemption.

(3) Within 45 days of completion of duty with the Armed Forces outside the State of Florida by the pilot's spouse, and prior to resuming duties as a pilot, the affected pilot shall:

(a) Ensure that all physical examinations and reports, as required by Rule 61G14-20.001, F.A.C., are current and on file.

(b) If the period of absence from piloting duties exceeds 365 days, complete, under the guidance of a licensed state pilot of that port, four familiarization transits of the port where licensed or certified.

Specific Authority 310.185(1), 455.02(2) FS. Law Implemented 455.02(2) FS. History-New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Examination Areas of Competency
 RULE NO.: 61J2-2.029

PURPOSE AND EFFECT: The purpose of the proposed rule development workshop is to discuss areas of competency relating to real estate examinations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development affects rule provisions relating to examination areas of competency for real estate licensure.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217(1)(b) FS.

IF REQUESTED IN WRITING, WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. AN ADDITIONAL HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, August 17, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lori Crawford, Deputy Clerk, 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 IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: Continuing Education Credit Guidelines
 RULE NO.: 64B21-502.004

PURPOSE AND EFFECT: The Department of Health proposes to review the existing text in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education credit guidelines.

SPECIFIC AUTHORITY: 490.015 FS.
LAW IMPLEMENTED: 490.0085 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Standards for the Certification of Environmental Health Professionals
RULE CHAPTER NO.: 64E-18

RULE TITLES: General Provisions 64E-18.001
Definitions 64E-18.002
Requirements for Certification 64E-18.003
Issuance of Certificates and Renewals 64E-18.004
Notifications of Changes 64E-18.005
Standards of Practice 64E-18.007
Disciplinary Guidelines 64E-18.008
Grandfathering 64E-18.091
Fees 64E-18.010

PURPOSE AND EFFECT: The proposed changes create areas which have been omitted and bring current or enhance other areas, eliminate unneeded sections and strengthen weak areas as identified by the regulated community and regulatory officials.

SUBJECT AREA TO BE ADDRESSED: The changes will add and/or revise definitions, update educational requirements, revise time requirements for precertification coursework, be user friendly during the renewal period by adding an inactive period, enhance standards of practice and disciplinary guidelines, eliminate grandfathering and revise and redefine the fee structure.

SPECIFIC AUTHORITY: 381.0010 FS.
LAW IMPLEMENTED: 381.0101 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: 3:00 p.m., August 16, 2004
PLACE: 4042 Bald Cypress Way, Conference Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4277 (An electronic copy of the proposed rule can be obtained without cost by contacting David B. Wolfe at the above address)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-18.001 General Provisions.

Persons shall not perform environmental health or sanitary evaluations in a primary area unless certified by the Department of Health (henceforth referred to as department) in accordance with the provisions of this chapter.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(1) FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.001, Amended 3-2-98, Repromulgated _____.

64E-18.002 Definitions.

(1) Accredited – means a degree granting institution recognized as meeting acceptable levels of quality and performance by the American Council on Education.

~~(2)~~(4) Administrative position – a position responsible for planning, organizing, evaluating, or directing the work of field personnel, supervisory personnel, or other administrative environmental health professionals.

~~(3)~~(2) Environmental Health Services – also referred to as services. These are activities, or the supervision thereof, which are a routine part of environmental health work, such as inspections, evaluations, preparation of reports, analysis of data, interpretation of data and laboratory reports, consultations with other health professionals or the public regarding results of evaluations and sampling efforts, and the recommending of prescribed courses of action to alleviate unsanitary or hazardous conditions. These services are provided based on a knowledge and understanding of technical and scientific environmental health principles.

~~(4)~~(3) Field position – a position primarily responsible for performing evaluations and inspections, collecting samples, conducting field tests of equipment, participating in enforcement activities, and providing public information on environmental program activities. Examples of work conducted by an individual working in a field position assigned to a primary program area of food protection would be performing assessments of sanitary conditions in a food operation, or collecting and analyzing information from persons involved in a foodborne illness investigation. An example of a person performing field work in a primary program area of onsite sewage treatment and disposal would be evaluating the siting and construction of an onsite sewage treatment and disposal system for compliance with minimum state standards.

~~(5)~~(4) Florida Environmental Health Association – a not for profit professional association located at 3539 Apalachee Parkway #215, Tallahassee, FL 32311 Post Office Box 271823, Tampa, Florida 33688-1823 which provides training, testing, and educational services for environmental health professionals working in Florida.

~~(6)~~(5) Food protection program work – activity associated with the evaluation of facilities and techniques used by individuals and companies providing foods to the public. Included would be the educational activities directed toward informing food managers and food workers in the proper application of sanitary techniques or the investigation of foodborne disease reports.

~~(7)~~(6) Supervisor position – this position is responsible for supervision of field personnel, some of whom may or may not yet be certified in a primary area of environmental health practice.

~~(8)~~(7) National Environmental Health Association – a not for profit professional association located at 720 South Colorado Boulevard, Suite 970, Denver, Colorado 80222 which provides training, testing, and educational services for environmental health professionals working in the United States.

~~(9)~~(8) Onsite sewage treatment and disposal system program work – activities associated with the evaluation and site location of any domestic wastewater treatment and disposal systems under the regulatory authority of the Florida Department of Health. Included in this activity would be site location and evaluation activities associated with the treatment and disposal of septage residuals created during the wastewater treatment process, and the regulation of contractors performing system construction, maintenance, and septage residuals disposal services.

~~(10)~~(9) Registered Environmental Health Specialist – a person who has displayed knowledge of a primary area of environmental health and has been certified as knowledgeable by either the Florida Environmental Health Association or the National Environmental Health Association.

~~(11)~~(10) Repeat Violation – any violation on which disciplinary action is being taken where the same individual has previously had disciplinary action taken against him or her and has received a penalty other than a letter of warning in a prior case. This definition applies regardless of the chronological relationship of the violations and regardless of whether the violations are of the same or different subsections of this rule.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(2),(5),(8) FS. History–New 9-21-94, Amended 8-20-96, Formerly 10D-123.002, Amended 3-2-98, _____.

64E-18.003 Requirements for Certification.

(1) Persons subject to certification – A person shall be subject to the requirements of this rule if he or she is employed or assigned to provide environmental health services in any primary environmental health program, as defined in Section 381.0101(2), F.S.

(2) A person seeking certification in any primary program area shall apply to the department on DH Form 4100, Application for Environmental Health Professional Certification, November ~~2004~~ 1997, incorporated by reference in this rule. An application fee shall be submitted for the first primary environmental health program in which the applicant seeks certification.

(3) A person shall be eligible for certification if they meet the following requirements:

(a) Applicants beginning work in a primary area of environmental health on or after September 21, 1994 must have a bachelor's degree from an accredited college or university with major coursework in environmental health, environmental science, or a physical or biological science. Final authority on disciplines qualifying as a physical or biological science are listed under "Academic Disciplines and Corresponding Majors" in the Appendix of the October 1995 edition of Determining Eligibility for State Employment, Department of Management Services, State of Florida, incorporated by reference in this rule. Major course work is no less than 30 semester hours or 40 quarter hours of class work ~~in any of the following areas:-~~

- ~~1. Chemistry~~
- ~~2. Biology~~
- ~~3. Physics or physical science~~
- ~~4. Health Science~~
- ~~5. Earth Science~~
- ~~6. Environmental Science~~
- ~~7. Epidemiology or biostatistics~~

~~(b)~~(8) Other areas of study which are germane to the practice of environmental or public health, though not necessarily based on the application of scientific methods. Examples of these would be public health law, environmental law, ~~or~~ health planning, soil science, food science, or epidemiology and would be determined by the Bureau of Community Environmental Health.

~~(c)~~(b) All applicants must submit the necessary exhibits and fees as described in (4) below.

(4) Completed applications for certification must be received by the department's Bureau of Community Environmental Health Programs at least 60 days prior to examination. In order to be complete, the application must have all spaces correctly completed, be signed by the applicant, include a money order or sufficiently funded check in the correct amount as specified in paragraph 64E-18.010(1)(a),

F.A.C., and if employed on or after September 21, 1994, shall include official copies of transcripts from the colleges or universities from which the applicant graduated.

(5) Within ~~45~~ 30 days of receipt of the completed application by the department, the applicant shall be notified as to whether he or she meets the general requirements of this rule and is eligible for certification.

(a) If eligible for certification, the department shall notify the applicant of the schedule for classes and program examinations.

(b) If an applicant is determined to be ineligible for certification, the department shall provide the applicant with a letter of denial, giving the reasons for the determination.

(6) Applicants seeking certification in the Onsite Sewage Treatment and Disposal System Program must:

(a) Successfully complete a minimum of 24 ~~30~~ hours of department approved pre-certification course work. At a minimum this course work shall include training and testing on soil classification, system design and theory, system material and construction standards, and regulatory requirements, and;

(b) Successfully pass the ~~an~~ examinations administered by the department. Minimum passing score shall be a 70 percent correct response to all questions comprising the exam.

(7) Applicants seeking certification in the Food Protection Program must:

(a) Successfully complete a minimum of 24 hours of department approved pre-certification course work. At a minimum this course work shall include training and testing on food microbiology, foodborne illness investigations, and basic hazard analysis and critical control points (HACCP) and;

(b) Successfully pass the precertification coursework and certification ~~an~~ examinations administered or approved by the department. Minimum passing score shall be a 70 percent correct response to all questions comprising the exam unless the approved course provider requires a higher score.

(8) through (15) No change.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101 FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.003, Amended 3-2-98,_____.

64E-18.004 Issuance of Certificates and Renewals.

(1) Upon receipt of the required fees, the department shall issue a certificate to each applicant who meets the requirements of Section 381.0101(5), F.S., and Rule 64E-18.003, F.A.C.

(2) All certificates expire on September 30th of odd numbered years.

(3) Certificates shall be renewed only after information has been provided to the department that the environmental health professional has successfully completed, within the previous 24-month period, 24 contact hours of continuing education relating to public health and environmental health principles for each program area in which they maintain

certification. Contact hours will be prorated on a semi-annual basis. Such information shall be accompanied by necessary renewal fees and a completed DH Form 4101, Application for Renewal of Environmental Health Professional Certification, November ~~2004~~ 1997, incorporated by reference in this rule.

(4) An application for renewal must be postmarked on or before the close of business on September 30th of the expiration year of the certificate. If that date falls on a weekend or holiday, the date of expiration shall be the first working day after the expiration date on the certificate. If a certificate holder does not file a renewal application prior to the expiration date of the certificate, the certificate will revert to an inactive status ~~expire~~. A certificate can remain inactive no longer than 3 months at which time if not renewed it will expire. Environmental health professionals shall not provide services in a primary environmental health program with a revoked, suspended, inactive, or expired certificate.

(5) Those persons seeking certification under Section 381.0101(5)(a)2., F.S., must apply on DH Form 4100, Application for Environmental Health Professional Certification. The application must be completed in full and submitted to the department. Applications are available through the county health departments or online at <http://www.doh.state.fl.us> ~~the Bureau of Environmental Health Programs~~.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101 FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.004, Amended 3-2-98,_____.

64E-18.005 Notifications of Changes.

A certificate holder shall notify the department within 60 days of any change in name or address from that which appears on their current application ~~certificate~~.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(5) FS. History--New 9-21-94, Formerly 10D-123.005, Amended _____.

64E-18.007 Standards of Practice.

(1) It shall be the responsibility of persons certified under this rule to see that work for which they are responsible and work which has been performed by them or under their supervision is carried out in conformance with the requirements of Chapters 500, 386, or 381, F.S., and Chapters 64E-6 or 64E-11, F.A.C., and all applicable policies and procedures.

(2) The following actions by a person included under this rule shall be deemed unethical and subject to penalties as set forth in Rule 64E-18.008, F.A.C.:

(a) Knowingly authorizing or approving the construction, installation, repair, use, or operation of a facility, structure, or device which does not meet environmental health or sanitary standards set forth in Chapters 500, 386, or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C., as they are applicable to the facility, the structure, or the device.

(b) Falsifying or providing written or verbal reports of inspections and evaluations which do not reflect the conditions observed or violations found at a site or within a facility.

(c) Allowing the continued existence of a sanitary nuisance without initiating efforts to obtain corrections.

(d) Directing a coworker or subordinate to violate rules and standards relating to the provision of environmental health services as set forth in Chapters 500, 386, or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C.

(e) Providing services in a primary environmental health program without prior certification ~~obtaining a certificate~~ from the department.

(f) Providing services with an expired or inactive certificate.

(g) Aiding or abetting evasion of Chapter 381, Chapter 489 Part III, Chapter 386, Chapter 500, F.S., or Chapter 64E-6 or Chapter 64E-11, F.A.C., promulgated thereunder.

(h) Obtaining certification through fraud, misrepresentation, or concealment of material facts.

(i) Gross negligence, incompetence, or misconduct which:

1. Causes no monetary or other harm to an individual or the public, or physical harm to any person.

2. Causes monetary or other harm to an individual or the public, or physical harm to any person.

(j) Use of improper procedures or methodology to perform work, or a violation of (1) above.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(3),(4),(5),(8) FS. History—New 9-21-94, Amended 8-20-96, Formerly 10D-123.007, Amended 3-2-98, _____

64E-18.008 Disciplinary Guidelines.

(1) The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to other provisions of this rule. Where aggravating circumstances are present, the department shall be allowed to use the penalty for a repeat violation. Where mitigating circumstances are present, the department shall be allowed to use the penalty for first violation plus a fine not to exceed \$500.

(a) Knowingly authorizing or approving the construction, modification, installation, repair, use, or operation of a facility, structure, or device which does not meet health and sanitary standards as set forth in Chapters 500, 386, or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C., as they are applicable to the facility, the structure, or the device. First violation, letter of warning; second violation, \$250 fine; repeat violation, 90 day suspension.

(b) Falsifying or providing written or verbal reports of inspections ~~or~~ ~~and~~ evaluations which do not reflect the actual conditions observed or violations found at a site or within a facility. First violation, letter of warning; second violation, \$250 fine; repeat violation, 30 day suspension.

(c) Allowing the continued existence of a sanitary nuisance without initiating efforts to obtain corrections. First violation, letter of warning; second violation, \$250 fine; repeat violation, 30 day suspension.

(d) Directing a subordinate or coworker to violate rules and standards of the department relative to the provision of environmental health services as set forth in Chapters 500, 386, or 381, F.S., or Chapters 64E-6 or 64E-11, F.A.C. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine and 90 day suspension.

(e) Providing primary environmental health services without obtaining prior certification from the department, offering to provide primary environmental health services without maintaining a current certification. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine.

(f) Providing primary environmental health services with an expired or inactive certificate. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine.

(g) Aiding or abetting evasion of Chapter 381, Chapter 386, Chapter 489 Part III, Chapter 500 F.S., Chapter 64E-6 or 64E-11, F.A.C., promulgated thereunder. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$500 fine and 90 day suspension.

(h) Obtaining a certificate through fraud, misrepresentation, or concealment of material facts. Revocation.

(i) Gross negligence, incompetence, or misconduct which:

1. Causes no monetary or other harm to an individual or the public, or physical harm to any person. First violation, letter of warning; second violation, \$250 fine; repeat violation, 30 day suspension.

2. Causes monetary or other harm to an individual or the public, or physical harm to any person. First violation, letter of warning; second violation, \$250 fine; repeat violation, 30 day suspension.

(j) Use of improper procedures or methodology for perform work, or a violation of (1) above. First violation, letter of warning; second violation, \$250 fine; repeat violation, \$250 fine and 30 day suspension.

(2) Circumstances which will be considered for the purposes of mitigation or aggravation of a penalty shall include the following:

(a) Monetary or other damage to the public or an individual, in any way associated with the violation, which damage the certified professional has not relieved, as of the time the penalty is to be assessed.

(b) The severity of the offense as recommended by the Environmental Health Professional Advisory Board and approved by the Division of Environmental Health.

- (c) The danger to the public.
 - (d) The number of repetitions of the offense.
 - (e) The number of complaints filed against the individual.
 - (f) The length of time the environmental health professional has practiced.
 - (g) The actual damage, physical or otherwise, to the individual or the public.
 - (h) Any efforts at rehabilitation.
- (3) Where several of the above violations shall occur in one or several cases being considered together, the penalties shall normally be cumulative and consecutive.

(4) Probation shall be allowed to may also be assessed, by the Division of Environmental Health, in any case where it is in the interests of the public, to require the individual to serve a probationary period. Failure to comply with the terms and conditions of the probation shall be prima facie evidence of misconduct.

(5) The department shall require that persons who have been placed on probation take an exam administered by the department. Minimum passing score shall be 70 percent correct response to all questions comprising the exam. One retake within two working days shall be allowed. The examination must be passed before probation can be ended.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0012, 381.0061(1), 381.0101(3),(4),(5),(8) FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.008, Amended 3-2-98,_____.

64E-18.0091 Grandfathering.

~~Persons employed in a primary area of environmental health prior to September 21, 1994, and formerly exempted are now considered certified in the program areas and levels at which they were previously exempted. If a person changes to another position type within a primary program area, any certification issued under this section in the primary program area is void within six months of such change and certification through examination must be obtained.~~

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(7) FS. History--New 3-2-98, Repealed _____.

64E-18.010 Fees.

(1) The following schedule of fees is hereby established. The fees listed below are required to accompany applications for certification, initial certificate issuance, application for certificate renewal, and application to renew an inactive certificate:

- (a) Application for certification including transcript review if applicable, initial examination and certificate issuance. \$50 ~~25~~
- (b) ~~Initial certification.~~ \$25
- (c) ~~Additional program certifications.~~ \$10
- (b)(d) Renewal of certification per program per biennial period. \$25
- (c) Late fee for renewal per program per biennial period. \$25

(2) The fee listed in paragraph (1)(b) is waived if the individual is certified by examination within 6 months of the renewal date is for the biennial period, and shall be pro-rated to a half-period fee if certification is initially granted during the second year of the biennial period.

Specific Authority 381.0011, 381.0101(4),(5) FS. Law Implemented 381.0101(7) FS. History--New 9-21-94, Amended 8-20-96, Formerly 10D-123.011, Amended 3-2-98,_____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Comprehensive Shellfish Control Code	5L-1
RULE TITLES:	RULE NOS.:
Shellfish Harvesting Area Standards	5L-1.003
Container Identification, Terminal Sale	
Date; Prohibitions	5L-1.007

PURPOSE AND EFFECT: These amendments propose to reclassify the Horseshoe Beach shellfish harvesting area in Dixie County, the Cedar Key shellfish harvesting area in Levy County, the Waccasassa Bay shellfish harvesting area in Levy County, the Withlacoochee Bay shellfish harvesting area in Levy and Citrus Counties, the Boca Ciega Bay shellfish harvesting area in Pinellas and Hillsborough Counties, the Lower Tampa Bay shellfish harvesting area in Manatee and Hillsborough Counties, the Sarasota Bay shellfish harvesting area in Sarasota and Manatee Counties, and the Ten Thousand Islands shellfish harvesting area in Collier County. Sanitary surveys have been conducted that evaluate current information on pollution sources and bacteriological water quality, and recommend reclassification of the Horseshoe Beach, Cedar Key, Waccasassa Bay, Withlacoochee Bay, Boca Ciega Bay, Lower Tampa Bay, Sarasota Bay, and Ten Thousand Islands shellfish harvesting areas. Additionally, the four-digit area codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Horseshoe Beach, Lower Tampa Bay, and Sarasota Bay shellfish harvesting areas. The four-digit harvest area codes for Horseshoe Beach, Lower Tampa Bay, and Sarasota Bay are proposed to be updated to reflect the proposed classifications. These codes or the name of the harvest area must be recorded on harvester tags. This information provides for tracing shellfish that are implicated in illness outbreaks back to the harvest area.

SUMMARY: The proposed reclassification of the Horseshoe Beach shellfish harvesting area will decrease the size of the approved Summer area by 2,281 acres, from 92,209 acres to 89,928 acres, and will increase the size of the prohibited

Summer area by 2,309 acres, from 2,815 acres to 5,124 acres. Current and proposed management of the approved Summer area is based on local rainfall. The average closure frequency of the 2501 Horseshoe Beach approved Summer area is not expected to change. The approved area will close only under emergency conditions as described in subsection 5L-1.003(9), F.A.C. The proposed reclassification of the Horseshoe Beach shellfish harvesting area will decrease the size of the conditionally approved Winter area by 3,418 acres, from 90,395 acres to 86,977 acres, increase the size of the conditionally restricted Winter area by 1,038 acres, from 1,865 acres to 2,903 acres, and increase the size of the prohibited Winter area by 2,309 acres, from 2,815 acres to 5,124 acres. Current and proposed management of the conditionally approved and conditionally restricted Winter areas is based on local rainfall. The average closure frequency of the 2502 Horseshoe Beach conditionally approved Winter area is expected to decrease by 2.3 days per month, from 3.4 to 1.1 days per month. The average closure frequency of the 2506 Horseshoe Beach conditionally restricted Winter area is expected to decrease by 0.9 days per month, from 1.1 to 0.2 days per month.

The proposed reclassification of the Cedar Key shellfish harvesting area will increase the size of the conditionally approved Zone A and Zone B areas by 751 acres, from 190,808 acres to 191,559, decrease the size of the conditionally restricted area by 24 acres, from 1,416 acres to 1,392 acres, and decrease the size of the prohibited area by 4,774 acres, from 6,581 acres to 1,807 acres. Current and proposed management of the conditionally approved and conditionally restricted areas is based on local rainfall. The average closure frequencies of the 3012 Cedar Key conditionally approved Zone A, the 3022 Cedar Key conditionally approved Zone B, and the 3006 Cedar Key conditionally restricted area are not expected to change because no changes to the management plan closure criteria are proposed. Average closure frequencies for each area are expected to remain as follows: 3012 Cedar Key conditionally approved Zone A (0.2 days per month), 3022 Cedar Key conditionally approved Zone B (6.8 days per month), 3006 Cedar Key conditionally restricted (0.7 days per month).

The proposed reclassification of the Waccasassa Bay shellfish harvesting area will increase the size of the conditionally approved area by 1,103 acres, from 42,956 acres to 44,059 acres, decrease the size of the conditionally restricted area by 1,425 acres, from 6,687 acres to 5,262 acres, and decrease the size of the prohibited area by 80 acres, from 450 acres to 370 acres. Current and proposed management of the conditionally approved and conditionally restricted areas is based on Waccasassa River Stage. The average closure frequency for the 3202 Waccasassa Bay conditionally approved area is expected to increase by 0.2 days per month, from 1.0 to 1.2 days per month. The average closure frequency for the 3206

Waccasassa Bay conditionally restricted area is expected to decrease by 1.9 days per month, from 2.5 to 0.6 days per month.

The proposed reclassification of the Withlacoochee Bay shellfish harvesting area will increase the size of the conditionally approved area by 81 acres, from 75,065 acres to 75,146 acres, decrease the size of the conditionally restricted area by 1,805 acres, from 4,486 acres to 2,681 acres, and decrease the size of the prohibited area by 930 acres, from 1,281 acres to 351 acres. Current and proposed management of the conditionally approved and conditionally restricted areas is based on Withlacoochee River discharge. The average closure frequency for the 3402 Withlacoochee Bay conditionally approved area is expected to decrease by 0.3 days per month, from 1.8 to 1.5 days per month. The average closure frequency of the 3406 Withlacoochee Bay conditionally restricted area is not expected to change from 1.2 days per month.

The proposed reclassification of the Boca Ciega Bay shellfish harvesting area will result in no change in the size of the conditionally approved area (14,934 acres) or the prohibited area (4,921 acres). Current and proposed management of the conditionally approved area is based on local rainfall. The average closure frequency of the 4202 Boca Ciega Bay conditionally approved area is expected to decrease by 0.3 days per month, from 1.1 to 0.8 days per month.

The proposed reclassification of the Lower Tampa Bay shellfish harvesting area will increase the size of the conditionally approved area by 9,431 acres, from 14,026 acres to 23,457 acres, decrease the size of the conditionally restricted area by 1,230 acres, from 1,230 acres to 0 acres, and increase the size of the prohibited area by 1,230 acres, from 7,554 acres to 8,784 acres. Current management of the conditionally approved and conditionally restricted areas is based on local rainfall. Proposed management of the conditionally approved area is based on local rainfall. The average closure frequency of the 4802 Lower Tampa Bay conditionally approved area is expected to decrease by 4.2 days per month, from 7.1 to 2.9 days per month.

The proposed reclassification of the Sarasota Bay shellfish harvesting area will increase the size of the conditionally approved area by 478 acres, from 7,509 acres to 7,987 acres, decrease the size of the conditionally restricted area by 2,352 acres, from 2,352 acres to 0 acres, and increase the size of the prohibited area by 1,874 acres, from 14,848 acres to 16,722 acres. Current management of the conditionally approved and conditionally restricted areas is based on local rainfall. Proposed management of the conditionally approved area is based on local rainfall. The average closure frequency of the 5402 Sarasota Bay conditionally approved area is expected to decrease by 2.8 days per month, from 7.1 to 4.3 days per month.

The proposed reclassification of the Ten Thousand Islands shellfish harvesting area will result in no change in the size of the conditionally approved area (55,741 acres) or the prohibited area (7,687 acres). Current and proposed management of the conditionally approved area is based on local rainfall. The average closure frequency of the 6602 Ten Thousand Islands conditionally approved area is not expected to change from 0.2 days per month.

These amendments place descriptions, references to shellfish harvesting area map numbers, and operating criteria for the Horseshoe Beach shellfish harvesting area (#25), the Cedar Key shellfish harvesting area (#30), the Waccasassa Bay shellfish harvesting area (#32), the Withlacoochee Bay shellfish harvesting area (#34), the Boca Ciega Bay shellfish harvesting area (#42), the Lower Tampa Bay shellfish harvesting area (#48), the Sarasota Bay shellfish harvesting area (#54), and the Ten Thousand Islands shellfish harvesting area (#66) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated by reference in subsection 5L-1.003(1), F.A.C. Additionally, these amendments provide an illustration of the Horseshoe Beach shellfish harvesting area classification boundaries in shellfish harvesting area maps #25A and #25B, an illustration of the Cedar Key shellfish harvesting area classification boundaries in shellfish harvesting area map #30, an illustration of the Waccasassa Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #32, an illustration of the Withlacoochee Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #34, an illustration of the Boca Ciega Bay shellfish harvesting area classification boundaries in shellfish harvesting map #42, an illustration of the Lower Tampa Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #48, an illustration of the Sarasota Bay shellfish harvesting area classification boundaries in shellfish harvesting area map #54, and an illustration of the Ten Thousand Islands shellfish harvesting area classification boundaries in shellfish harvesting area map #66. These maps are hereby incorporated by reference in subsection 5L-1.003(1), F.A.C.

Additionally, these amendments propose updating the four-digit harvest area codes defined in paragraph 5L-1.007(3)(e), F.A.C., for the Horseshoe Beach, Lower Tampa Bay, and Sarasota Bay shellfish harvesting areas. These codes will be used on harvester tags to identify the locations where shellfish are harvested.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no anticipated regulatory cost.

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: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

TIME AND DATE: 9:00 a.m., Friday, August 27, 2004

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify David Heil, Division of Aquaculture, at (850)488-5471 at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES: David Heil, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised ~~August 17, 2004~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised ~~August 17, 2004~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) through (10) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History--New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01 (1), 10-14-01 (1), 8-17-04,

5L-1.007 Container Identification, Terminal Sale Date; Prohibitions.

(1) through (2) No change.

(3) The commercial harvester's tag's shall contain legible waterproof information arranged in the specific order as follows:

- (a) The harvester's saltwater product license number or aquaculture certificate number;
- (b) The date of harvesting;
- (c) The time of harvest;
- (d) The time of refrigeration, if applicable;

(e) The identification of the harvest area using the four digit area number or name of the harvest area listed in Table 2, which is incorporated herein and appears at the end of this chapter, as well as the most precise identification within that area as practicable;

(f) Common name of shellfish and quantity of shellfish;

(g) The following statement will appear in bold capitalized type "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS."

(4) through (12) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.010, Amended 6-19-00, 8-9-00, 10-14-01, 5-29-02, 8-17-04, _____.

TABLE 2: FOUR DIGIT AREA NUMBERS AND NAMES OF HARVEST AREAS

AREA NUMBER	HARVEST AREA NAME
0212	Pensacola Bay Conditionally Approved Escambia Bay Shellfish Aquaculture Lease Areas managed during the Summer months of Jul – Sep
0222	Pensacola Bay Conditionally Approved Escambia Bay
0232	Pensacola Bay Conditionally Approved East Bay
0216	Pensacola Bay Conditionally Restricted Escambia Bay
0226	Pensacola Bay Conditionally Restricted East Bay
0622	Choctawhatchee Bay Conditionally Approved Central
0632	Choctawhatchee Bay Conditionally Approved Eastern
0806	West Bay Conditionally Restricted Spring/Fall Apr – Jun, Oct – Nov
0812	West Bay Conditionally Approved Winter Dec – Mar
0822	West Bay Conditionally Approved Spring/Fall Apr – Jun, Oct – Nov
1012	North Bay Conditionally Approved Western
1022	North Bay Conditionally Approved Eastern
1006	North Bay Conditionally Restricted Eastern
1206	East Bay Conditionally Restricted
1212	East Bay Conditionally Approved Section 1
1222	East Bay Conditionally Approved Section 2
1401	St. Joe Bay Approved
1506	Indian Lagoon Conditionally Restricted
1512	Indian Lagoon Conditionally Approved Spring/Fall Mar – Jun, Oct
1542	Indian Lagoon Conditionally Approved Zone A Winter Nov – Feb
1552	Indian Lagoon Conditionally Approved Zone B Winter Nov – Feb
1572	Indian Lagoon Conditionally Approved Shellfish Aquaculture Lease Areas 547 and 901 managed during the Summer months of Jul – Sep
1611	Apalachicola Bay Approved Winter Jan – Jun, Oct – Dec
1621	Apalachicola Bay Approved Summer Jul – Sep
1631	Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer Jul – Sep
1612	Apalachicola Bay Conditionally Approved West 1 Winter Jan – Jun, Oct – Dec
1622	Apalachicola Bay Conditionally Approved West 2 Winter Jan – Jun, Oct – Dec
1632	Apalachicola Bay Conditionally Approved West 3 Winter Jan – Jun, Oct – Dec
1642	Apalachicola Bay Conditionally Approved East Winter Jan – Jun, Oct – Dec or Apalachicola Bay Approved East Hole Summer Jul – Sep
1652	Apalachicola Bay Conditionally Approved North Summer Jul – Sep
1662	Apalachicola Bay Conditionally Approved South Summer Jul – Sep
1606	Apalachicola Bay Conditionally Restricted
1802	Alligator Harbor Conditionally Approved
2002	Ochlockonee Bay Conditionally Approved
2006	Ochlockonee Bay Conditionally Restricted
2206	Wakulla County Conditionally Restricted
2212	Wakulla County Conditionally Approved Zone 1 Winter
2222	Wakulla County Conditionally Approved Zone 2 Winter
2232	Wakulla County Conditionally Approved Zone 1 Spring
2242	Wakulla County Conditionally Approved Zone 2 Spring
2501	Horseshoe Beach Approved Summer <u>Apr – Sep</u>
2502	Horseshoe Beach Conditionally Approved Winter <u>Oct – Mar</u>
2506	Horseshoe Beach Conditionally Restricted Winter <u>Oct – Mar</u>
2802	Suwannee Sound Conditionally Approved
2806	Suwannee Sound Conditionally Restricted
3012	Cedar Key Conditionally Approved Zone A
3022	Cedar Key Conditionally Approved Zone B
3006	Cedar Key Conditionally Restricted
3202	Waccasassa Bay Conditionally Approved
3206	Waccasassa Bay Conditionally Restricted
3402	Withlacoochee Bay Conditionally Approved
3406	Withlacoochee Bay Conditionally Restricted
3702	Citrus County Conditionally Approved
3706	Citrus County Conditionally Restricted

- 4202 Boca Ciega Bay Conditionally Approved
- 4802 Lower Tampa Bay Conditionally Approved
- ~~4806 Lower Tampa Bay Conditionally Restricted~~
- 5402 Sarasota Bay Conditionally Approved
- ~~5406 Sarasota Bay Conditionally Restricted~~
- 5602 Lemon Bay Conditionally Approved
- 5802 Gasparilla Sound Conditionally Approved
- 6002 Myakka River Conditionally Approved
- 6006 Myakka River Conditionally Restricted
- 6212 Pine Island Sound Conditionally Approved Western Section
- 6222 Pine Island Sound Conditionally Approved Eastern Section
- 6602 Ten Thousand Islands Conditionally Approved
- 7001 Indian River/St. Lucie Approved
- 7006 Indian River/St. Lucie Restricted
- 7202 North Indian River Conditionally Approved
- 7206 North Indian River Conditionally Restricted
- 7412 Body F Conditionally Approved
- 7416 Body F Conditionally Restricted
- 7506 Body E Conditionally Restricted
- 7602 Body D Conditionally Approved
- 7606 Body D Conditionally Restricted
- 7712 Body C Conditionally Approved Zone 1 Spring/Summer/Fall Mar – Nov
- 7722 Body C Conditionally Approved Zone 2 Spring/Summer/Fall Mar – Nov
- 7732 Body C Conditionally Approved Winter Dec – Feb
- 7716 Body C Conditionally Restricted Winter Dec – Feb
- 7726 Body C Conditionally Restricted Spring/Summer/Fall Mar – Nov
- 7802 Body B Conditionally Approved
- 7902 South Banana River Conditionally Approved
- 7906 South Banana River Conditionally Restricted
- 8001 Body A Approved
- 8005 Body A Restricted
- 8201 South Volusia Approved
- 8212 South Volusia Conditionally Approved Zone 1
- 8222 South Volusia Conditionally Approved Zone 2
- 8206 South Volusia Conditionally Restricted
- 8802 St. Johns South Conditionally Approved
- 8806 St. Johns South Conditionally Restricted
- 9202 St. Johns North Conditionally Approved
- 9206 St. Johns North Conditionally Restricted

INDEX OF SHELLFISH HARVESTING AREA
CLASSIFICATION MAPS, BOUNDARIES AND
MANAGEMENT PLANS

Revised _____ August 17, 2004

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Apalachicola Bay System	16	16A, 16B	August 17, 2004
Alligator Harbor	18	18	October 14, 2001
Boca Ciega Bay	42	42	_____
			June 18, 1997
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994
Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	April 5, 2000
Cedar Key	30	30	_____
			November 5, 1992
Choctawhatchee Bay	06	06	October 14, 2001
Citrus County	37	37	May 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	January 1, 1995
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	_____
			March 18, 1999
Indian Lagoon	15	15A, 15B, 15C	August 17, 2004
Indian River/St. Lucie	70	70	June 18, 1997
Counties			
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	_____
			June 18, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	August 17, 2004
North Indian River	72	72	June 18, 1997
North St. Johns	92	92	January 1, 1995
Ochlockonee Bay	20	20	August 17, 2004
Pensacola Bay System	02	02	August 17, 2004
Pine Island Sound	62	62	December 28, 1998
Sarasota Bay	54	54	_____
			May 6, 1993
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28	February 25, 1998
Ten Thousand Islands	66	66	_____
			June 18, 1997
Waccasassa Bay	32	32	_____
			November 5, 1992
Wakulla County	22	22A, 22B	August 17, 2004
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	_____
			November 5, 1992

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Heil
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sherman Wilhelm, Director,
Division of Aquaculture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 27, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 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. 040246-W5

RULE TITLES:	RULE NOS.:
Limited Alternative Rate Increase	25-30.457
Notice of and Public Information for Application for Limited Alternative Rate Increase	25-30.458

PURPOSE AND EFFECT: To streamline the rate increase process for qualifying small water or wastewater companies.

SUMMARY: The proposed rule will establish an abbreviated procedure for a limited rate increase for small water and wastewater utilities under Section 376.0814, F.S., which should be less costly for utilities and their customers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The rule should make the rate case process more efficient and less time consuming and thus less costly for small utilities, their customers and Commission staff.

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(2), 367.0814(9), 367.121(1)(a) FS.

LAW IMPLEMENTED: 367.0814, 367.121, 350.123, 367.145(2) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE 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.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6098

THE FULL TEXT OF THE PROPOSED RULES IS:

25-30.457 Limited Alternative Rate Increase.

(1) As an alternative to a staff assisted rate case as described in Rules 25-30.455 and 25-30.456, F.A.C., water and wastewater utilities whose total gross annual operating revenues are \$150,000 or less for water service or \$150,000 or less for wastewater service, or \$300,000 or less on a combined basis, may petition the Commission for a limited alternative rate increase by submitting a completed application that includes the information required by sections (9) and (10). In accordance with Section 367.0814(6), F.S., a utility that requests staff assistance waives its right to protest by agreeing to accept the final rates and charges approved by the Commission unless the final rates and charges would produce less revenue than the existing rates and charges. The original and five copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(2) Upon filing a petition for a limited alternative rate increase, the utility shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request and retain a copy at the utility’s business office.

(3) Within 30 days of receipt of the completed application, the Division of Economic Regulation shall evaluate the application and determine the petitioner’s eligibility for a limited alternative rate increase.

(4) Upon reaching a decision to officially accept or deny the application, the Director of the Division of Economic Regulation shall notify the petitioner by letter. If the application is accepted, the Director will initiate limited alternative rate setting. If the application is denied, the letter shall state the reasons for denial.

(5) The official date of filing will be 30 days after official acceptance of the application by the Commission.

(6) A utility described in section (1) will qualify for limited alternative rate setting if it satisfies the following criteria:

(a) The petitioner has filed all annual reports required by subsection 25-30.110(3), F.A.C.:

(b) The petitioner has paid applicable regulatory assessment fees as required by Rule 25-30.120, F.A.C.:

(c) The petitioner has at least 1 year's actual experience in utility operation:

(d) The petitioner has complied in a timely manner with all Commission decisions affecting water and wastewater utilities for 2 years prior to the filing of the application under review:

(e) The utility has not been granted a staff assisted rate case pursuant to Rule 25-30.455, F.A.C., or a staff assisted alternative rate setting pursuant to Rule 25-30.456, F.A.C., within the 2-year period prior to the receipt of the application under review:

(f) The utility has not been granted a limited alternative rate increase pursuant to this rule within the 3-year period prior to the receipt of the application under review:

(g) The utility is currently in compliance with any applicable water management district permit conditions concerning rate structure; and

(h) A final order in a rate proceeding that established the utility's rate base, capital structure, annual operating expenses and revenues has been issued for the utility within the 7-year period prior to the receipt of the application under review.

(7) Any increase in operating revenues approved pursuant to this rule shall be limited to a maximum of 20 percent applied to metered or flat recurring rates of all classes of service.

(8) The Commission shall deny the application if a petitioner does not remit the fee, as provided by Section 367.145, F.S., and paragraph 25-30.020(2)(f), F.A.C., within 30 days after official acceptance of the application.

(9) Each petitioner for limited alternative rate increase shall provide the following general information to the Commission:

(a) The name of the utility as it appears on the utility's certificate and the address of the utility's principal place of business; and

(b) The type of business organization under which the utility's operations are conducted: If the petitioner is a corporation, the date of incorporation and the names and addresses of all persons who own 5 percent or more of the petitioner's stock; if the petitioner is not a corporation, the names and addresses of the owners of the business.

(10) The petitioner shall provide a schedule showing:

(a) Annualized revenues by customer class and meter size for the most recent 12-month period using the rates in effect at the time the utility files its application.

(b) Current and proposed rates for all classes of customers.

(11) The petitioner shall provide a statement that the figures and calculations upon which the change in rates is based are accurate and that the change will not cause the utility to exceed its last authorized rate of return on equity.

(12) A financial or engineering audit of the utility's financial or engineering books and records shall not be required in conjunction with the application under review.

(13) The application will be approved, denied, or approved with modifications within 90 days from the official filing date as established in subsection (5) above.

(14) In consideration of subsections (12) and (13), the utility agrees to hold any revenue increase granted under the provisions of this rule subject to refund for a period of 15 months after the filing of the utility's annual report required by Section 367.121, F.S., for the year the adjustment in rates was implemented.

(15) To insure overearnings will not occur due to the implementation of this rate increase, the Commission will conduct an earnings review of the utility's annual report to determine any potential overearnings for the year the adjustment in rates was implemented.

(16) If, within 15 months after the filing of a utility's annual report required by Section 367.121, F.S., the Commission finds that the utility exceeded the range of its last authorized rate of return on equity after an adjustment in rates as authorized by this rule was implemented within the year for which the report was filed, the Commission may order the utility to refund, with interest, the difference to the ratepayers and adjust rates accordingly.

(17) In the event of a protest of the proposed agency action (PAA) order pursuant to Rule 28-106.201, F.A.C., by a substantially affected person other than the utility, unless the PAA Order proposes a rate reduction, the utility may implement the rates established in the PAA Order on a temporary basis upon the utility filing a staff assisted rate case application pursuant to Rule 25-30.455, F.A.C., within 21 days of the date the protest is filed.

(18) In the event of a protest, the limit on the maximum increase provided in (7) above shall no longer apply.

(19) If the utility fails to file a staff assisted rate case application within 21 days in the event there is a protest, the application for a limited alternative rate increase will be deemed withdrawn.

Specific Authority 350.127(2), 367.0814(9), 367.121(1)(a) FS. Law Implemented 367.0814, 367.121, 350.123, 367.145(2) FS. History--New

25-30.458 Notice of and Public Information for Application for Limited Alternative Rate Increase.

(1) This rule applies to all requests for a limited alternative rate increase.

(2) No less than 14 days and no more than 30 days prior to the date of a customer meeting, the utility shall provide, in writing, a customer meeting notice to all customers within its service area and to all persons in the same service area who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed. The customer meeting will be conducted by the Commission staff no less than 21 days prior to Commission action on the application.

(3) The customer meeting notice shall be approved by Commission staff prior to distribution and shall include the following:

(a) The date the notice was issued;

(b) The time, date, location, and purpose of the customer meeting;

(c) A statement that the utility has applied for a limited alternative rate increase and the general reason for doing so;

(d) A statement of the location where copies of the application are available for public inspection during the utility's regular business hours;

(e) A comparison of current rates and charges and the proposed new rates and charges;

(f) The utility's address, telephone number, and regular business hours;

(g) A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, and that such comments should identify the docket number assigned to the proceeding;

(h) A statement that complaints regarding service may be made to the Commission's Division of Consumer Affairs at the following toll-free number: 1(800)342-3552;

(i) The docket number assigned by the Commission's Division of the Commission Clerk and Administrative Services.

(4) The customer meeting notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(5) If the Commission issues a proposed agency action (PAA) order granting a limited alternative rate increase, the utility shall notify its customers of the order and any revised rates. The customer notification shall be approved by Commission staff and be distributed no later than with the first bill containing any revised rates.

Specific Authority 350.127(2), 367.0814(9), 367.121(1) FS. Law Implemented 367.0814, 367.121, 350.123 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Troy Rendell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2004

COMMISSION ON ETHICS

RULE TITLE: List of Forms and Instructions
RULE NO.: 34-7.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise CE Forms 1, 6, 1F, and 6F, which are adopted by reference in Rule 34-7.010, Florida Administrative Code.

SUMMARY: CE Forms 1, 6, 1F, and 6F will be affected by this rulemaking.

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

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

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 8:00 a.m., September 2, 2004

PLACE: Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2005 ~~1/2004~~.

(b) No change.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2005 ~~1/2004~~.

(d) through (n) No change.

(o) Form 1F, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 1/2005 ~~1/2004~~.

(p) Form 6F, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 1/2005 ~~1/2004~~.

(q) through (r) No change.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2005

Specific Authority Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) F.S. Law Implemented 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a),(f),(h), Fla. Const. History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03, 1-1-04,

PURPOSE AND EFFECT: The purpose of the proposed amendments is to update the rules and incorporate legislative changes that have been made in recent years to Sections 112.312(12), 112.3148 and 112.3149, Florida Statutes.

SUMMARY: The statutory requirement that reimbursement by the donor, if made, must be made within 90 days of receipt of the gift is promulgated in Rule 34-13.210, F.A.C.; Rule 34-13.214, F.A.C., notes the statutory change in the definition of “gift” to exclude those things given for serving as an officer or director of a corporation or organization; Rule 34-13.270, F.A.C., defines the “agency” of a candidate; the name change from Tri-County Commuter Rail Authority to South Florida Regional Transportation Authority, as well as the addition of the Technological Research and Development Authority to the list of agencies authorized to give gifts is added to Rules 34-13.320, 34-13.410 and 34-13.420, F.A.C.; Rules 34-13.400 and 34-13.410, F.A.C., note that forms are to be filed with the Ethics Commission, not the Secretary of State; Rule 34-13.500, F.A.C., recognizes that compensation provided by the donee within 90 days of the gift reduces that gift’s value.

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

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

SPECIFIC AUTHORITY: 112.322(10)(b) FS.

LAW IMPLEMENTED: 112.312, 112.313, 112.3148, 112.3149 FS.

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

TIME AND DATE: 8:00 a.m., September 2, 2004

PLACE: Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-13.210 General Definition of “Gift.”

“Gift” means that which is accepted by a donee or by another on the donee’s behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his benefit or by any other means, for which equal or greater consideration is not given within 90 days of receipt of the gift.

(1) through (2) No change.

(3) Substantiation of equal or greater consideration having been given is the responsibility of the donee. In substantiating or justifying whether equal or greater consideration has been given by the donee to the donor, the donee should be able to provide information demonstrating the following factors:

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Senior Attorney
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Philip G. Claypool, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004

COMMISSION ON ETHICS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Gifts and Honoraria	34-13
RULE TITLES:	RULE NOS.:
General Definition of “Gift.”	34-13.210
Specific Examples of What Does Not Constitute a Gift	34-13.214
“Reporting Individual” Defined	34-13.270
Exceptions to Prohibitions Against Accepting and Giving Gifts	34-13.320
Quarterly Gift Disclosure for Reporting Individuals and Procurement Employees	34-13.400
Annual Gift Disclosures for Reporting Individuals and Procurement Employees	34-13.410
Quarterly Gift Disclosure for Lobbyists and Others	34-13.420
Gift Valuation	34-13.500

(a) through (b) No change.

(c) Consideration will not include a promise to repay the donor unless the promise is in writing and enforceable, and is executed within 90 days of receipt of the gift.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148, 112.3149 FS. History--New 4-16-92, Amended _____.

34-13.214 Specific Examples of What Does Not Constitute a Gift.

The following are specifically excluded from being a "gift:"

(1) Salary, benefits, services, fees, commissions, expenses, or other things associated primarily with the donee's employment or business or service as an officer or director of a corporation or organization. "Associated primarily with the donee's employment or business" means associated with the donee's principal employer or business occupation and unrelated to the donee's public position.

(2) through (8) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148, 112.3149 FS. History--New 4-16-92, Amended 7-30-00, _____.

34-13.270 "Reporting Individual" Defined.

A "reporting individual" means any individual who is required by law, pursuant to Article II, Section 8, Florida Constitution, or pursuant to Section 112.3145, F.S., to file either full or limited disclosure of his financial interest. The Commission has promulgated CE Form 1, Statement of Financial Interests, for use in making the disclosures required by Section 112.3145, F.S., and CE Form 6, Full and Public Disclosure of Financial Interests, for use in making the disclosures required under Article II, Section 8, Florida Constitution. Lists of persons required to file each form can be found on each form.

(1) For purposes of Section 112.3148, F.S., the "agency" of a candidate, upon qualifying, is:

(a) The agency to which the individual seeks election if the candidate is not already a public officer or employee.

(b) The agency to which the individual was elected to serve, whether or not the individual has formally taken office.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.313, 112.3148, 112.3149 FS. History--New 4-16-92, Amended _____.

34-13.320 Exceptions to Prohibitions Against Accepting and Giving Gifts.

Notwithstanding the prohibitions expressed in Rule 34-13.310, F.A.C., the following gifts are permitted.

(1) No change.

(2) An entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, a water management district created pursuant to Section 373.069, Fla. Stat., the South Florida Regional Transportation Tri-County Commuter Rail Authority, the Technological Research and Development Authority, or a school board may give, either directly or indirectly, to a reporting individual or procurement employee a

gift having a value in excess of \$100 if a public purpose can be shown for the gift. The reporting individual or procurement employee may accept such a gift if a public purpose can be shown for the gift.

(a) through (b) No change.

(3) through (4) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History--New 4-16-92, Amended 2-27-95, _____.

34-13.400 Quarterly Gift Disclosure for Reporting Individuals and Procurement Employees.

(1) Each reporting individual or procurement employee shall file a sworn statement with the Commission on Ethics Secretary of State containing a list of gifts, if any, accepted by him during a calendar quarter which he believes to be valued in excess of \$100, on or before the last day of the following calendar quarter. The Commission shall promulgate CE Form 9, Quarterly Gift Disclosure, for use in making the required disclosure.

(2) through (7) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History--New 4-16-92, Amended _____.

34-13.410 Annual Gift Disclosures for Reporting Individuals and Procurement Employees.

(1) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the individual or employee, either directly or indirectly, during the previous calendar year from an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, a water management district created pursuant to Section 373.069, Fla. Stat., the South Florida Regional Transportation Tri-County Commuter Rail Authority, the Technological Research and Development Authority, or a school board, for which a public purpose can be shown as provided in Rule 34-13.320, F.A.C.

(2) through (4) No change.

(5) A Form 10 filed by a reporting individual shall be filed with the Form 1 or Form 6 filed by the individual. A Form 10 filed by a procurement employee shall be filed with the Commission on Ethics Department of State.

(6) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History--New 4-16-92, Amended 2-27-95, _____.

34-13.420 Quarterly Gift Disclosure for Lobbyists and Others.

(1) through (4) No change.

(5) The Commission shall promulgate CE Form 30, Donor's Quarterly Gift Disclosure, for use in making the disclosures required under this rule. CE Form 30 shall be filed with the Commission on Ethics Secretary of State, except with

respect to gifts to reporting individuals of the legislative branch, in which case the form shall be filed with the Office of Legislative Services.

- (6) No change.
- (7) The reports required under this rule do not apply:

- (a) No change.

(b) To any gift from an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, a water management district created pursuant to Section 373.069, Fla. Stat., the South Florida Regional Transportation ~~Tri-County Commuter Rail~~ Authority, the Technological Research and Development Authority, or a school board.

- (c) through (d) No change.
- (8) through (9) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History—New 4-16-92, Amended 2-27-95, 7-30-00, _____.

34-13.500 Gift Valuation.

In addition to the provisions contained in Section 112.3148(7), F.S., a donee shall use the following rules to determine the value of a gift received from a donor:

- (1) through (2) No change.
- (3) “Compensation provided by the donee” as stated in Section 112.3148(7)(b), F.S., means payment provided by the donee to the donor within 90 days after receipt of the gift, and excludes personal services rendered by the donee for the benefit of the donor. Where the gift received by a donee is a trip and includes payment or provision of the donee’s transportation, lodging, recreational, or entertainment expenses by the donor, the value of the gift is equal to the total value of the various aspects of the trip paid or provided by the donor, and any consideration paid by the donee for the trip should be subtracted from the total value of the trip.

EXAMPLE: Lobbyist X provides reporting individual Y with a trip to New York to see a play. X pays \$300 for Y’s round-trip airfare, \$50 for Y’s ground transportation, \$150 for Y’s hotel room, and \$100 for Y’s ticket to the play. In order to accept the trip from X, Y must pay X at least \$500, so that the value of the gift from X does not exceed \$100.

- (4) through (10) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148 FS. History—New 4-16-92, Amended 7-5-92, 2-27-95, 7-30-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Senior Attorney
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Philip G. Claypool, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 2, 2004

LAND AND WATER ADJUDICATORY COMMISSION

Coastal Lake Community Development District

RULE CHAPTER TITLE: Coastal Lake Community Development District
RULE CHAPTER NO.: 42WW-1

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

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (“CDD”), the Coastal Lake Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by The St. Joe Company, requests the Commission establish a community development district located within unincorporated Walton County, Florida. A Notice of Receipt of Petition for the Coastal Lake Community Development District was published in the May 7, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 1,402 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the non-governmental real property located within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 478 residential units, 25,000 square feet of retail space, 10,000 square feet of office space, and various community recreational and leisure amenities including up to 10,000 square feet of building area. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including entry features, landscape and irrigation, a stormwater management system, and water and sewer systems.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 8 to the petition to establish the Coastal Lake CDD. The scope of the SERC is limited to evaluating the regulatory costs of approving the proposal to establish the Coastal Lake CDD. The requirements for a SERC are found in section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including governmental entities,

required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under Section 120.541(1)(a), F.A.C., and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the Coastal Lake CDD, the State of Florida, and Walton County. In addition, future property owners will be affected by the establishment of the proposed Coastal Lake CDD. Under section (b), the FLWAC and the State of Florida will incur minimal administrative costs. Walton County will also incur administrative costs that are offset by the required filing fee paid to Walton County. Adoption of the proposed rule to approve the formation of the Coastal Lake CDD will not have adverse impact on State and local revenues. Addressing section (c), the Coastal Lake CDD may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the Coastal Lake CDD funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The Coastal Lake CDD may issue notes, bonds or other indebtedness to fund its improvement program. Prospective future landowners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments and other rates, fees or charges. The Coastal Lake CDD may also impose an annual levy for the operation and maintenance of the CDD. Under section (d), approval of the petition to establish the Coastal Lake CDD will have no impact or a positive impact on all small businesses and will have a positive impact on Walton County, a small county as defined by Section 120.52, F.S. Under section (e), the analysis was based on the application of economic theory with input received from the developer's engineer and other professionals associated with the developer. 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 twenty-one days of this notice.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Thursday, September 2, 2004

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

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

COASTAL LAKE COMMUNITY
DEVELOPMENT DISTRICT

42WW-1.001 Establishment.

The Coastal Lake Community Development District is hereby established.

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

42WW-1.002 Boundary.

The boundaries of the District are as follows:

Portions of Sections 13, 14, 23, 24, 25 and 26, Township 3 South, Range 18 West, Tallahassee Meridian, and being more particularly described as follows:

BEGINNING at the intersection of the South line of the North one-half (N 1/2) of said Section 26 with the newly established Northeasterly right-of-way line of State Road No. 30 (U.S. Highway No. 98); Thence North 36°41'15" West along said right-of-way line, for 3832.70 feet; Thence North 50°32'35" East, for 2593.41 feet; Thence South 48°55'49" East, for 557.55 feet; Thence South 69°21'33" East, for 1068.88 feet; Thence North 44°06'21" East, for 1861.59 feet; Thence North 37°17'41" West, for 1683.94 feet; Thence North 15°26'02" East, for 701.33 feet; Thence North 06°03'06" East, for 1079.30 feet; Thence North 19°29'18" East, for 807.99 feet; Thence North 55°23'57" East, for 427.66 feet, the following three (3) courses being along the Easement Line of Gulf Intracoastal Waterway: Thence South 40°47'37" East, for 1771.73 feet; Thence South 69°25'25" East, for 4234.79 feet; Thence South 02°15'09" West, along the East line of said Section 24, for 3919.14 feet; Thence South 01°52'38" West, along the East line of the Northeast one-quarter (NE 1/4) of said Section 25, for 2680.97 feet to the Northwest corner of the Southwest one-quarter (SW 1/4) of Section 30, Township 3 South, Range 17 West; Thence South 02°16'29" West, along the West line of the Southwest one-quarter (SW 1/4) of said Section 30, for 2594.09 feet to a 1.03 foot elevation contour at Lake Powell; Thence meander Westerly, Northerly, Southerly and Westerly, along said 1.03 foot elevation contour, for 6,727 feet, more or less, to the East line of the Southwest one-quarter (SW 1/4) of said Section 25; Thence North 01°36'29" East, along said East line of the Southwest one-quarter (SW 1/4) of said Section 25, for 1679.27 feet to the Northeast corner of said Southwest one-quarter (SW 1/4), said corner lies North 87°49'24" West, a distance of 2655.42 feet from the Northwest

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James W. Sloan, 4040 Esplanade Way, Tallahassee, Florida 32399-7016, (850)487-1533; Lyndette Aguirre, 11351 Ulmerton Road, Room 311-K, Largo, FL 33778, (727)518-3202, Extension 514

THE FULL TEXT OF THE PROPOSED RULE IS:

55-11.005 Admission Eligibility.

(1) through (5) No change.

(6)(a) The Application for Certificate of Eligibility consists of the following forms which are hereby incorporated by reference.

1. through 4. No change.

5. A ~~legible certified~~ copy of the applicant's Certificate of Release or Discharge from the U.S. Armed Services or a legible copy of a U.S. Department of Veterans' Affairs Hospital Inquiry Screen must also be included.

Specific Authority 296.04(2) FS. Law Implemented 1.01(14), 296.04(2), 296.02(6), 296.06(2), 296.07, 296.08 FS. History--New 5-29-90, Amended 3-31-94, 10-27-94, 12-27-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James W. Sloan, General Counsel

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Warren R. McPherson, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2004

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

DEPARTMENT OF VETERANS' AFFAIRS

Division of Veterans' Benefits and Assistance

RULE TITLE: Employment Preference When Numerically

RULE NO.:

Based Selection Process Is Not Used 55A-7.011

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to provide a procedure for insuring that veterans are given special consideration at each step of a public employer's employment selection process, as required by the Joint Administrative Procedures Committee in order to comply with the requirements of Section 295.07(2), Florida Statutes.

SUMMARY: The proposed amendment to Rule 55A-7.011, F.A.C., would require public employers to provide for a review, at each step in the employment selection process, of any determination that an applicant veteran is not qualified to advance to a subsequent step in the selection process.

FEDERAL STANDARDS STATEMENT: No federal rule exists regarding veterans' preference in public employment in Florida.

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

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

SPECIFIC AUTHORITY: 295.07(2) FS.

LAW IMPLEMENTED: 1.01(14), 295.07, 295.11, 295.123, 295.15 FS.

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

TIME AND DATE: 2:00 p.m., August 31, 2004

PLACE: 11351 Ulmerton Road, Room 418, Largo, Florida 33778-1630

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James W. Sloan, 4040 Esplanade Way, Tallahassee, Florida 32399-7016, (850)487-1533; Lyndette Aguirre, 11351 Ulmerton Road, Room 311-K, Largo, FL 33778, (727)518-3202, Extension 514

THE FULL TEXT OF THE PROPOSED RULE IS:

55A-7.011 Employment Preference When Numerically Based Selection Process Is Not Used.

(1) No change.

(2) Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process but does not require the employment of a preferred applicant over a nonpreferred applicant who is the most qualified applicant for the position. Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible veteran meets minimum qualifications for an open position, then he or she will advance to the next step in the public employer's selection process. If, at any step in the selection process, a determination is made that the veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct. In the event of any investigation conducted pursuant to Section 295.11, F.S., the Department of Veterans' Affairs shall require that the agency or political subdivision which is party to such investigation demonstrate how its policies were effectuated at each step of the employment selection process, including why an interview was not provided, in regard to the individual preference-eligible applicant or employee who requested the investigation.

(3) No change.

Specific Authority 295.07(2) FS. Law Implemented 295.085, 295.11(4) FS. History--New 3-30-88, Formerly 22VP-1.011, Amended 2-12-90, 7-12-93, 12-27-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

James W. Sloan, General Counsel

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE:

Warren R. McPherson, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

May 25, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

April 2, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:

Payment Methodology for Nursing Home Services

RULE NO.:

59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective July 1, 2004, to provide the following changes based on House Bill 1835, General Appropriations Act 2004-05, Specific Appropriation 232 (2004-268, Laws of Florida) and Senate Bill 1064, Section 7(6)(2004-344, Laws of Florida):

1. In accordance with 2004-268 Laws of Florida, effective July 1, 2004 and all subsequent rate semesters, each component of a nursing home rate, except for the direct care component, shall be reduced proportionately until an aggregate total estimated savings of \$66,689,094 is achieved on an annualized basis.
2. In accordance with 2004-344 Laws of Florida, Section 7(6), cost reports submitted on or after July 1, 2004, must include the following statement immediately preceding the dated signature of the provider's administrator or chief financial officer: "I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations."

SUMMARY: The proposed amendment to Rule Number 59G-6.010, F.A.C., incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The amendment seeks update the Florida Nursing Home Cost Inflation Index. The amendment seeks to proportionately reduce each component of a nursing home rate, except for the direct care component, until an aggregate total estimated savings of \$66,689,094 is achieved on an annualized basis and requires a nursing home administrator or chief financial officer to sign a certification statement for their cost reports submitted on or after July 1, 2004.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 9:00 a.m., August 31, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXVIII~~ ~~XXXVII~~ Effective Date ~~_____ July 21, 2004~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99 01-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02, 7-14-02, 1-08-03, 6-11-03, 12-3-03, 2-16-04, 7-21-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Mr. Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

July 28, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:

June 18, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Inpatient Hospital Services
 RULE NO.: 59G-6.020

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) Payment methodology, effective July 1, 2004, to provide the following changes based on House Bill 1835, General Appropriations Act 2004-05, Specific Appropriation 202 (2004-268, Laws of Florida) and Senate Bill 1064, Section 7(6) (2004-344, Laws of Florida):

1. \$47,497,222 is provided for special Medicaid payments to statutory teaching hospitals; family practice teaching hospitals; hospitals providing primary care to low-income individuals; hospitals operating as designated or provisional trauma centers; and rural hospitals. Statutory teaching hospitals that received a special Medicaid payment in State Fiscal Year 2003-04 shall be paid \$12,203,921 distributed in the same proportion as the State Fiscal Year 2003-04 special Medicaid payments to statutory teaching hospitals. Family practice teaching hospitals shall be paid \$2,330,882 distributed equally between the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in state Fiscal Year 2003-04 shall be paid \$12,203,921 distributed in the same proportion as the Primary Care DSH payments for State Fiscal Year 2003-04. Hospitals designated as provisional trauma centers shall be paid \$12,375,000. Of this amount, \$5,355,000 shall be distributed equally between hospitals that are a Level I trauma center; \$4,500,000 shall be distributed equally between hospitals that are either a Level II or pediatric trauma center; and \$2,520,000 shall be distributed equally between hospitals that are both a Level II and pediatric trauma center. Of the amount payable to the Level I trauma centers, \$765,000 is reserved for Shands Teaching Hospital, upon their becoming a designated or provisional trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid \$8,383,500 distributed in the same proportion as the DSH payments.
2. \$2,000,000 is provided for special Medicaid payments to specialty pediatric facilities. To qualify for a special Medicaid payment under this section a hospital must be licensed as a children's specialty hospital and their combined Medicaid managed care and fee for service days as a percentage to total inpatient days equals or exceeds 30 percent. The agency shall use the 2002 Financial Hospital Uniform Reporting System (FHURS) data to determine

the combined Medicaid managed care and fee-for-service days. The total special Medicaid payments made shall be distributed equally to the qualifying hospitals.

3. \$46,910,529 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. The agency shall use the average of the 1998, 1999 and 2000 audited DSH data available as of March 1, 2004. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1998, 1999, and 2000 that are available.
4. \$19,477,766 is provided to eliminate the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 9.6 percent, and are trauma centers. The agency shall use the average of the 1998, 1999 and 2000 audited DSH data available as of March 1, 2004. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1998, 1999 and 2000 that are available.
5. \$103,495,651 is provided to make special Medicaid payments to hospitals that serve as a safety net in providing emergency, specialized pediatric trauma services and inpatient hospital care to low-income individuals. These amounts shall be paid to the following:

Jackson Memorial Hospital	\$3,322,365
University Medical Center – Shands	\$44,418,270
All Children's Hospital	\$6,637,413
Shands Teaching Hospital	\$7,703,253
Tampa General Hospital	\$18,914,451
Orlando Regional Medical Center	\$5,560,262
Lee Memorial Hospital/CMS	\$950,000
St. Mary's Hospital	\$291,706
Miami Children's Hospital	\$5,400,000
Broward General Medical Center	\$330,366
Tallahassee Memorial Healthcare	\$54,402
St. Joseph's Hospital	\$52,835
Florida Hospital	\$55,072
Baptist Hospital of Pensacola	\$450,000
Mt. Sinai Medical Center	\$8,972,075
Bayfront Medical Center	\$215,975
Sacred Heart Hospital	\$166,977

6. \$406,672,080 is provided for special Medicaid payments to hospitals providing enhanced services to low-income individuals.
7. \$182,616,639 is provided to eliminate the inpatient reimbursement ceilings for teaching, specialty, Community Hospital Education Program hospitals and

Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation.

8. \$3,183,014 is provided to make special Medicaid payments to the hospitals. These payments may be used, in collaboration with the Department of Health, to provide funding for hospitals providing poison control programs.
9. Special Medicaid payments to reward hospitals enhancing medical education programs are discontinued.
10. \$7,299,270 is provided to make special Medicaid payments to hospitals. These payments may be used, in collaboration with the Department of Health, to provide funding for hospitals supporting primary care services in medically underserved areas.
11. Effective July 1, 2004 and all subsequent rate semesters, each inpatient rate shall be reduced proportionately until an aggregate total estimated savings of \$69,662,000 is achieved on an annualized basis. In reducing hospital inpatient rates, rural hospitals and hospitals with twenty thousand (20,000) or more combined Medicaid managed care and fee-for-service inpatient days shall not have their inpatient rates reduced below the final rates that are effective on June 30, 2004. The 2002 Financial Hospital Uniform Reporting System (FHURS) data shall be used to determine the combined inpatient Medicaid days.
12. \$26,296,287 is payable to the following hospitals: Jackson Memorial Hospital – \$13,999,408; Broward General Medical Center – \$6,298,136; North Broward Medical Center – \$1,827,884; Coral Springs Medical Center – \$622,184; Imperial Point Hospital – \$756,557; and Memorial Regional Hospital – \$2,792,118. These funds are additional disproportionate share dollars provided through the Medicare Prescription Drug Act for Federal Fiscal Year 2004.
13. In accordance with Chapter 2004-344, Laws of Florida, Section 7(6), cost reports submitted on or after July 1, 2004, must include the following statement immediately preceding the dated signature of the provider’s administrator or chief financial officer: “I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations.”
14. Cost reports beginning January 1, 2005 and later shall report all allowable direct and indirect graduate medical education (GME) costs within inpatient cost centers. No GME costs shall be reported in outpatient cost centers.

SUMMARY: The proposed amendment to Rule Number 59G-6.020, F.A.C., incorporates revisions to the Florida Title XIX Inpatient Hospital Reimbursement Plan. The amendment seeks to update special Medicaid payments, Florida Medicaid upper payment limit (UPL), and the Disproportionate Share (DSH) payments. It also requires a hospital administrator or chief financial officer to sign a certification statement for their cost reports submitted on or after July 1, 2004.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., August 31, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXVII~~ ~~XXVI~~, Effective Date August 10, 2004, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 8-10-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 18, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Outpatient
Hospital Services

RULE NO.:

59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective July 1, 2004, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the revised methodology used to calculate per diems including appropriations from the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206 (2004-268, Laws of Florida) and Senate Bill 1064, Section 7(6) (2004-344, Laws of Florida):

1. \$46,058,449 is provided to increase the outpatient cap for adults from \$1,000 to \$1,500 per year and to eliminate the outpatient reimbursement ceilings for teaching, specialty, Community Health Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation.
2. \$9,194,434 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. The agency shall use the average of the 1998, 1999 and 2000 audited Disproportionate Share Hospital (DSH) data available as of March 1, 2004. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1998, 1999 and 2000 that are available.
3. \$769,913 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 9.6 percent, and are trauma centers. The agency shall use the average of the 1998, 1999 and 2000 audited DSH data available as of March 1, 2004. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1998, 1999 and 2000 that are available.
4. In accordance with 2004-344, Laws of Florida, cost reports submitted on or after July 1, 2004, must include the following statement immediately preceding the dated

signature of the provider's administrator or chief financial officer: "I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations."

5. Cost reports beginning January 1, 2005 and later shall not include any direct or indirect graduate medical education (GME) costs in any outpatient cost center. All GME costs are to be reported and/or allocated to inpatient cost centers.
6. Effective July 1, 2004 and all subsequent rate semesters, each outpatient rate shall be reduced proportionately until an aggregate total estimated savings of \$14,103,000 is achieved on an annualized basis. In reducing hospital outpatient rates, rural hospitals and hospitals with twenty thousand (20,000) or more combined Medicaid managed care and fee-for-service inpatient days shall not have their outpatient rates reduced below the final rates that are effective on June 30, 2004. The 2002 Financial Hospital Uniform Reporting System (FHURS) data shall be used to determine the combined inpatient Medicaid days.

SUMMARY: The proposed amendment to Rule 59G-6.030, F.A.C., incorporates revisions to the Medicaid Outpatient Hospital Reimbursement Plan. The amendment seeks to eliminate certain outpatient reimbursement ceilings, require a hospital administrator or chief financial officer to sign a certification statement for their cost reports submitted on or after July 1, 2004, proportionately reduce the aggregate reimbursement rate for outpatient hospitals, and all GME costs are to be reported and/or allocated to inpatient cost centers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED 409.908 FS.

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

TIME AND DATE: 11:00 a.m., August 31, 2004

PLACE: 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THIS PROPOSED RULE IS: Robert Butler, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XII XI~~, Effective date: _____ ~~February 16, 2004~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Robert Butler

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known As ICF/DD Facilities) RULE NO.: 59G-6.045

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated Reimbursement Plan (the Plan) payment methodology) in accordance with the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 231 (2004-268, Laws of Florida) and Senate Bill 1064, Section 7(6) (2004-344, Laws of Florida):.

- 1. Effective July 1, 2004, individual rates shall be reduced proportionately by an estimated aggregate total of \$4,788,000 per state fiscal year. The full amount of the estimated reduction of \$4,788,000 shall be applied to the rates in effect from October 1, 2004 through June 30, 2005, then annually thereafter.

- 2. In accordance with 2004-344 laws of Florida, cost reports submitted on or after July 1, 2004, must include the following statement immediately preceding the dated signature of the provider’s administrator or chief financial officer: “I certify that I am familiar with the laws and regulations regarding the provision of health care services under the Florida Medicaid program, including the laws and regulations relating to claims for Medicaid reimbursements and payments, and that the services identified in this cost report were provided in compliance with such laws and regulations.”
- 3. Change from “Health Care Financing Administration (HCFA)” to “Centers for Medicare and Medicaid Services (CMS).”
- 4. Updates to Code of Federal Regulation (CFR), Florida Administrative Code (FAC), and Florida Statute references.
- 5. Vacancy interim rates will be prohibited unless the bed(s) in question has been empty for at least 90 days (the waiting period), the facility has an occupancy rate of at least 95%, and the effected reimbursement rate is based upon patient days that included occupancy of the bed(s). The vacancy interim rate will not cover the 90-day waiting period.
- 6. The period between the exit conference from an audit and the date the cost report is deemed audited will be increased from 30 days to 60 days.
- 7. Updates to references to the Office of Developmental Services, Florida Department of Children and Families.

SUMMARY: Reimbursement rates for Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated will be reduced proportionately, cost reports will require certification language to be signed by a facility administrator or chief financial officer, editorial and statute updates, Vacancy interim rates will be prohibited unless the bed(s) in question has been empty for at least 90 days (the waiting period), the facility has an occupancy rate of at least 95%, and the effected reimbursement rate is based upon patient days that included occupancy of the bed(s), and the period between the exit conference from an audit and the date the cost report is deemed audited will be increased from 30 days to 60 days, and updates to references to the Office of Developmental Services, Florida Department of Children and Families.

SUMMARY OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 2:00 p.m., August 31, 2004
PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert C. Butler, Bureau Chief, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106-B, Tallahassee, Florida 32308, (850)414-2759.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.045 Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities). Reimbursement to participating facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Facilities Not Publicly Owned and Not Publicly Operated (Formerly known as ICF-MR/DD Facilities), Version II, Effective Date March 14, 1999, incorporated herein by reference. A copy of the Plan may be obtained by writing to the Deputy Secretary for Medicaid John A. Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, Mail Stop 8 P.O. Box 12400, Tallahassee, Florida 32308-12400.

Specific Authority 409.919 FS. Law Implemented 409.902; 409.908 FS. History--New 3-14-99, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Continuing Education for Interior Designers RULE NO.: 61G1-21.001
PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the minimum number of continuing education hours required in an approved provider's specialized or advanced course on the Florida Building Code.
SUMMARY: The proposed rule amendment specifies that none of the required continuing education hours must be completed in an approved provider's specialized or advanced course on the Florida Building Code.

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: 481.2055, 481.215 FS. LAW IMPLEMENTED: 481.215(3),(4),(5),(6) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-21.001 Continuing Education for Interior Designers. (1) through (3) No change.

(4) A minimum of zero (0) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the interior designer's respective area of practice.

Specific Authority 481.2055, 481.215 FS. Law Implemented 481.215(3),(4),(5),(6) FS. History--New 11-29-90, Amended 9-2-92, Formerly 21B-21.001, Amended 5-4-97, 4-12-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Continuing Education for Architects RULE NO.: 61G1-24.001
PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the minimum number of continuing education hours required in an approved provider's specialized or advanced course on the Florida Building Code.
SUMMARY: The proposed rule amendment specifies that none of the required continuing education hours must be completed in an approved provider's specialized or advanced course on the Florida Building Code.

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: 481.2055, 481.215 FS.

LAW IMPLEMENTED: 481.215(3),(4),(5),(6) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-24.001 Continuing Education for Architects.

(1) through (3) No change.

(4) A minimum of zero (0) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the architect's respective area of practice.

Specific Authority 481.2055, 481.215 FS. Law Implemented 481.215(3),(4),(5),(6) FS. History--New 1-17-96, Amended 4-12-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

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

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

RULE TITLE:

Licensure by Endorsement Through National Certification

RULE NO.:

64B1-3.009

PURPOSE AND EFFECT: The Board proposes to clarify the program requirements necessary for licensure by endorsement through national certification, as well as to clarify the documentation required to establish the requirements have been met.

SUMMARY: The rule requires applicants for licensure through national certification to provide transcripts evidencing the completion of the applicable acupuncture education programs set forth in Rule 64B1-4.001, F.A.C.

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: 457.104 FS.

LAW IMPLEMENTED: 457.105 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-3.009 Licensure by Endorsement Through National Certification.

Pursuant to Section 457.105(2)(c), F.S., the Board of Acupuncture will certify for licensure by endorsement those applicants who establish successful completion of a board-approved national certification or recertification process and demonstrate they meet the requirements of Sections 457.105(2)(a) and (b), F.S. The applicant must establish successful completion of a board-approved national certification process by requesting notification of certification or recertification be provided to the Board by the national certification organization. For the purpose of this requirement the Board approves the National Commission for Certification of Acupuncturist and Oriental Medicine certification. Each applicant for licensure under this section must meet the minimum program requirements of Rule 64B1-4.001, F.A.C. Applicants must establish this requirement by submitting, as part of the application, the documents described in Rule 64B1-4.0011, F.A.C.

Specific Authority 457.104 FS. Law Implemented 457.105 FS. History--New 10-1-89, Amended 2-27-92, Formerly 21AA-3.009, 61F1-3.009, Amended 3-31-96, 11-13-96, Formerly 59M-3.009, Amended 10-15-97, 4-29-99, 1-1-04,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 25, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 25, 2004

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLES: Acupuncture Program Requirements
Documentation Necessary for Licensure
Application

RULE NOS.:
64B1-4.001
64B1-4.0011

PURPOSE AND EFFECT: The Board proposes to delete some obsolete language from Rule 64B1-4.001, F.A.C. that has no purpose. The Board proposes to clarify that applicants for licensure by endorsement are required to meet the program requirements of Rule 64B1-4.001, F.A.C. In Rule 64B1-4.0011, F.A.C. the Board proposes to clarify that the 60 college credits of post-secondary education required for licensure by Section 457.105(2)(b), Florida Statutes does not apply to applicants who qualify under the “2 year course of study” program requirements authorized by the same statutory subsection. The Board further proposes to clarify that transcripts are required to demonstrate completion of the acupuncture education program requirements and, where applicable, the completion of the 60 college credits of post secondary education.

SUMMARY: As to the changes to Rule 64B1-4.001, F.A.C. the rule requires all applicants for licensure to meet the program requirements of Rule 64B1-4.001, F.A.C., while deleting some obsolete language. Concerning Rule 64B1-4.0011, F.A.C. the rule exempts applicants for licensure based on satisfying the two year acupuncture education program requirements from having to satisfy or document sixty college credits of post-secondary education. The rule requires official transcripts to show completion of the 60 credits of post- secondary education, where applicable, and requires official transcripts to demonstrate satisfaction of the acupuncture education requirements of Rule 64B1-4.001, F.A.C.

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

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

SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination or to be eligible for licensure by endorsement, the applicant must establish that he/she has met the following minimal requirements. ~~For persons who enrolled on or after July 1, 1997, the applicant must complete the program in which they have enrolled.~~

(1) through (5) No change.

Specific Authority 456.033, 457.102, 457.104, 457.105 FS. Law Implemented 456.033, 457.102, 457.105 FS. History—New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-1-99, 6-21-00, 4-3-01, 5-24-04, _____.

64B1-4.0011 Documentation Necessary for Licensure Application.

(1) In order to be certified to take the licensure examination or to be certified for licensure by endorsement, the applicant must establish that he or she has completed an acupuncture program of coursework and clinical experience that meets the requirements of Rule 64B1-4.001, F.A.C. Official transcripts from the institutions at which the requirements were completed shall be provided with the application, and Except for applicants who demonstrate satisfaction of and eligibility under the program requirements in subsection 64B1-4.001(1), F.A.C., each applicant must establish completion of 60 college credits from an accredited post-secondary institution by submitting official transcripts from the institution(s) at which the requirements were completed. The transcript must include grades, and academic credit hours awarded or the number of hours of study completed.

(2) No change.

Specific Authority 457.104 FS. Law Implemented 457.105 FS. History—New 2-18-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 25, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 25, 2004

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Minor Misconduct; Notices of Noncompliance
 RULE NO.: 64B19-17.0035

PURPOSE AND EFFECT: The proposed rule amendment sets forth offenses as minor misconduct for which the issuance of noncompliance notices are warranted prior to taking disciplinary action.

SUMMARY: The proposed rule amendment modifies the current language and incorporates new language to further cite offenses defined as minor misconduct for which the Department shall issue notices of noncompliance before disciplinary action is taken.

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: 456.073(3) FS.

LAW IMPLEMENTED: 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-17.0035 Minor Misconduct; Notices of Noncompliance.

The Board designates the following offenses as minor misconduct for which the Department shall issue notices of noncompliance before disciplinary action is taken:

(1) Section 490.009(1)(2)(d),(e),(n), (o) and (q) (for practicing on an inactive license for less than three months), 490.012(1)(c), and 490.012(2), F.S., (for failing to include "licensed psychologist" in any advertisement).

(2) Section 490.009(1)(o), F.S., (for failing to respond within 30 days to a written communication from the department concerning any investigation by the department or to make available any relevant records with respect to any investigation about the licensee's conduct or background).

(3) Section 456.0351(1), F.S., (for failing to notify the Board of the licensee's current mailing address and place of practice after 45 days but within 60 days).

Specific Authority 456.073(3) FS. Law Implemented 456.073(3) FS. History--New 1-9-96, Formerly 59AA-17.0035, Amended 9-18-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.: 5E-9
 RULE CHAPTER TITLE: Licensed Pesticide Applicators and Dealers
 RULE NO.: 5E-9.026
 RULE TITLE: Procedures for Pesticide Applicator Certification, Licensure, and License Renewal

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in the Florida Administrative Weekly, Pages 2494-2500, Vol. 30, No. 25 on June 18, 2004, to reflect comments received from the Joint Administrative Procedures Committee, regarding the renewal of licenses after expiration. When adopted the proposed rule will read as follows:

5E-9.026 Procedures for Pesticide Applicator Certification, Licensure, and License Renewal.

(1) Certification. All individuals seeking pesticide applicator licensure shall demonstrate competency in the responsible use of pesticides by successfully completing the appropriate pesticide applicator examination(s) specified in this chapter for each classification of licensure. All examinations shall be written in the English language and administered by the department or its authorized agents as written, closed-book examinations. Examinations will not be translated into other languages orally, in writing, or in any other form. However, the department shall accommodate individuals seeking licensure in other languages through examination translation or other comparable examination procedures. Licensure based on examination in a language other than English will limit the use of pesticides requiring licensure to those products which bear or provide complete labels and labeling in the language in which examined. Examinations shall be undertaken and completed by the examinee without assistance from other individuals. The department shall set passing scores and determine if the

certification standards have been met for the desired licensure. Examination scores shall be valid for 12 months after the date of examination.

(2) Licensure. If the certification standards have been met, the department shall provide the appropriate license application, form DACS-13312, Rev. 05/04, ~~DACS-130312~~ for a private applicator license, form DACS-13313, Rev. 05/04, ~~DACS-130313~~ for a public applicator license, or form DACS-13310, Rev. 05/04, ~~DACS-130310~~ for a commercial applicator license, to the individual. The following materials must be received by the department before a pesticide applicator license shall be issued: documentation of certification earned within the previous 12 months; completed application; completed designation of registered agent, form INHSE-30, Eff. 6/92, if applicable; copy of pilot's license proof of insurance or surety bond (aerial category licensure only); proof of age, if requested; and appropriate fee. License applicants may designate one or more authorized purchasing agents by submitting a completed Authorized Purchasing Agent Designation, DACS-13352, Rev. 05/04, along with the license application. Materials shall be submitted to the Pesticide Certification Office, P. O. Box 6710, Tallahassee, Florida 32314-6710. Pesticide applicator licenses shall expire at the end of the month no more than four (4) years from issue date.

(3) License Renewal. It shall be the responsibility of each licensee to renew the license at the time of expiration. Requests for renewal of pesticide applicator licenses shall be made by submitting to the department the following materials: a signed request for license renewal; documentation of recertification; completed designation of registered agent, form INHSE-30, Eff. 6/92, if applicable; ~~proof of insurance or surety bond (aerial category licensure only)~~; proof of age, if requested; and payment of the appropriate license fee. Materials shall be submitted to the Pesticide Certification Office at the above address and must be received no later than the license expiration date for the license to be renewed with continual licensure. Renewed pesticide applicator licenses shall expire no more than four (4) years from the previous expiration date.

(4) Forms. The following forms are hereby incorporated by reference. Forms DACS-13312, Rev. 05/04, ~~DACS-130312~~, DACS-13310, Rev. 05/04, ~~DACS-130310~~, and DACS-13313, Rev. 05/04, ~~DACS-130313~~, and DACS-13352, Rev. 05/04 may be downloaded from the web site <http://www.safepesticideuse.com> or obtained from the Florida Department of Agriculture and Consumer Services, Pesticide Certification Office, 3125 Conner Boulevard, Building 8 (L29), ~~MD-1 (L33)~~, Tallahassee, Florida 32399-1650, telephone (850)~~488-3314~~ 488-6838. Form INHSE-30, Eff. 6/92, may be obtained from the Florida Department of State, Division of Corporations, 409 E. Gaines Street, Tallahassee, Florida 32399, telephone (850)487-6051.

(a) Application for Private Applicator License (DACS-13312, Rev. 05/04, ~~DACS-130312, Rev. 2/98~~), Florida Department of Agriculture and Consumer Services.

(b) Application for Public Applicator License (DACS-13313, Rev. 05/04, ~~DACS-130313, Rev. 2/98~~), Florida Department of Agriculture and Consumer Services.

(c) Application for Commercial Applicator License (DACS-13310, Rev. 05/04, ~~DACS-130310, Rev. 2/98~~), Florida Department of Agriculture and Consumer Services.

(d) Authorized Purchasing Agent Designation (DACS-13352), Rev. 05/04, Florida Department of Agriculture and Consumer Services.

(e)~~(d)~~ Designation of Registered Agent and Registered Office for a Nonresident Restricted-Use Pesticides Licensee (INHSE-30, Eff. 6/92), Florida Department of State.

Specific Authority 487.0435, 487.046, 570.07(23) FS. Law Implemented 487.044, 487.046, 487.049 FS. History--New 6-9-94, Amended 7-2-95, 9-24-98, _____.

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

South Florida Water Management District

RULE NO.: 40E-1.659
 RULE TITLE: Forms and Instructions
 NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that changes were made to Forms 0889, 1021, 1022, 1023 and 1024, which are incorporated by reference in Rule 40E-1.659, F.A.C. The proposed rules were published in Vol. 30, No. 18, pages 1773-1776, of the April 30, 2004, issue of the Florida Administrative Weekly, and adopted, with these changes, by the South Florida Water Management District's Governing Board at a public hearing on July 14, 2004.

The forms are posted on the SFWMD Website at: http://www.sfwmd.gov/org/reg/reg_forms.html. For those who do not have access to the internet, the forms may also be obtained by contacting Ralph Fanson, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6921 or (561)682-6921.

In response to comments received from the Joint Administrative Procedures Committee, the following changes were made:

(1) Form 0889 (Certification of Waiver of Permit Application Processing Fee) – clause requiring attestation of the Official Representative's signature has been deleted;

(2) Forms 1021 through 1024 (mitigation bank financial assurance forms) – notarization clause has been deleted;

(3) Specific Authority – Section 373.4136, Florida Statutes, has been added;

(4) Law Implemented – Sections 218.075, 373.4135, and 373.4136, Florida Statutes, has been added.

In addition, the section entitled Successor Trustee in Forms 1021 through 1023 has been corrected to reference the appropriate section number for the Trustee Compensation.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-20.0025
RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 30, No. 12, March 19, 2004, Florida Administrative Weekly, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Malone, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.: 61D-7.021
RULE TITLES: Mutuel Tickets, Cashing, Records, and Totalisator Security Requirements
61D-7.022
Outs Cashed After the End of the Meet

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 30, No. 21, May 21, 2004, issue of the Florida Administrative Weekly. The changes are in response to written comments received from interested parties in the pari-mutuel industry.

61D-7.021 Mutuel Tickets, Cashing, Records, and Totalisator Security Requirements.

(1) through (5)(e) No change.

(f) For tickets cashed more than 30 days after the purchase date of the ticket, the ticket owner must show a valid identification and such cashing must be at a single designated window, which may not be cashed at any type of patron-operated machine or terminal. The totalisator system must be configured to instruct patrons on how to cash the

~~ticket. If the permitholder needs more than one window, a written request must be submitted to the division for approval. A log must be maintained including names and addresses of all patrons who have cashed such tickets.~~

(g) through (15) No change.

Specific Authority 550.0251(3),(7), 550.155(1), 550.495(4),(5) FS. Law Implemented 550.0251, 550.155, 550.2633, 550.3551, 550.495 FS. History–New 10-20-96, Amended 12-15-97, _____.

61D-7.022 Outs Cashed After the End of the Meet.

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

(b) The printing of an outbook will become mandatory and the system will be purged after 365 ~~120~~ days from the end of any live meet ~~if the outs account contains outs which are more than 365 days old.~~

(c) through (3)(c) No change.

(d) A separate outbook for outs in the new system will be produced at the end of the meet or at the end of the cashing activity through the tote, whichever occurs last. In no event will live outs data be retained in the tote system beyond 365 ~~120~~ days ~~a year~~ from the last live ~~first~~ performance of the meet.

(4) through (11) No change.

Specific Authority 550.0251(3),(7), 550.155(1), 550.1645(1), 550.495(4),(5) FS. Law Implemented 550.0251, 550.155, 550.1645, 550.2633, 550.495 FS. History–New 10-20-96, Amended 12-15-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-8.002
RULE TITLE: Financial Reporting Requirements
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 30, No. 21, May 21, 2004, issue of the Florida Administrative Weekly. The changes are in response to written comments received from interested parties in the pari-mutuel industry.

61D-8.002 Financial Reporting Requirements.

(1) through (3)(e) No change.

~~(f) Horse racing permitholders shall forward a copy of the check remitted to the respective breeders' association as contribution to the breeders' and stallion awards fund, along with the monthly remittance report. In thoroughbred racing, remittances based on receipts derived from outgoing simulcasts shall be supported with a schedule listing each out-of-state betting site and the related receipt amount. If a remittance to the breeders' association occurs when no monthly report is due, the permitholder shall forward a copy of the check along with support for the payment, and explain the reason for the delay. Any permitholder that imposes a surcharge on winning pari-mutuel tickets shall file Form~~

~~DBPR 14-027, Surcharge Tax Monthly Remittance Report for Guest Permitholders, incorporated by Rule 61D-10.001, Florida Administrative Code.~~

(4) through (7) No change.

(8) A complete written response must be provided at the request of the division within ~~thirty (30)~~ twenty-one (21) days of the date of issuance of any report, audit findings, or other formal request for information, by the auditee, unless otherwise specified in such request.

(9) Each permitholder shall make payments related to ~~settlements of intertrack or simulcast pari-mutuel~~ wagering, to guest facilities or host facilities, ~~and for purses and breeders' owners' associations,~~ on the day the host it pays state taxes are due pursuant to Section 550.0951(5), Florida Statutes.

Specific Authority 550.0251(3),(7),(9), 550.125(2)(b), 550.155(1), 550.3551(10), 550.6305(5) FS. Law Implemented 550.0251, 550.0951(5), 550.125, 550.155, 550.3551, 550.615, 550.6305, 550.6335 FS. History--New 10-20-96, Amended 12-15-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-9.001 RULE TITLE: Interstate and Intertrack Broadcasts

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 30, No. 21, May 21, 2004, issue of the Florida Administrative Weekly. The changes are in response to written comments received from interested parties in the pari-mutuel industry.

61D-9.001 Interstate and Intertrack Broadcasts.

(1)(a) Florida permitholders shall provide documentation supporting information reported on DBPR Form 14-028A, Notification of Interstate Broadcasting, adopted and incorporated by Rule 61D-10.001, Florida Administrative Code, to the division ~~for purposes of auditing and review and shall provide for audit purposes documentation supporting the gross revenue received from out-of-state guests on broadcast events originating live in this state.~~ To ensure compliance with the breeders' and stallion awards requirement set forth in Chapter 550, Florida Statutes, ~~Section 550.2625(3),~~ and purse requirements in Section 550.6305, Florida Statutes, Florida permitholders shall provide the following documentation for review and audit upon request:-

~~(a) A report in the aggregate and by payer, for the specific periods requested, the monthly gross revenues received from out of state events originating live in Florida.~~

~~(b) On intertrack wagering on simulcasts (rebroadcasts), a report by out of state live facility and by Florida guest site, which shall include the handle, total takeout, and its~~

~~distribution, including rates and fees to Florida guests, rates and payments to out of state facilities, rates and amounts for owners' awards or purses, and amounts for breeders' awards.~~

~~(c) On on-track wagering on simulcasts, a report by out of state live facility, which shall include the handle, gross revenue (takeout and breaks), distribution of the gross revenue, including rates and amounts to out of state live facilities, broadcast expenses related to amounts for which purse payments are required, amounts for breeders' awards, and amounts for purses. The permitholders shall also provide additional supporting documentation as needed by the division for this paragraph and (a) and (b) above.~~

~~(b)(d)~~ No permitholder shall enter a contractual agreement that is in violation of, or may be construed as waiving, the requirements of these rules or Chapter 550, Florida Statutes.

~~(c)(e)~~ Where pools are commingled from out of state into Florida, a Florida host permitholder shall require the out-of-state guest to provide any information necessary for the host's accounting of its pari-mutuel activities. This information relating to the accumulation, calculation and distribution of the applicable pools will be requested by the division from the out-of-state guest.

(2) through (9)(c) No change.

Specific Authority 550.0251(3),(7), 550.125(2)(b), 550.155(1), 550.2625(2)(d), 550.3551(10), 550.495(4), 550.6305(5) FS. Law Implemented 550.0251, 550.125, 550.155, 550.2625, 550.3551, 550.495, 550.615, 550.625, 550.6305 FS. History--New 10-20-96, Amended 12-15-97, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-17.004 RULE TITLE: Citations

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, of the May 14, 2004, issue of the Florida Administrative Weekly (FAW). The Board published a Notice of Hearing on the rule in Vol. 30, No. 36, of the June 25, 2004, FAW. The Board, at its meeting held on July 16-17, 2004, voted to make numerous changes to the rule based upon comments received at the hearing. When changed, the rule shall read as follows:

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

will correct the offense, and impose the prescribed penalty. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included. In addition to the fine indicated, the licensee shall pay the Department's cost of investigation.

(1) Violation of Section 456.036(1), F.S., (for practicing on an inactive or delinquent license for less than three months): \$500 fine.

(2) Violation of Section 456.036(1), F.S., (for practicing on an inactive license for three to six months): \$1,000 fine.

(3) Violation of Section 490.009(1)(f), F.S., (for maintaining a professional association with a person who may be in violation of the chapter or rule): \$500 fine.

(4) Violation of Section 490.009(1)(t), F.S., through a violation of Rule 64B19-13.003(4), F.A.C. (for failing to provide documentation of Continuing Education courses upon request): \$50 per credit hour missing, if documentation of some credits is provided: \$3,000 and a reprimand if no documentation is provided.

(5) Violation of Section 456.035(1), F.S., (for failing to notify the Board of the licensee's current mailing address and place of practice after 60 days but within 90 days): \$250 fine.

(6) Violation of Section 490.009(1)(t), F.S., (for failing to pay an administrative fine within thirty (30) days after notification of delinquency): 10% of the fine and/or cost of imposed fine and cost (failure to pay citation will result in an administrative complaint).

(7) Violation of Section 490.009(1)(o), F.S., (for failing to respond within 30 days to a written communication from the Department concerning any investigation by the Department or to make available any relevant records with respect to any investigation about the licensee's conduct or background): \$500 fine.

(8) Violation of Section 490.012(2), F.S., (for failing to display license): \$100 fine.

(9) Issuance of a worthless bank check to the Department or to the Board in violation of Section 490.009(1)(a), F.S.: \$100 fine.

(10) Violation of Section 456.072(1)(w), F.S., (for failing to report to the Board, in writing within 30 days after the licensee as been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction) where the licensee ultimately reported more than 30 days but fewer than 91 days: \$100 fine.

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.:	RULE TITLES:
64B24-4.001	Definitions
64B24-4.002	Approval of Training Program
64B24-4.006	Curriculum Guidelines
64B24-4.007	Clinical Training

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 16, April 18, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and public comments received on the proposed amendments.

Subsection (5) of Rule 64B24-4.001, F.A.C., shall be deleted in its entirety.

Subsections (6) through (8) of Rule 64B24-4.001, F.A.C., shall be renumbered as (5) through (7).

Subsection (8) of Rule 64B24-4.001, F.A.C., shall now read as follows:

(8) "Supervision" means the physical presence within the patient care unit of a preceptor as defined in section 467.003(12), Florida Statutes, or faculty member, who assumes clinical responsibility for the practice of the student midwife being supervised, and who provides direction and consultation for the actions of such student midwife in the preceptor's or faculty member's area of clinical expertise.

Subsection (1)(a) of Rule 64B24-4.002, F.A.C., show now read as follows:

(a) The training program shall be conducted in either an accredited public institution, or in a non-public institution licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade and Business Schools and which is actively seeking accreditation by a member of the Council on Postsecondary Accreditation. All training programs shall include both classroom instruction and clinical training;

Subsection (6) of Rule 64B24-4.002, F.A.C., shall now read as follows:

(6) The department shall, at least once every three (3) years, audit to certify the approval status of all training programs to determine if the program is in compliance with established standards.

Subsections (2) and (2)(a) and (b) of Rule 64B24-4.006, F.A.C., shall now read as follows:

(2) Standards for midwifery programs shall encompass classroom instruction and clinical training in all aspects of antepartal, intrapartal, postpartal, and neonatal care pursuant to Section 467.009(1), Florida Statutes, and shall include:

(2)(a) The core competencies established by the American College of Nurse Midwives and the Midwives Alliance of North America incorporated herein by reference and effective

1-26-94, and can be obtained upon request from the Council of Licensed Midwifery, Department of Health, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256; and

(2)(b) A component on the law and rules which govern the practice of midwifery in Florida.

Subsections (2), (4), (5) and (6) of Rule 64B24-4.007, F.A.C., shall now read as follows:

(2) Clinical learning experiences based on program objectives shall include a variety of clinical settings such as homes, birth centers, clinics, offices and hospitals.

(4) The faculty shall select clinical learning experiences and provide the student midwife with a variety of preceptor role models who shall be physically present at every birth and who shall supervise students at all times when the student is performing in a midwifery capacity with patients. No preceptor shall be assigned more than two students during any clinical experience.

(5) The student midwife, during training, shall undertake, under the supervision of a preceptor, the care of 50 women in each of the antepartal, intrapartal and postpartal periods, but the same women need not be seen through all 3 periods. The intrapartum period includes labor, birth, and the immediate postpartum. No more than five percent (5%) of the required intrapartal managements shall include transfers in active labor.

(6) During training under the supervision of a preceptor, the student midwife shall undertake the neonatal examination of 50 newborns.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that, on July 26, 2004, the Florida Department of Transportation issued an Order Denying the Request for Variance or Waiver of the City of Arcadia, seeking a variance or waiver from the provisions of subsection 14-46.001(4), F.A.C. The Petition was received by the Department on June 11, 2004. The Department published its notice of receipt of the petition in the July 2, 2004, edition of the Florida Administrative Weekly. Rule 14-46.001, F.A.C., establishes a policy to regulate the location and manner for installation and adjustment of utility facilities on any Department right of way. The Department's Order Denying Request for Variance or Waiver, issued in DOT Case No. 04-069, denied the petition because the petition does not allege that the City of Arcadia meets any of the exceptions to Section 337.403, Florida Statutes, nor does it demonstrate how a waiver or variance would satisfy the purpose of the statute.

A copy of the Department's Order Denying Request for Variance or Waiver may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458.

For additional information, contact James C. Myers at (850)414-5393.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Coastal Blue Development, LLC., filed July 19, 2004, in Docket No. 040762-EU, seeking a variance or waiver from paragraph 25-6.049(5)(a), Florida Administrative Code. The rule provides that individual electric metering by the utility company shall be required for each separate occupancy unit of new condominiums for which construction commenced after January 1, 1981.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services.

For additional information, please contact Katherine Fleming, Office of the General Counsel, at the above address or telephone (850)413-6218.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 1, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 100.3a, 101.6, 206.5a, 208.2a, 2082b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Heart of Palm Beach Hotel (Petition VW 2004-050).

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

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

NOTICE IS HEREBY GIVEN that on July 9, 2004, Bureau of Elevator Safety received a Petition for Variance from Rules 100.3a, 101.6, 206.5a, 208.2a, 2082b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Courthouse Centre (Petition VW 2004-079).

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

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

NOTICE IS HEREBY GIVEN that on July 19, 2004, the Division of Hotels and Restaurants received a Petition for Routine Variance for paragraph 61C-4.010(7)(b), Florida Administrative Code, from Courtside Cabana, Inc. located in Lithia. The above referenced F.A.C. states places serving food or drink on a take-out, carry-out or delivery basis only which provide no seating shall be required to provide a minimum of one bathroom accessible to the public. They are requesting a variance to not add a bathroom facility for customer or employee access, instead use facilities that are approximately 120 feet from the proposed facility.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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

The Board of Architecture and Interior Design hereby gives notice that it has received a petition from Barbara Candis Stott Holt, filed on July 9, 2004, seeking a waiver or variance of Rule 61G1-22.002, F.A.C., with respect to the manner in which the Board verifies an applicant's experience.

Comments on this petition should be filed with Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

This matter will be addressed during the regularly scheduled Board meeting on October 4-6, 2004, at 9:00 a.m., or shortly thereafter, in Key West, Florida.

For the exact location of the meeting place, a copy of the petition or any other additional information, please contact Juanita Chastain, Executive Director, Board of Architecture and Interior Design, at above address or telephone (850)487-1395.

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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that it has received a petition, filed on July 7, 2004 on behalf of Etzer Duffaut, seeking a waiver of subparagraph 64B4-3.003(3)(a)1., Florida Administrative Code, with respect to the minimum passing score of 75.

Comments on this petition should be filed with the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of the original Notice in Vol. 30, No. 31 on July 30, 2004 in the Florida Administrative Weekly.

This matter will be addressed during the regularly scheduled Board meeting on August 20, 2004, at 9:00 a.m., or shortly thereafter, at the Ramada Inn and Conference Center, 2900 N. Monroe Street, Tallahassee, Florida 32303, (850)386-1027.

For a copy of the petition, contact: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)245-4444.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Rafael D. Gottenger, M.D. The Notice of Petition for Waiver was published in Vol. 30, No. 22, of the May 28, 2004, Florida Administrative Weekly. The Board considered the Petition at its meeting held on July 18, 2004, in Naples, Florida. The Board's Order, filed on July 19, 2004, grants the petition for waiver or variance from Rule 64B8-5.001, F.A.C., provided that Petitioner re-takes and passes Step I of the USMLE within one year and in no more than two attempts; or Step II, Part A of the USMLE within one year and in no more than two attempts; or Step II, Part B of the USMLE within one year and in no more than two attempts.

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

NOTICE IS HEREBY GIVEN that on July 21, 2004, the Department of Health received a petition from Nancy G. Linnan, Esq., representing Infiltrator Systems Inc., requesting a variance pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from subsection 64E-6.009(7), Florida Administrative Code, which requires alternative system components to undergo innovative system testing in Florida and requires all products to be sized equivalently to gravel unless used as part of a performance-based system.

Comments on this petition should be filed with the 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.

NOTICE IS HEREBY GIVEN that on June 28, 2004, the Department of Health received a Petition for Variance from paragraph 64E-16.007(2)(e), Florida Administrative Code, from B. Jack Reed on behalf of Positive Impact Waste Solutions, Inc. That rule requires alternative treatment processes to conduct periodic efficacy testing in a specified manner. The Petition indicates that Positive Impact Waste Solutions, Inc. is the manufacturer of the PIWS-3000 system.

Comments on this Petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from Edith Coulter, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277, Extension 2335.

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 69B-211.042, Florida Administrative Code, which imposes waiting periods on certain insurance agent applicants. The petition was filed on July 8, 2004, by Thomas Mackay, represented by Wendy Russell Wiener, Esq.

Interested persons may receive a copy of the petition by contacting: Michael T. Ruff, Attorney, Room 612 Larson Building, 200 East Gaines Street, Tallahassee, Florida, 32399-0333, (850)413-4134, e-mail: ruffim@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., Eastern Time, on the 14th day after the date this notice is published. Comments should be submitted to Mr. Ruff.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Financial Services Commission
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Department of Education
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection

DATE AND TIME: August 24, 2004, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set

forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: August 11, 2004, 1:00 p.m.

PLACE: Crosley Museum, University of South Florida, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Initial Meeting of Art in State Buildings, Crosley Campus, BR-589

For more information, please contact: Vincent Ahern, Coordinator of Public Art, University of South Florida Contemporary Art Museum, 4202 E. Fowler Avenue, CAM 101, Tampa, FL 33620, (813)974-4333.

Should any person wish to appeal any decision made with respect to any matter considered in the above-referenced meeting, he/she may need to ensure verbatim recording of the proceedings to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs.

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: August 17, 2004, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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

The Women's Hall of Fame 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: August 18, 2004, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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

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

DATE AND TIME: August 19, 2004, 11:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

The Executive 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: August 19, 2004, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Pest Control Enforcement Advisory Council.

DATE AND TIME: October 7, 2004, 9:00 a.m.

PLACE: Lee County Mosquito Control District, 15191 Homestead Road, Lehigh Acres, Florida 33971, (941)694-2174

GENERAL SUBJECT MATTER TO BE DISCUSSED: To discuss the business of the Council.

A copy of the agenda may be obtained by calling: Steven Dwinell, Florida Department of Agriculture and Consumer Services, (850)488-7447.

The Private Investigation, **Recovery and Security Advisory Council** announce a public meeting to which all persons are invited. The meeting has been rescheduled to the following date:

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

PLACE: Diamond Head Beach Resort, 2000 Estero Blvd., Ft. Myers Beach, Florida, (239)765-7654

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by writing: Department of Agriculture and Consumer Services, Division of Licensing, Attention: April Howard, Post Office Box 6687, Tallahassee, Florida 32314-6687.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice. Telephone: (850)488-6982

DEPARTMENT OF EDUCATION

The public is invited to a workshop and meeting of the **State Board of Education**.

DATE AND TIME: August 16, 2004, 2:00 p.m.

PLACE: LL03, The Capitol, 400 South Monroe, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop to review the recommended 2005-2006 Legislative Budget Request.

DATE AND TIME: August 17, 2004, 8:30 a.m.

PLACE: LL03, The Capitol, 400 South Monroe, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the State Board of Education to include approval of minutes of meeting held June 15, 2004; updates on various reports and status on education initiatives by Commissioner and Chairman including the Final Report on School Grades, AYP, and School Recognition, Report on Charter School Performance, and an update on the Florida Education Foundation. Action items include: MESTA Charter School vs. the School Board of Orange County, Approval of 2005-2006 Legislative Budget Request, Proposed New Rule 6A-6.03315, F.A.C., Private School Scholarship Compliance Form, Proposed Amendment to Rule 6A-14.076, F.A.C., FTE Calculation for the Community College Program Fun, A Resolution of the State Board of Education Authorizing the Financing of the University of South Florida Research Foundation, Inc. Buildings (Interdisciplinary Research Building and the Multi-Tenant Office Building), A Resolution of the State Board of Education Authorizing the Financing of the University of South Florida Parking Garage V on the Campus of the University of South Florida, Daytona Beach Community College – Request a Site Designation for a Special Purpose Center for Southwest Volusia County, and Adoption of Resolutions Authorizing The Issuance and Sale of Not Exceeding \$473,500,000 State of Florida, Full Faith and Credit, State Board of Education Public Education Capital Outlay Bonds, 2004 Series.

A copy of the agenda may be obtained from the Commissioner of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The Florida **Center for Advising and Academic Support** (FCAAS) announces a public meeting to which all persons are invited.

DATE AND TIME: August 11, 2004, 1:30 p.m. – 3:00 p.m.

PLACE: Turlington Building, 325 W. Gaines Street, Room 1414, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: FCAAS Executive Committee will meet to discuss the agenda for the upcoming FCAAS Board meeting.

A copy of the agenda may be obtained by writing: FCAAS, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact: Andrea Latham, FCAAS, (850)245-0518.

The Board of Trustees Endowment Investment Committee of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 27, 2004, 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 27, 2004, 3:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop relating to matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)823-4000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The Probable Cause Panel of the **Commission for Independent Education** announces a meeting.

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

PLACE: By teleconference at the "meet me" number (850)921-2560, Sumcom 291-2560

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review the investigative reports and complaints in which the probable cause panel has to make a determination as to whether there is the existence of probable cause pursuant to Chapter 1005, Florida statutes.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Margaret O'Sullivan Parker, Deputy General Counsel, Florida Department of Education, 1244 Turlington Building, Tallahassee, Florida 32399-0400, (850)245-0442.

NOTE: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern at (850) 448-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-9770 (Voice) and 1(800)955-8771 (TDD).

The **K-20 Partnership** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: August 13, 2004, 10:00 a.m. – 4:00 p.m.

PLACE: Easley Conference Center, Room 182, 4075 Esplanade Way, Tallahassee, FL

DEPARTMENT OF COMMUNITY AFFAIRS

In July 2004, the **Department of Community Affairs (DCA)**, in cooperation with other agencies, will begin preparation of an Annual Performance Report (or Performance and Evaluation Report) for Federal Fiscal Year 2003 as required by the U.S. Department of Housing and Urban Development (HUD).

Performance reports must be prepared in accordance with the instructions found in 24 CFR 91.520. (See <http://www.hud.gov/offices/cpd/about/rulesandregs/conplan/part91f.cfm#91.520>.)

All programs funded by HUD and administered by state agencies will be included in this Performance Report. The programs include the Florida Small Cities Community Development Block Grant Program administered by the Department of Community Affairs, the Emergency Shelter Grants Program administered by the Department of Children and Families, the Housing for Persons With Aids Program administered by the Department of Health, and the Home Investment Partnership Program administered by the Florida Housing Finance Corporation.

Two workgroup meetings, open to the public, will be held. The first meeting will be held on August 10, 2004, and the second meeting will be held on August 31, 2004. Both meetings will take place at 3:00 p.m. in Room 260N of the Sadowski Building located at 2555 Shumard Oak Boulevard in Tallahassee.

This annual report, prepared according to HUD guidelines, consists of detailed information (line items and dollar amounts) on grants made to eligible local governments or other awards to eligible entities. A draft will be posted to the Department's website <http://www/dca/state/fl.us/fhcd/programs/cdbgp/> on or about August 31, 2004. Comments on the report may be submitted in writing: Rick Miller, Planning Manager, Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

To be included in the report submitted to HUD, written comments must be received by the Department no later than 1:00 p.m. on September 30, 2004.

The final report will be submitted to HUD by September 30, 2004. It will be posted to the Department's web site.

For additional information, please call: Judy Peacock, (850)922-1887 or (850)487-3644m e-mail: judy.peacock@dca.state.fl.us.

Any person wishing to attend a workgroup meeting who requires a special accommodation because of a disability or physical impairment should contact the Department, (850)487-3644, at least five calendar days prior to the meeting. 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 **Florida Building Commission** hereby gives notice that there will be an additional rule adoption hearing on Rule 9B-3.047, F.A.C.

DATE AND TIME: August 31, 2004, 1:00 p.m.

PLACE: Fountainbleau Hilton Resort, 4441 Collins Avenue, Miami Beach, Florida 33140

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take public comment on the prescriptive specification standards on the new Residential Volume of the Florida Building Code.

The rule was originally published in Vol. 30, No. 13, of the March 16, 2004, issue of the Florida Administrative Weekly. A Notice of Change was published in Vol. 30, No. 26, of the June 15, 2004, edition.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ADDITIONAL HEARING IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

The **Department of Community Affairs** (DCA) announces a series of work group meetings to which all interested parties are invited.

DATES AND TIMES: September 1, 2004, 2:00 p.m. – 5:00 p.m.; November 4, 2004, 2:00 p.m. – 5:00 p.m.; January 11, 2005, 9:00 a.m. – 4:00 p.m.

PLACE: The Betty Easley Conference Center, Room 180, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the State of Florida Consolidated Plan for Federal Fiscal Year 2005-2010 and to receive input or comments from the public and/or interested parties.

PLAN SUMMARY: The State of Florida is required to submit a Consolidated Plan to the U. S. Department of Housing and Urban Development (HUD) in order to receive federal funding from that agency. The plan must cover the grant programs funded by HUD as well as other information related to housing and community development. Grant programs included in the Plan are the Florida Small Cities Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Home Investment Partnership (HOME) and Housing Opportunities for Persons with Aids (HOPWA). The Plan must also contain specific elements outlined in federal regulations. These elements include: special needs of the homeless, farmworkers, elderly, disabled, and persons with AIDS; health and safety issues such as the alleviation of lead based paint hazards; fair housing and equal opportunity; affordable housing; and efforts to reduce poverty.

ACTION TO BE TAKEN: At the workgroup meetings, staff from the CDBG, ESG, HOME and HOPWA programs, as well as staff from other state agencies and nonprofits, will work in committees to review, research and develop information to be included in the Consolidated Plan. Interested parties are encouraged to attend.

A copy of the agenda may be obtained by appearing in person at the agency headquarters or by email or calling: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644, e-mail: hick.miller@dca.state.fl.us or judy.peacock@dca.state.fl.us.

Written comments are encouraged throughout the process. They may be submitted at any one of the meetings or mailed to the address listed.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)922-8771 (TDD).

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, August 18, 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 workshop to which all persons are invited.

UNDOCKETED MATTER: Review of Ten-Year Site Plans of electric utilities.

DATE AND TIME: 9:30 a.m., Thursday, August 19, 2004

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to afford an opportunity for public comment on the ten-year site plans submitted by Florida's electric utilities. At the workshop, the utilities will describe their plans, the key assumptions underlying the plans, and the impact of demand-side management goals on the plans. The Florida Reliability Coordinating Council will present the Peninsular Florida Load and Resource Plan and the Peninsular Florida Reliability Assessment.

A copy of the agenda for this workshop may be obtained by writing: Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person with questions concerning this workshop should contact: Michael Haff, (850)413-6684.

Any person requiring some accommodation at this workshop 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 workshop. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces an informal customer meeting in the following docket, to which all interested persons are invited.

DOCKET NO. 040270-GU – Application for a rate increase by Sebring Gas System, Inc.

DATE AND TIME: August 23, 2004, 6:00 p.m.

PLACE: Sebring Civic Center, 355 W. Center Avenue, Sebring, FL

The meeting will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the meeting will adjourn. All persons desiring to comment on the utility's requested increase are urged to appear at the beginning of the meeting. One or more Commissioners may be present at the customer meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to comment regarding the request for rate increase by Sebring Gas System, Inc. At the meeting, customers may be heard on any and all issues, to include quality of service, in the case relating to this requested rate increase.

Any person requiring some accommodation at this meeting because of a physical impairment should contact 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).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meeting to which all persons are invited.

MEETING: North Central Florida (District 3) Local Emergency Planning Committee

DATE AND TIME: August 20, 2004, 9:30 a.m.

PLACE: Regeneration Technologies, Inc., 11601 Research Drive, Alachua, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Local Emergency Planning Committee.

Any persons deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need 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.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653.

Persons with disabilities who need assistance may contact us at (352) 955-2200, at least two business days in advance to make appropriate arrangements.

The **North Central Florida Regional**, Hazardous Materials Response Team announces a meeting to which all persons are invited.

DATE AND TIME: August 20, 2004, 1:15 p.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67 Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team Policy Board.

Any persons deciding to appeal any decision of the Team with respect to any matter considered at the meeting, may need 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.

A copy of the agenda may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Withlacoochee Regional Planning Council** announces a meeting of its Budget Committee.

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

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: First revision of the current budget.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, August 19, 2004, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 13, 2004, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751, (Please call (407)623-1075, Ext. 335, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting of the Local Emergency Planning Committee, District VI.

A copy of the agenda may be obtained by writing: Ms. Teri Hunalp, LEPC Coordinator, 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, August 18, 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, August 18, 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 Concurrency 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 Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee
 DATE AND TIME: Monday, September 13, 2004, 9:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council
 DATE AND TIME: Monday, September 13, 2004, 10:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee
 DATE AND TIME: Monday, September 13, 2004, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management
 DATE AND TIME: Thursday, September 9, 2004, 9:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee
 DATE AND TIME: Monday, September 27, 2004, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee
 PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Southwest Florida Regional Planning Council** announces that the Regional Metropolitan Transportation Subcommittee combined with the Smart Growth Management Subcommittee/public hearing will be held to which all persons are invited:

DATE AND TIME: August 19, 2004, 9:00 a.m.
 PLACE: Southwest Florida Regional Planning Council Conference Room, 4980 Bayline Drive, 4th Floor, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: Subcommittees of the Southwest Florida Regional Planning Council combined meeting.

A copy of the proposed agendas may be obtained by writing: Mr. David Y. Burr, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The District XI, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 18, 2004, 1:00 p.m.

PLACE: Fire Fighters Memorial Hall, Fire Tower Building, 8000 N. W. 21st Street, Miami, Florida 33122-1605

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the LEPC's ongoing regional hazardous materials training and planning activities for 2004.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021, (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416, toll-free statewide.

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

WITHLACOOCHEE RIVER BASIN BOARD MEETING
(Note: This is a change of date from the August 3 date that was originally scheduled in the year-long calendar.)

DATE AND TIME: Monday, August 16, 2004, 9:00 a.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including adoption of Fiscal Year 2005 final millage and budget

HILLSBOROUGH RIVER BASIN BOARD MEETING
(Note: This is a change of location from what was originally scheduled in the year-long calendar.)

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

PLACE: City Hall, 302 W. Reynolds Street, Plant City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including adoption of Fiscal Year 2005 final millage and budget

MANASOTA BASIN BOARD MEETING

DATE AND TIME: Wednesday, August 18, 2004, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including adoption of Fiscal Year 2005 final millage and budget.

PEACE RIVER/MANASOTA REGIONAL WATER SUPPLY AUTHORITY/MANASOTA AND PEACE RIVER BASIN BOARD MEMBERS

DATE AND TIME: Wednesday, August 18, 2004, following the Manasota Basin Board meeting

PLACE: Peace River/Manasota Regional Water Supply Authority Facility, 8998 S. W. County Road 769, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lunch and tour of the facility.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Note: This is a change of location from what was originally scheduled in the year-long-calendar.)

DATE AND TIME: Tuesday, August 24, 2004, 9:00 a.m.

PLACE: SWFWMD Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing.

GOVERNING BOARD MEMBERS BARBECUE DINNER

DATE AND TIME: Tuesday, August 24, 2004, following Governing Board meeting

PLACE: Home of Ms. Patsy Symons, 2742 Highway 301, South, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Social function. No District business will be discussed and no District funds will be expended.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Note: This is a change of location from what was originally scheduled in the year-long-calendar.)

DATE AND TIME: Wednesday, August 25, 2004, 9:00 a.m.

PLACE: DeSoto County Commission Chambers, 201 E. Oak Street, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. Governing Board business not completed at Tuesday's meeting, will be carried over to Wednesday, including the Southern Water Use Caution Area discussion.

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** (SWFWMD) announces the following public meeting to which all interested persons are invited:

CITRUS COUNTY TASK FORCE OF THE CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL

DATE AND TIME: Monday, August 16, 2004, 2:00 p.m.

PLACE: Citrus County Commission Chambers, Citrus County Court House, 110 North Apopka Avenue, Inverness, Florida 34450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Organizational meeting for election of officers and discussion of Task Force business.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida), or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

HILLSBOROUGH RIVER BASIN BOARD MEEETING
(Note: This a change of time from what was originally published.)

DATE AND TIME: Tuesday, August 17, 2004, 1:00 p.m.

PLACE: City Hall, 302 W. Reynolds Street, Plant City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Consideration of Basin business including adoption of Fiscal Year 2005 final millage and budget

PARLIAMENTARY PROCEDURES COURSE

DATE AND TIME: Friday, August 20, 2004, 9:00 a.m.

PLACE: Manatee Community College, Lakewood Ranch Center for Innovation and Technology, 7131 Professional Parkway, East, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Instruct Board members, advisory committee members and staff on Parliamentary Procedures and Robert's Rules of Order. These are public meetings and agendas are available by contacting the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: September 8, 2004 and/or Sept. 9, 2004, 8:50 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition of certain lands contained within the Save Our Rivers Land Acquisition and Management Plan which lands are further described as follows:

A copy of the agenda may be obtained at the (1) District Website (www.sfwmd.gov/gover/GovBoard/webpage/agenda.html) or (2) by writing: South Florida Water Management District, Mail Stop 6115, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally

recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ruth Clements, Department Director, Land Acquisition Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7220, West Palm Beach, FL 33406, (561)682-6271.

Part of the Water Conservation Area project comprised of three (3) parcels referred to as SFWMD Tract Nos. 27-100-050, 27-100-051 and 27-100-064 consisting of approximately 260 acres, more or less, and lying in Sections 01, 32 and 36, Townships 52 and 53 South, Ranges 35, 37 and 38 East in Miami-Dade County, Florida.

Part of the Avatar Properties Component Area of the Kissimmee River Pool "A" Project Area comprised of 15 parcels referred to as SFWMD Tract Nos. 19-100-003, 19-100-056, 19-100-074, 19-100-079, 19-100-089, 19-100-092, 19-100-093, 19-100-099, 19-100-109, 19-100-110, 19-100-111, 19-100-112, 19-100-115, 19-100-116 and 19-100-118 consisting of approximately 36 acres, all in Sections 07 and 12, Township 32 South, Ranges 31 and 32 East in Polk County, Florida.

Part of the Retreat Properties Area of the Kissimmee River Pool "A" Project Area comprised of 8 parcels referred to as SFWMD Tract Nos. 19-103-690, 19-103-692, 19-103-694, 19-103-696, 19-103-698, 19-103-700, 19-103-702 and 19-103-704 consisting of a total of approximately 17 acres, all in Section 20, Township 36 South, Ranges 33 East in Polk County, Florida.

Part of the East Coast Buffer "Pennsoco" Project Area comprised of 37 parcels referred to as SFWMD Tract Nos. W9-300-918, W9-300-922, W9-300-923, W9-300-924, W9-300-926, W9-300-927, W9-300-964, W9-300-960, W9-302-907, W9-302-912, W9-302-945, W9-302-958, W9-302-963, W9-302-966, W9-303-911, W9-303-944, W9-303-956, W9-304-934, W9-304-935, W9-304-937, W9-304-939, W9-304-943, W9-304-944, W9-304-946, W9-304-947, W9-304-948, W9-304-950, W9-304-951, W9-304-955, W0-304-957, W9-304-960, W9-304-961, W9-304-963, W9-304-964, W9-304-965, W9-304-969 AND W9-304-970 consisting of a total of approximately 625 acres, all in Sections 14, 19, 29 and 31, Township 52 South, Range 39 East and Sections 6, 7, 8, 17 and 30, Township 53 South, Range 39 East said properties lying in Miami-Dade County, Florida.

Part of the Kissimmee River project comprised of sixteen parcels referred to as SFWMD Tract Nos. 19-103-559, 19-103-560, 19-103-561, 19-103-562, 19-103-563, 19-103-565, 19-103-566, 19-103-567, 19-103-665,

19-103-666, 19-103-667, 19-103-668, 19-103-669, 19-103-670, 19-103-671 and 19-103-672 consisting of approximately 15 acres and lying in Sections 21, 22 and 27, Township 36 South, Range 33 East; five parcels referred to as SFWMD Tract Nos. 19-103-248, 19-103-432, 19-103-249, 19-103-267 and 19-103-433, consisting of approximately 816 acres and lying in Sections 33, 34 and 35, Township 35 South, Range 33 East, within Okeechobee County, Florida.

Part of the Kissimmee Chain of Lakes Project comprised of 224 parcels from SFWMD Tract Nos. 18-500-001 through 18-500-566 and 112 parcels from SFWMD Tract Nos. 18-600-001 through 18-600-178, all in Section 3, Township 30 South, Range 31 East and in Polk County, Florida.

Requesting from the Department of Environmental Protection the release of \$1,116,310.15 from the Water Management Lands Trust Fund for reimbursement of pre-acquisition costs associated with preliminary and preparatory activities necessary for the District to pursue acquisition of lands under the Save Our Rivers program.

Advising the Department of Environmental Protection of the use of \$6,786.92 from the Water Management Lands Trust Fund for the 2003 Payment in Lieu of Taxes to Hendry County for actual ad valorem tax losses incurred as a result of lands purchased by the District and requesting the Department of Environmental Protection to reimburse the District for this payment from the Water Management Lands Trust Fund.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Rate Review Workshop to which all persons are invited.

DATE AND TIME: Tuesday, August 17, 2004, 10:00 a.m. – completion

PLACE: Embassy Suites USF, 3705 Spectrum Blvd., Tampa, Florida, (813)977-7066

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain public input on the rate process.

In accordance with the Americans with Disabilities Act, persons in need of special accommodation to participate in the meeting or an agenda should contact Tiffany McNabb, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Workshop to which all persons are invited.

DATE AND TIME: Friday, August 20, 2004, 10:00 a.m. – completion

PLACE: Embassy Suites Jacksonville, 9300 Baymeadows Road, Jacksonville, Florida, (904)731-3555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear discuss Medicaid Non-Emergency Transportation.

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 or 1(800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular August monthly board meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: August 18, 2004, 3:30 p.m.

PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Ave., Inverness, FL 34450

GENERAL MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs**, Advisory Council announces a meeting to which all persons are invited to join.

Interested individuals may join by notifying: Darrick McGhee, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2085.

DATE AND TIME: Wednesday, September 1, 2004, 2:00 p.m. – 3:30 p.m.

PLACE: The Inter-Continental Hotel, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Department of Elder Affairs Advisory Council to discuss the department and initiatives the council wants to undertake.

To obtain a copy of the agenda, please contact: Darrick McGhee, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2085, Suncom 994-2085, e-mail: Mcgheed@elderaffairs.org.

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 department at least 48 hours before the meeting by contacting: Darrick McGhee, (850)414-2085. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces the following meeting of the District 10, Managed Care Ombudsman Committee to which all interested parties are invited.

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

PLACE: Nova Southeastern University, The Terry Building, The Physical Therapy Faculty Lounge, Room 128, 3200 S. University Drive, Fort Lauderdale, FL 22214

NOTE: For directions to these locations please go to the following internet website: www.mapquest.com and enter above address.

GENERAL SUBJECT MATTER TO BE CONSIDERED: District meeting.

Any persons requiring a special accommodation at this meeting because of a disability or physical impairment should contact us, (850)921-5458, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Nancy Radke, Agency for Health Care Administration, Bureau of Managed Care, 2727 Mahan Drive, Building 1, Room 339, Tallahassee, Florida 32308.

DEPARTMENT OF MANAGEMENT SERVICES

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: August 16-17, 2004, 8:30 a.m.

PLACE: Wyndham Westshore Hotel, 4860 W. Kennedy Blvd., Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 260, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, August 17, 2004, 8:30 a.m.; meeting will reconvene on Wednesday, August 18, 2004, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: August 18, 2004, 2:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice**, Florida Business Partners announces a meeting.

DATE AND TIME: Friday, August 27, 2004, 1:00 p.m. – 5:00 p.m.

PLACE: Don Shula's Hotel, 6842 Main Street, Miami Florida 33014

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Florida Business Partners.

A copy of the agenda may be obtained by calling: Ana Valdes, Office of Prevention and Victim Services, (850)410-2577.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Department of Juvenile Justice, Office of Prevention and Victim Services, (850)488-3302, no later than (7) days prior to the meeting at which such special accommodation is required.

DEPARTMENT OF HEALTH

The Florida **Diabetes Advisory Council (DAC)** announces a meeting to which all interested persons are invited. This is a public meeting.

DATE AND TIME: Friday August 20, 2004, 9:30 a.m. – 1:30 p.m.

PLACE: Tampa Airport Marriott Hotel

If you would like to attend, have questions, or need more information, please contact: Trina Thompson, (850)245-4330 by August 18, 2004. All requests for special accommodations must be received by 5:00 p.m. on August 18, 2004.

The **Department of Health** announces two public meetings to which all persons are invited.

DATE AND TIME: September 2, 2004, 9:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, (407)438-1400

DATE AND TIME: Thursday, October 21, 2004, 9:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, (407)438-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

The **Department of Health, Correctional Medical Authority** announces a meeting to be held at Tallahassee, Florida, to which all persons are invited:

DATE AND TIME: August 20, 2004, 9:00 a.m. – 12:00 Noon

PLACE: Correctional Medical Authority Conference Room, 1632 Metropolitan Circle, Tallahassee, Florida 32308, (850)410-1450, 1(800)416-4254 (toll-free), 922-2903 (local), 292-2903 (Suncom)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

A copy of the agenda may be obtained by writing: Executive Director, Correctional Medical Authority, 4052 Bald Cypress Way, Bin #B04, Tallahassee, FL 32399-1732, (850)410-1450

Pursuant to Chapter 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The **Board of Chiropractic Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, August 20, 2004, 8:30 a.m.

PLACE: Sawgrass Marriott, 1000 PGA Tour Boulevard, Ponte Vedra, FL 32082, (904)285-7777

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/chiro/chiro_home.html.

The **Board of Clinical Laboratory Personnel**, Probable Cause Panel will hold a duly noticed telephone conference call meeting, to which all persons are invited to attend.

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

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, FL; Meet Me Number (850)488-5778

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Dentistry** announces an official business meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: August 16, 2004, 6:00 p.m.

PLACE: Telephone Number (850)410-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board of Dentistry.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

The **Department of Health, Board of Dentistry**, Rules Committee announces an official meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: August 24, 2004, 6:00 p.m.

PLACE: Telephone Number (850)410-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed rule changes.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

The **Department of Health**, Bureau of Emergency Medical Services announces that a rule development workshop has been requested regarding Rule 64E-2.010, F.A.C., Examinations.

Notice of rule development was published in Florida Administrative Weekly, Vo. 30, No. 29, dated July 16, 2004.

The rule development workshop is scheduled as follows:

DATE AND TIME: August 23, 2004, 10:00 a.m.

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 64E-2.010, F.A.C., Examinations is being revised. The text for the proposed rule amendment was included in the notice of rule development as published.

THE PERSON TO BE CONTACTED REGARDING THE WORKSHOP IS: Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733, e-mail: Pam_Lesley@doh.state.fl.us, Fax (850)488-9408.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Office on Homelessness announces public workshops on two homeless assistance grants for community based homeless services. The Challenge Grant supports the implementation of local homeless assistance continuums of care and the local service

delivery. The Homeless Housing Assistance Grant supports the construction of transitional or permanent housing reserved for occupancy by the homeless. All interested parties are invited to participate in the conference calls.

DATE AND TIME: August 10, 2004, 9:00 a.m. – 11:00 a.m.

PLACE: Conference Call Number (850)921-6623, Suncom 291-6623

DATE AND TIME: August 12, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call Number (850)921-5230, Suncom 291-5230

GENERAL SUBJECT MATTER TO BE CONSIDERED: The conference calls will provide an overview of the upcoming grant application cycle and provide an opportunity to respond to questions on the application instructions.

More information on these calls may be obtained by contacting: Office on Homelessness, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)922-4691.

Pursuant to Chapter 286.26, Florida Statutes, any disabled person wishing to attend this meeting, in order to request any special assistance, should contact the Office on Homelessness at least 48 hours in advance of the meeting.

RESCHEDULED – The members of the **Child Welfare Education Committee (CWEC)** announce a public meeting to which any interested parties are invited to attend:

DATE AND TIME: August 17, 2004, 8:00 a.m. – 12:00 Noon

PLACE: Tampa Convention Center, Rm 31-32, 333 South Franklin Street, Tampa, Florida

The committee will discuss the transition of the child welfare pre-service training curriculum to university vendors and the current issues with regard to that transition.

NAVIGATION DISTRICTS

The Board of Commissioners, Florida **Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: 8:00 a.m., Friday, August 20, 2004

PLACE: The Sonesta Hotel Coconut Grove, 2889 McFarlane Road, Coconut Grove, Miami-Dade County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District’s Personnel, Auditor Selection and Land Acquisition and Management Committees will meet.

Please contact: District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces additional public meetings of the Food Shrimp Fishery Disaster Relief Appeals Board, at the following times, dates, and places:

DATES AND TIME: August 17-18, 2004, 8:30 a.m. – 5:00 p.m. (CDT) (The meeting may conclude earlier if business is completed)

PLACE: Holiday Inn Select, 2001 North Cove Boulevard, Panama City, Florida 32405

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 the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The **Fish and Wildlife Conservation Commission (FWC)**, Division of Law Enforcement, announces the following Boating Advisory Council public meeting, to which all persons are invited:

DATE AND TIME: September 1, 2004, 9:00 a.m.

PLACES: Main meeting site – FWC, 620 South Meridian Street, Bryant Building, Room 272, Tallahassee, Florida 32399-1600; Additional site – via video teleconference, FWC, South Region Office, 8535 Northlake Boulevard, South Region Conference Room, West Palm Beach, Florida 33412

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Boating Advisory Council.

An agenda of the meeting may be obtained by contacting: FWC, Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Bryant Building, Tallahassee, Florida 32399-1600, or by calling Ms. Shelly Gurrm, (850)488-5600.

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

five calendar days before the meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

The **Visit Florida**, Board of Directors announces a public meeting as follows:

MEETING: The VISIT FLORIDA Public Relations Committee

DATE AND TIME: Monday, August 9, 2004, 5:15 p.m. – 6:30 p.m.

PLACE: Royal Pacific Resort Hotel, Admiralty Boardroom, 6300 Hollywood Way, Orlando, FL 32819, (407)503-3000

GENERAL SUBJECT MATTER TO BE CONSIDERED: First quarterly committee meeting of new fiscal year.

For further information contact: Vanessa Welter, Director Public Relations, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 337, (850)345-9762.

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)

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program** announces scheduling of a Management Board Meeting to which all persons are invited.

DATE AND TIME: Friday, August 13, 2004, 9:00 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on items related to the annual TBEP program-wide budget, sediment quality targets, and revised action plans.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Management Board to any matter considered at the above cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Estuary Program** announces scheduling of a Policy Board Meeting to which all persons are invited.

DATE AND TIME: Friday, August 13, 2004, 1:00 p.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Action will be taken on items related to the annual TBEP program-wide budget, sediment quality targets, and revised action plans.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Policy Board to any matter considered at the above cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The Florida **Automobile Joint Underwriting Association** announces an FAJUA Ad Hoc Vendor Review and Selection Committee Meeting and FAJUA Board of Governors teleconference to which all persons are invited:

Ad Hoc Vendor Review and Selection Committee Meeting

DATE AND TIME: Monday, August, 2004, 11:00 a.m.

PLACE: To be announced

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss current FAJUA Servicing Carrier Agreement and any other matters that may come before the committee.

FAJUA Board of Governors Meeting

DATE AND TIME: Monday, August 16, 2004, immediately following the Ad Hoc Vendor Review and Selection Committee meeting

PLACE: To be announced

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss current FAJUA Servicing Carrier Agreement; OIR Audit Report; and any other matters that may come before the Board.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, lstoutamire@fajua.org.

ENTERPRISE FLORIDA

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Partner Council Meeting

DATE AND TIME: Wednesday, August 18, 2004, 8:00 a.m. – 10:00 p.m.

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc., Governance Project Workshop, Measures and Accountability

DATE AND TIME: Wednesday, August 18, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Governance Project Workshop By-laws and Legislation

DATE AND TIME: Wednesday, August 18, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Governance Project Workshop Implementaiton Issues

DATE AND TIME: Wednesday, August 18, 2004, 10:00 a.m. – 12:00 Noon

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Governance Project Workshop Statewide Strategic Plan Implementation

DATE AND TIME: Wednesday, August 18, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Governance Project Workshop Funding and Resources

DATE AND TIME: Wednesday, August 18, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Governance Project Workshop Partners and Affiliates

DATE AND TIME: Wednesday, August 18, 2004, 1:00 p.m. – 3:00 p.m.

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalnaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Legislative Committee Meeting

DATE AND TIME: Wednesday, August 18, 2004, 3:00 p.m. – 4:00 p.m.

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Board and Partner Reception

DATE AND TIME: Wednesday, August 18, 2004, 5:30 p.m. – 7:00 p.m.

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reception.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Board of Directors Dinner

DATE AND TIME: Wednesday, August 18, 2004, 7:30 p.m. – 9:00 p.m.

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors Dinner.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Board of Directors Breakfast

DATE AND TIME: Thursday, August 19, 2004, 7:30 a.m. – 8:30 p.m.

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

MEETING: Enterprise Florida, Inc. – Board of Directors Meeting

DATE AND TIME: Thursday, August 19, 2004, 8:30 a.m. – 12:30 p.m.

PLACE: Westin Hotel, 400 Corporate Drive, Ft. Lauderdale, FL 33334, (954)772-1331

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact Ellen Stalaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

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

PLACE: Department of Financial Services, 200 E. Gaines Street, Larson Building, Rm. 101B, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200, facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they

may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay**, Inc. announces the annual membership meeting to be followed by a regular meeting of the Board of Directors.

DATE AND TIME: Monday, August 30, 2004, 10:00 a.m.
PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida, Call In Phone No: 1(888)802-4032

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual membership meeting followed by a regular meeting of the Board of Directors. Note that the Board of Directors meeting will convene immediately after conclusion of the membership meeting.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301. The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on July 6, 2004, the Construction Industry Licensing Board received a Petition for Declaratory Statement with regard to Sections 489.103(5) and 489.105(3)(n), Florida Statutes, from The City of Palm Coast. The original notice was published in Vol. 30., No. 31, on July 30, 2004.

Petitioner requests a declaratory statement from the Board addressing whether State law requires the following: Must city owned pre-treatment effluent pumping (PEP) tanks be installed, operated, and maintained by licensed underground utility and excavation contractors? Can unlicensed city employees install, operate, and maintain PEP tanks? In the context of municipal public works, what constitutes “excavation” which would implicate licensing requirement?

This matter will be addressed by the Board during the regularly scheduled board meeting on September 10, 2004, at 8:00 a.m., General Session, at the Embassy Suites Orlando Downtown, 191 East Pine Street, Orlando, FL 32801.

A copy of the Petition may be obtained by writing: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039.

The Board of Veterinary Medicine hereby gives notice that it has received an amended petition from Craig H. Smith, Esquire on behalf of Dr. Jeffrey Philopot, Dr. Sherwood Cooper, Jr. and VetCentric, Inc., filed on July 20, 2004. Petitioners seek a declaratory statement, relating to Section 474.214(1)(k), Florida Statutes, and its associated administrative rule, on whether or not the aforementioned veterinarians would be subject to discipline for continuing to participate in a business arrangement with VetCentric, whereas VetCentric wholesales its Veterinary Products and Non-Veterinary Products to the aforementioned veterinarians who in return set retail prices for their clients to purchase said products. This matter will be addressed during the regularly scheduled Board meeting on September 28, 2004, at 8:00 a.m., or shortly thereafter, at the Colony Hotel, 155 Hammon Avenue, Palm Beach, Florida 33480. The telephone number of the Colony Hotel is: (561)655-5430.

Comments on this amended petition should be filed with Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783, within 14 days of publication of this notice.

For additional information or a copy of the amended petition, contact Juanita Chastain, Executive Director, Board of Veterinary Medicine, at the aforementioned address or telephone (850)487-1395.

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 Nursing hereby gives notice that it has issued a Final Order in the Petition for Declaratory Statement filed by Patricia L. James, B.S., M.A., on behalf of the Florida Agency for Health Care Administration. Notice of receipt of the Petition was published in the June 4, 2004, Vol. 30, No. 23, Florida Administrative Weekly. The Board reviewed the Petition at its meeting on July 9-10, 2004, in Tampa, Florida. The Board’s Final Order, filed in this cause on July 20, 2004, denies the Petition for Declaratory Statement and finds the

petition does not comply with Rule 28-105.001, F.A.C., and the petition asks for a policy statement of general applicability and does not describe the potential impact of the statute or rule upon petitioner's interest.

A copy of the Petition and the Board's Final Order may be obtained by contacting: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

ADVERTISEMENT FOR BIDS

Invitation To Bid (ITB)

For a

Roofing Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities Services, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, 5th Floor, Room 513D, Jacksonville, Florida.

BIDS ARE DUE ON OR BEFORE SEPTEMBER 22, 2004

AND WILL BE ACCEPTED UNTIL 2:00 P.M.

OFFICIAL PROJECT TITLE: Districtwide Roof Replacement at Various Schools, Stage II DCPS PROJECT NO. M-87420

SCOPE OF WORK: Project scope includes the replacement of old deteriorated roofing at Northwestern Middle School No. 155, Martin Luther King Elementary School No. 220, and Englewood Elementary School No. 87 as an add alternate. The estimated construction cost budgeted not to exceed \$975,520.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on September 7, 2004; 9:00 a.m., Duval County Public Schools Plant Services Office, 129 King Street, Room 29, Jacksonville, Florida 32204. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$75.00 at the office of:

Gibraltar Design, Inc., Town Center 1 Office Building, 475 West Town Place, Suite 100, St. Augustine, Florida 32092

DCSB Point of Contact: Dale Hughes, Project Manager, (904)858-6300

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room Construction Bulletin
Construction Market Data, Inc. National Association of
Minority Contractors

MBE Participation Goal: 10% Participation

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 PLANNING COUNCILS

Request for Letters of Interest

The Apalachee Regional Planning Council is seeking proposals from qualified firms to assist the Council and local governments in the region in their emergency management/homeland security activities. Preference will be given to Florida based firms with local, regional and state experience in the emergency management, planning and training fields.

Please forward a letter of interest and statement of qualifications to: Apalachee Regional Planning Council, 20776 Central Avenue, East, Blountstown, FL 32424. Responses must be received no later than 5:00 p.m. (EDT), August 20, 2004.

DEPARTMENT OF CORRECTIONS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: BE-53 (WW)

PROJECT NAME & LOCATION: Water Treatment Plant Ground Storage Tank Roof Replacement and New Forced Draft Aerator at Okeechobee Correctional Institution, 3420 N.E. 168th Street, Okeechobee, Florida.

FOR: State of Florida, Department of Corrections – Region IV
 PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount

provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Instruction To Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: September 15, 2004, until 11:00 a.m. Local time

PLACE: LBFH, Inc., 3550 S. W. Corporate Parkway, Palm City, Florida 34990

Any person with a qualified disability requiring special accommodations at the pre-bid conference and/or bid/proposal opening shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services, 1(800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ENGINEER: LBFH, Inc., 3550 S. W. Corporate Parkway, Palm City, Florida 34990

TELEPHONE: (772)286-3883

A non-mandatory pre-bid conference will be held on August 23, 2004 at 10:30 a.m. Local time, at the Okeechobee Correctional Institution's Administration Building, conference room. A brief walk through of the work area will be available as part of the pre-bid conference.

Drawings and specifications may be purchased for \$135.00 per set from the Architect/Engineer, plus \$40.00 per set for shipping, which is non-refundable.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

EXPRESSWAY AUTHORITIES

**NOTICE TO PROFESSIONAL
ENGINEERING CONSULTANTS**

The Orlando-Orange County Expressway Authority requires the services of a Professional Engineering Consultant in connection with the design for a new S.R. 429 interchange with C.R. 437A (Ocoee-Apopka Road), identified as Project No. 429-200A, in Orange County, Florida. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, based on information provided by the firms, and who have been prequalified by FDOT to perform the indicated Types of Work.

MAJOR TYPES OF WORK: Group 3.2, Major Highway Design; Group 3.3, Controlled Access Highway Design.

ADDITIONAL TYPES OF WORK REQUIRED: Group 7, Traffic Operations Design; Group 8, Surveying and Mapping and Group 9, Soil Exploration, Material Testing and Foundations.

DESCRIPTION: The work to be performed under this project will include final geometric design for the new full interchange for S.R. 429 at C.R. 437A. Additional elements include: surveying, right-of-way mapping, drainage evaluation and design, permitting, lighting, signalization, signing and pavement markings, maintenance of traffic, utility design and coordination, intelligent transportation systems, geotechnical analysis, scheduling and project control, progress reporting and other tasks and associated activities.

LETTERS OF INTEREST SUBMITTAL REQUIREMENTS: Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience – Details of specific experience for at least three (3) projects, similar to that described above that involve limited access highway reconstruction, completed by the consultant’s Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
2. Personnel Experience – Resumes of the consultant’s proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in complex highway design projects;
3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;

5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

SELECTION/NEGOTIATIONS: The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority’s Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant’s willingness to meet time requirements, consultant’s projected workload, and consultant’s use of Minority/Women Owned Businesses.

CODE OF ETHICS: All consultants selected to work with the Authority are required to comply with the Authority’s Code of Ethics, a copy of which may be obtained by contacting the Authority.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

LETTER OF RESPONSE DEADLINE:

September 10, 2004, 3:00 p.m., Orlando local time

AUTHORITY CONTACT PERSON:

Mr. Joseph A. Berenis, P.E.
Deputy Executive Director
Telephone: (407)316-3800

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
 525 S. Magnolia Avenue
 Orlando, FL 32801
 Re: S.R. 429/C.R. 437A Interchange
 Project No. 429-200A

REGIONAL UTILITY AUTHORITIES

SOLICITATION FOR QUALIFICATIONS

The Emerald Coast Utilities Authority is soliciting engineering consultant firms to submit Qualifications Packages for:

RFQ NUMBER 2004-36

Design/Permitting/Construction Administrative Services For ECUA's Pensacola Beach Wastewater Treatment Plant, Plant No. 2 Tankage Replacement/Repairs

This project deals with the replacement of the tankage and associated process equipment on Plant No. 2 at the Pensacola Beach Wastewater Treatment Plant. Plant No. 2 is currently designed for 1.2 MGD on a monthly basis. The new facilities are targeted to be operational by April 2006.

Prior arrangements for site visits must be made with either Steve Holcomb, Fax (850)494-7335, email: sholcomb@ecua.org, or with the Pensacola Beach Plant Utilities Operation Supervisor, Mr. Doug Leonard, Fax (850)916-9206, email: dleonard@ecua.org. All visitors must sign in and out, and be accompanied by ECUA staff while on site.

Responses will be received in the offices of the ECUA Purchasing Department, 9255 Sturdevant Street, Ellyson Industrial Park, Pensacola, Florida 32514 until 4:00 p.m. CDT on Tuesday, August 31, 2004.

Prospective submitters may obtain copies of the Qualification Package requirements and other pertinent information from the ECUA Purchasing Supervisor, 9255 Sturdevant Street, Ellyson Industrial Park, Pensacola, FL 32514 (850)969-3350). Ask for RFQ No. 2004-36.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Family Services, Office on Homelessness announces the following solicitation of applications for the Challenge Grant and the Homeless Housing Assistance Grant programs to lead agencies for homeless assistance continuums of care. All designated lead agencies are invited to apply.

DEADLINE FOR SUBMISSION OF CHALLENGE GRANT APPLICATION: Monday, September 20, 2004, 5:00 p.m.

SUBMIT TO: Department of Children and Family Services, Office on Homelessness, Building 2, Room 103-C, 1317 Winewood Blvd., Tallahassee, FL 32399-0700

Pursuant to Section 420.622 Florida Statutes, the Department of Children and Family Services through the State Office on Homelessness, hereby solicits applications for Challenge Grants to lead agencies for homeless assistance continuums of care designated by the State Office on Homelessness. A lead agency may be a local homeless coalition, municipal or county government, or other public agency, or a private not for profit corporation. Such grants may be up to \$137,500 per lead agency.

To qualify for the grant, a lead agency must develop and implement a local homeless assistance continuum of care plan for its designated catchment area.

Preference will be given to those lead agencies that have demonstrated the ability of their continuum of care to provide quality services to homeless persons and the ability to leverage federal homeless assistance under the Stewart B. McKinney Act and private funding for the provision of services to homeless persons. Preference will also be given to lead agencies in catchment areas with the greatest need for the provision of housing and services to the homeless, relative to the population of the catchment area.

Lead agencies wishing to apply for such homeless housing assistance grants may request an application package from:

Office on Homelessness
 1317 Winewood Blvd.
 Tallahassee, FL 32399-0710
 (850)922-4691

DEADLINE FOR SUBMISSION OF HOMELESS HOUSING ASSISTANCE GRANT APPLICATIONS: Tuesday, October 5, 2004. 5:00 p.m.

SUBMIT TO: Department of Children and Family Services, Office on Homelessness, Building 2, Room 103, 1317 Winewood Blvd., Tallahassee, FL 32399-0700

Pursuant to Section 420.622, Florida Statutes, the Department of Children and Families, through the State Office on Homelessness, hereby solicits applications for homeless housing assistance grants to lead agencies for homeless assistance continuums of care designated by the State Office on Homelessness. A lead agency may be a local homeless coalition, municipal, or county government, or other public agency, or a private not-for-profit corporation. Such grants may be up to \$750,000 per project, with no more than two grants awarded annually in any given continuum of care catchment area.

To qualify for the grant, a lead agency must develop and implement a local homeless assistance continuum of care plan for its designated catchment area.

Preference will be given to those lead agencies that build or rehabilitate the greatest number of units and who leverage additional private and public funds, particularly federal funds designated for construction and rehabilitation of transitional, or permanent housing for homeless persons. Preference will also be given to lead agencies in catchment areas with the greatest need for the provision of housing to the homeless, relative to the population of the catchment area.

Lead agencies wishing to apply for such homeless housing assistance grants may request an application from:

Office on Homelessness
1317 Winewood Blvd.
Tallahassee, FL 32399-0700
(850)922-4691

For additional information, you may contact: Tom Pierce, Executive Director, Office on Homelessness, (850)922-9850, e-mail: Tom_Pierce@dcf.state.fl.us.

VISIT FLORIDA

NOTICE OF REQUEST FOR QUALIFICATIONS

The Florida Commission on Tourism and VISIT FLORIDA announces a request for qualifications.

PLACE: VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, Phone (850)488-5607

TIME: RFQ's will be accepted beginning Friday, August 6, 2004 and will be closed Friday, August 13, 2004.

SUBJECT: VISIT FLORIDA is embarking on a multi-year marketing program that will link tourism with the emergence of year-round residential Florida downtowns and small towns. The program – Downtowns & Small Towns – will support marketing programs and urban redevelopment already taking place. Three pilot projects in cities of different size, character and parts of the state will demonstrate and document how to develop new urban tourism product. VISIT FLORIDA seeks a consultant thoroughly familiar with culture-, heritage- and nature-based tourism, with land use management policy and with the dynamics of the Florida tourism industry to work with local interests in developing the three pilot projects. Credibility and in-depth knowledge in each focus area is deemed critical to success. Solid writing, documentation and interpersonal skills are required. A series of meetings and consensus building in each area is envisioned along with a documented process manual case-studying each area. The consultant must be available beginning August 30, 2004, and ready to work steadily through the balance of the year.

Submit qualifications of no more than 3 pages in writing: Jill Rutli, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100.

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 because of a disability should contact VISIT FLORIDA at least five business days prior to the deadline. 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).

DEPARTMENT OF MILITARY AFFAIRS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS, LICENSED BY THE STATE OF FLORIDA, FOR THE CONSTRUCTION OF:

PROJECT NO: CFMO-204032

ACCOUNTING CODE: NA

PROJECT NAME AND LOCATION: RETROFIT MODIFIED BITUMEN ROOF SYSTEM OVER EXISTING STANDING SEAM ROOF. APPLY NEW ROOF SYSTEM TO THE REGIONAL TRAINING SITE-MAINTENANCE BUILDING AT CAMP BLANDING FLORIDA.

PROJECT DESCRIPTION: The majority of work will consist of overlaying the existing (approximate 23,000 sq. ft.) Metal standing seam roof, with a modified bitumen roof system. Replace three existing exhaust vents in maintenance bays, re-curb and seal to new roof system. Provide remedial repair to; HVAC system, water damaged ceiling tiles, drywall, paint etc.

FOR: Department of Military Affairs, Construction and Facility Management Office

MINORITY PROGRAM: Utilization of MBE participation is highly encouraged from all Bidders.

QUALIFICATIONS: General Contractors licensed by the State of Florida.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person, or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BID SECURITY: If the bid proposal amount is \$100,000 or less, a bid security (5%) is not required.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and Labor and Material Payment Bond are not required.

Sealed bids will be received and publicly read aloud on:
 DATE AND TIME: September 8, 2004, until 11:00 a.m. local time.

PLACE: Camp Blanding, CBJTC, FED Building #2060, 5629 West State Road 16, Starke, Florida 32091.

PROPOSAL: Bids must be submitted to the Department of Military Affairs, CFMO ATTN: Mr. Richard Cosgriff, CBJTC-FED Building # 2060, West State Road 16, Camp Blanding, Starke, Florida 32091, (904)682-3354, in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be examined and obtained, as of August 9, 2004 from EBERT NORMAN & BRADY ARCHITECTS for \$150.00 (non-refundable).

All Technical questions shall be directed to the A/E until close of business 27 August 2004.

ARCHITECT-ENGINEER: EBERT NORMAN BRADY ARCHITECTS, 1361 13th Avenue, South, Suite 230, Jacksonville Beach, Florida 32250

TELEPHONE: (904)241-9997, Attn: Tom Norman

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at the location where the bids were opened. In the event that the Bid tabulation and Notice of Award Recommendation can not be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.

AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS.

Section XII Miscellaneous

DEPARTMENT OF STATE

GUIDELINES AND APPLICATIONS AVAILABLE FOR STATE AID TO LIBRARIES GRANTS

Grant applications and guidelines are available for the following program administered by the Florida Department of State, State Library and Archives of Florida:

State Aid to Libraries – Applications must be postmarked by October 1, 2004.

Grant guidelines and application packets for State Aid to Libraries grants are available on the State Library and Archives' web page at <http://dlis.dos.state.fl.us/bld/grants/StateAid/StateAid.html> The guidelines and application packet may also be requested by mail from the State and Federal Grants Office, State Library and Archives of Florida, R. A.

Gray Building, 2nd Floor North, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6620 or Suncom 205-6620, Fax (850)245-6643.

The completed application must be mailed to the address indicated above, postmarked on or before the October 1, 2004 application date.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Order No. DCA04-OR-140

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY CITY OF LAYTON
 ORDINANCE NO. 04-05-02

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat. (2003), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Layton is a local government within the Florida Keys Area.
2. On June 29, 2004, the Department received for review City of Layton Ordinance No. 04-05-02 which was adopted by the City Council on June 4, 2004 ("Ord. 04-05-02"). The purpose of Ord. 04-05-02 is to amend Table II, Section 15: Zoning District Regulations of the City of Layton Land Development Regulations. Ord. 04-05-02 establishes the number of permitted habitable floors.
3. Ord. 04-05-02 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2003).
5. The City of Layton is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 04-05-02 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2003). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 04-05-02 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

9. Ord. 04-05-02 is not inconsistent with the remaining Principles. Ord. 04-05-02 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-05-02 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES,

AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY

RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 21st of July, 2004.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Carol MacLaren, Mayor
City of Layton
P. O. Box 400
Long Key, Florida 33001

Jean Murphy, City Clerk
City of Layton
P. O. Box 400
Long Key, Florida 33001

Tevis Reich, Esq.
Vernis & Bowling
81990 Overseas Highway
3d Floor
Islamorada, Florida 33036

DCA Final Order No.: DCA04-OR-141
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: LAND DEVELOPMENT REGULATIONS
ADOPTED BY CITY OF KEY WEST
ORDINANCE NO. 04-14

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2003), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The City of Key West is a designated area of critical state concern.
2. On July 9, 2004, the Department received for review City of Key West Ordinance No. 04-14, which was adopted by the City of Key West City Commission on July 7, 2004 ("Ord. 04-14"). Ord. 04-14 amends several parts of Chapter 122 of the Key West Zoning Regulations relating to adult oriented entertainment businesses. Ord. 04-14, among other things, clarifies permitted and conditional uses in the HRCC-1 zoning district, eliminates adult entertainment as a permitted use in the HRCC-3 zoning district, and sets locational criteria for adult entertainment businesses in the City.
3. Ord. 04-14 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2003).
5. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2003) and Rule 28-36.001, Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 04-14 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Fla. Admin. Code.
8. Ord. 04-14 promotes and furthers the following Principles in subsection 28-36.003(1), F.A.C.:
(a) To strengthen local government capabilities for managing land use and development.
(h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.
9. Ord. 04-14 is not inconsistent with the remaining Principles. Ord. 04-14 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 04-14 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 21st day of July, 2004.

 Paula Ford, Agency Clerk

By U.S. Mail:

The Honorable Jimmy Weekley
 Mayor, City of Key West
 P. O. Box 1409
 Key West, Florida 33041

Cheryl Smith
 Clerk to the City Commission
 P. O. Box 1409
 Key West, Florida 33041

Robert Tischenkel
 City Attorney
 P. O. Box 1409
 Key West, FL 33041

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of Less
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that BMW of North America, LLC, intends to allow the establishment of All Pro Auto Group, LLC dba Gainesville BMW, as a dealership for the sale of BMW automobiles and light trucks, at 3949 S. W. College Road, Ocala (Marion County), Florida 34474, on or after August 31, 2004.

The name and address of the dealer operator(s) and principal investor(s) of All Pro Auto Group, LLC dba Gainesville BMW are dealer operator: Bryan Myers, 3330 N. W. 95th Avenue, Ocala, Florida 34482; principal investor(s) : Bryan Myers, 3330 N. W. 95th Avenue, Ocala, Florida 34482 and Andre Wadsworth, 703 E. Windmere Drive, Phoenix, Arizona 85047.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Edward J. Huzyak, Center Development Manager Southern Region, BMW North America, LLC, 1280 Hightower Trail, Atlanta, Georgia 30350.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, BMW North America, LLC, intends to allow the establishment of Tom Bush Volkswagen, Inc. dba Tom Bush Regency Motors, as a dealership for the sale and service of automobiles and light trucks, at 6914 Blanding Blvd., Jacksonville (Duval County), Florida 32244, on or after March 31, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Tom Bush Volkswagen, Inc. dba Tom Bush Regency Motors are dealer operator: Tom M. Bush, Jr., 12907 Fort Caroline Road, Jacksonville, Florida 32225; principal investor(s): Tom M. Bush, Jr., 12907 Fort Caroline Road, Jacksonville, Florida 32225 and John P. Bush, 1737 Park Terrace W., Atlantic Beach, Florida 32233.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Edward J. Huzyak, Center Development Manager Southern Region, BMW North America, LLC, 1280 Hightower Trail, Atlanta, Georgia 30350.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that America Honda Motor Co., Inc., intends to allow the establishment of Performance New Tampa, Inc., as a dealership for the sale of Honda motorcycles, at 28009 Wesley Chapel Blvd., Zephyrhills (Pasco County), Florida, on or after September 20, 2004.

The name and address of the dealer operator(s) and principal investor(s) of Performance New Tampa, Inc. are Mark Allen; Wyndell Kern and Ralph Kern all of 16123 W. Colonial Drive, Winter Garden, Florida 34787.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ray Blank, Vice President, American Honda Motor Co., Inc. 1919 Torrance Blvd, Torrance, CA 90501-2746.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission in Docket No. 040763-TP is seeking the names of companies interested in providing a telecommunications relay service, pursuant to Chapter 427, Florida Statutes. This list of interested companies is being developed in order to send out the Request for Proposals once it has been released. Parties interested in receiving a copy of this proposal may provide information to the Commission. Information should include name, company, facsimile number, phone number and mailing and e-mail address. Replies should be submitted to: Rick Moses, Bureau Chief of Service Quality, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6582.

The Commission reserves the right to reject any or all bids or proposals submitted in response to the Request for Proposals.

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Broward District: 10
ID #: 0400005 Decision: D Issue Date: 7/2/2004

Facility/Project: St. John’s Nursing Center
Applicant: St. John’s Rehabilitation and Nursing Center
Project Description: Add 16 community nursing beds
Proposed Project Cost: \$32,000

County: Hillsborough District: 6
ID #: 0400006 Decision: A Issue Date: 7/15/2004

Facility/Project: University Community Hospital
Applicant: University Community Hospital, Inc.
Project Description: Add 10 comprehensive medical rehabilitation beds to an existing unit
Proposed Project Cost: \$1,000,000

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

On July 22, 2004, John O. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Mark Robert Wade, M.D., license number ME 60995. 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 26, 2004, John O. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Dianne Smith, ARNP license number ARNP 1386782. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the Deputy Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however,

any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 3C-105.100, 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 27, 2004):

APPLICATION FOR A

NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Liberty Bank, 1617 Gulf-to-Bay Boulevard, Clearwater, Florida 33755

Correspondent: Richard P. Hunt, 324 South Hyde Park Avenue, Suite 202, Tampa, Florida 33606

Received: July 19, 2004

APPLICATION FOR A

NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Freedom Bank, 410 Cortez Road West, Bradenton, Florida 34207

Section XIII
Index to Rules Filed During Preceding Week

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**RULES FILED BETWEEN July 19, 2004
 and July 23, 2004**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF EDUCATION

University of South Florida

6C4-4.00213	7/22/04	8/11/04	Newspaper	
6C4-4.00214	7/22/04	8/11/04	Newspaper	
6C4-4.0023	7/22/04	8/11/04	Newspaper	
6C4-4.0024	7/22/04	8/11/04	Newspaper	
6C4-4.0025	7/22/04	8/11/04	Newspaper	
6C4-4.0026	7/22/04	8/11/04	Newspaper	
6C4-4.0027	7/22/04	8/11/04	Newspaper	
6C4-4.0028	7/22/04	8/11/04	Newspaper	
6C4-4.0029	7/22/04	8/11/04	Newspaper	

University of West Florida

6C6-4.002	7/21/04	8/10/04	Newspaper	
6C6-4.008	7/21/04	8/10/04	Newspaper	

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Office

59G-4.085	7/20/04	8/9/04	30/18	
59G-6.020	7/21/04	8/10/04	30/24	

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

60DD-2.001	7/21/04	8/10/04	30/11	30/21
60DD-2.002	7/21/04	8/10/04	30/11	
60DD-2.003	7/21/04	8/10/04	30/11	
60DD-2.004	7/21/04	8/10/04	30/11	30/21
60DD-2.005	7/21/04	8/10/04	30/11	
60DD-2.006	7/21/04	8/10/04	30/11	30/21
60DD-2.007	7/21/04	8/10/04	30/11	30/21
60DD-2.008	7/21/04	8/10/04	30/11	30/21
60DD-2.009	7/21/04	8/10/04	30/11	30/21
60DD-2.010	7/21/04	8/10/04	30/11	30/21

BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

61G3-20.002	7/19/04	8/8/04	30/25	
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Board of Landscape Architecture

61G10-11.0035	7/21/04	8/10/04	30/10	30/24
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DEPARTMENT OF HEALTH

Board of Chiropractic

64B2-11.012	7/20/04	8/9/04	30/24	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Massage

64B7-30.004	7/20/04	8/9/04	30/25	
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Board of Nursing Home Administrators

64B10-15.002	7/20/04	8/9/04	30/9	30/26
64B10-15.0021	7/20/04	8/9/04	30/9	30/26

Board of Physical Therapy Practice

64B17-3.006	7/20/04	8/9/04	30/9	30/26
64B17-4.006	7/20/04	8/9/04	30/9	30/26
64B17-5.001	7/20/04	8/9/04	30/16	30/26

Board of Speech-Language Pathology and Audiology

64B20-3.004	7/20/04	8/9/04	30/6	30/25
64B20-7.004	7/20/04	8/9/04	30/25	
64B20-7.005	7/20/04	8/9/04	30/25	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Division of Family Health Services

64F-19.001	7/20/04	8/9/04	30/17	30/26
64F-19.002	7/20/04	8/9/04	30/17	
64F-19.003	7/20/04	8/9/04	30/17	30/26
64F-19.004	7/20/04	8/9/04	30/17	
64F-19.005	7/20/04	8/9/04	30/17	
64F-19.006	7/20/04	8/9/04	30/17	
64F-19.007	7/20/04	8/9/04	30/17	30/26
64F-19.008	7/20/04	8/9/04	30/17	30/26
64F-19.009	7/20/04	8/9/04	30/17	30/26
64F-19.010	7/20/04	8/9/04	30/17	30/26
64F-19.011	7/20/04	8/9/04	30/17	

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

69B-221.051	7/23/04	8/12/04	30/22	
69B-221.060	7/23/04	8/12/04	30/22	

Section XIV
List of Rules Affected

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w - Signifies Withdrawal of Proposed Rule(s)
- c - Rule Challenge Filed
- v - Rule Declared Valid
- x - Rule Declared Invalid
- d - Rule Challenge Dismissed
- dw - Dismissed Upon Withdrawal

Rule No.	Proposed	Amended	Adopted
	Vol./No.	Vol./No.	Vol./No.

STATE

1B-24.002	26/43		
1S-2.015	30/25	30/27	
1S-2.030	30/25	30/27	
1S-2.032	30/16	30/22	30/28
1S-5.001	30/22		

BANKING AND FINANCE

3C-560.103	30/22		
3C-560.707	30/22		
3C-560.805	30/22		
3C-560.902	30/22		
3C-560.903	30/22		
3C-560.904	30/22		
3C-560.908	30/22		
3D-40.0271	29/31		30/28w
3D-40.043	29/31		30/28w
3E-48.005	28/42		
3E-301.005	30/23		
3F-5.0015	29/39	29/45	
3F-5.0035	29/39	29/45	
3F-5.004	29/39	29/45	
3F-5.006	29/39	29/45	
3F-5.008	29/39	29/45	

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6A-1.094221	30/20		30/29	6A-14.0735	30/20		30/31
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6A-6.030191	30/7	30/13		6A-14.0752	30/20		30/31
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6A-6.0302	30/16c			6A-14.0765	30/20		30/29
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6A-6.03029	30/7			6C1-1.015	Newspaper		30/29
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6A-6.03032	30/7			6C1-1.201	Newspaper		30/26
6A-6.0331	30/7			6C1-7.004	Newspaper		30/27
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6A-6.03311	30/7			6C4-4.00213	Newspaper		30/32
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6A-6.03312	30/7			6C4-4.0023	Newspaper		30/32
	30/16c			6C4-4.0024	Newspaper		30/32
6A-6.03313	30/7			6C4-4.0025	Newspaper		30/32
	30/16c			6C4-4.0026	Newspaper		30/32
6A-6.03314	30/7			6C4-4.0027	Newspaper		30/32
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6A-14.0341	30/20		30/31	6H-1.017	30/20		30/31
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60DD-4.003	30/25			61B-36.001	29/17	29/46	
60DD-4.004	30/25			61B-36.002	29/17	29/46	
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				61B-50.112	30/12		30/25
				61B-50.115	30/12		30/25
				61B-50.117	30/12		30/25
				61B-50.119	30/12		30/25
				61B-50.120	30/12		30/25
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61G1-21.001	30/32				30/18		30/31
61G1-23.040	29/28	30/21		61G19-7.0010	26/41		
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61G2-3.005	21/33			61H1-33.0065	30/16	30/18	30/28
61G2-3.0055	23/38	24/6				30/22	30/28
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61G3-16.0091	27/11			61J1-2.005	28/41	28/43	
61G3-20.002	30/25		30/32		29/44		
61G3-20.009	27/11			61J1-3.001	28/41	28/43	
61G3-30.001	28/2			61J1-3.002	28/41	28/43	
61G4-15.001	30/6	30/19	30/25	61J1-4.005	28/41	28/43	
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61G4-15.005	30/6	30/8		61J1-4.240	27/45		
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61G6-5.001	29/5	29/7		61J2-5.018	29/44	30/8	
61G6-5.006	30/8		30/26w	61J2-5.019	29/44	30/8	
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61G7-5.001	30/23			61J2-6.006	29/44		
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61G7-5.0033	30/23			61K1-1.004	30/6	30/19	30/25
61G7-5.0034	30/23			61K1-1.0043	30/6	30/19	30/25
61G7-5.005	30/23			61K1-1.005	30/6	30/19	30/25
61G7-7.001	30/16		30/25	61K1-1.013	30/6	30/19	30/25
61G7-10.011	26/13			61K1-1.016	30/6	30/19	30/25
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				62-503.650	30/21		30/30
62-17.151	24/45	24/45		62-503.655	30/21		30/30
62-40	29/7c			62-503.680	30/21		30/30
	29/9c			62-503.700	30/21		30/30
	29/13c			62-503.751	30/21		30/30
	29/13c			62-503.800	30/21		30/30
	29/13c			62-503.850	30/21		30/30
	29/13c			62-561.100	24/52		
62-40.110	28/51			62-610.814	24/52		
62-40.120	28/51			62-621.200	21/52		
62-40.210	28/51			62-730.050	23/7		
62-40.310	28/51			62-761.100	30/13		30/25
62-40.410	28/51			62-761.210	30/13		30/25
62-40.411	28/51			62-761.300	30/13		30/25
62-40.412	28/51			62-761.400	30/13		30/25
62-40.416	28/51			62-761.450	30/13		30/25
62-40.422	28/51			62-761.500	30/13		30/25
62-40.425	28/51			62-761.510	30/13		30/25
62-40.430	28/51			62-761.610	30/13		30/25
62-40.431	28/51			62-761.640	30/13		30/25
62-40.432	28/51			62-761.700	30/13		30/25
62-40.450	28/51			62-761.710	30/13		30/25
62-40.458	28/51			62-761.800	30/13		30/25
62-40.470	28/51			62-761.820	30/13		30/25
62-40.473	28/51			62-761.850	30/13		30/25
62-40.474	28/51			62-761.890	30/13		30/25
62-40.475	28/51			62-761.891	24/14		
62-40.510	28/51			62-761.900	30/13		30/25
62-40.520	28/51			62-762.101	30/16		30/25
62-40.531	28/51			62-762.201	30/16		30/25
62-40.540	28/51			62-762.211	30/16		30/25
62-40.610	28/51			62-762.301	30/16		30/25
62-204.800	30/22		30/28	62-762.401	30/16		30/25
62-302.530	29/12		30/29	62-762.451	30/16		30/25
	29/35c		30/28d	62-762.501	30/16		30/25
	29/35c		30/28d	62-762.511	30/16		30/25
62-302.540	27/52			62-762.601	30/16		30/25
	29/12		30/28	62-762.611	30/16		30/25
	29/12			62-762.641	30/16		30/25
	29/35c		30/28d	62-762.701	30/16		30/25
	29/35c		30/28d	62-762.711	30/16		30/25
	29/35c		30/28d	62-762.801	30/16		30/25
62-304.300	30/6c		30/29dw	62-762.821	30/16		30/25
62-304.510	29/25			62-762.851	30/16		30/25
62-304.700	29/43c			62-762.891	30/16		30/25
62-312.122	24/18			62N-36.004	21/43		
62-330.2001	26/9			62R-7.022	21/17		
62-503.101	30/21		30/30	62R-7.025	21/17		
62-503.200	30/21		30/30	62R-7.026	21/17		
62-503.300	30/21		30/30	62R-7.028	21/17		
62-503.350	30/21		30/30		22/47		
62-503.400	30/21		30/30	62R-7.032	21/17		
62-503.420	30/21		30/30				
62-503.430	30/21		30/30				
62-503.500	30/21		30/30				

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JUVENILE JUSTICE				64B5-14.005	30/17		30/25
63F-8.001	30/5		30/31	64B5-14.008	30/17		30/25
63F-8.002	30/5	30/25	30/31	64B5-14.009	30/17		30/25
63F-8.003	30/5	30/25	30/31	64B5-15.010	27/30		
HEALTH				64B5-16.005	29/42		
64-1	30/29c			64B5-16.006	29/42		
64B-1.009	25/39	26/1		64B6-1.016	28/52		
64B-3.004	30/17c			64B6-55.004	27/41		
64B-4.003	30/11	30/20	30/28	64B7-27.012	24/12		
64B-5.001	30/9c		30/28dw	64B7-28.002	30/30		
64B-5.002	30/9c		30/28dw	64B7-30.004	30/25		30/32
64B-6.001	30/28			64B7-32.001	26/6		
64B-6.002	30/28			64B8-1	30/23c		30/28dw
64B-6.003	30/28			64B8-5.001	29/26	29/52	
64B-21.0015	27/39			64B8-8.017	30/23		30/30
64B-21.004	27/39			64B8-9.003(2)	29/43c		
64B-21.006	27/39			64B8-9.014	29/50c		
64B1-3.004	30/14		30/29	64B8-9.016	30/23		30/30
64B1-3.009	30/32			64B8-13.0045	27/48	28/16	
64B1-4.001	30/32			64B8-30.005		29/35	30/30
64B1-4.0011	30/32				30/23		30/30
64B1-6.006	30/15		30/30	64B8-30.012	29/23c		
64B1-6.008	30/15		30/30	64B8-30.019	30/23		30/30
64B1-6.011	30/4			64B8-51.002	30/30		
64B1-31.001	27/51	28/6		64B8-54.004	27/41		
64B2-11.012	30/24		30/32	64B8-304.700	29/43c		
64B2-11.013	30/24			64B9-3.007	25/9		
64B2-13.007	30/18		30/26	64B9-8.006	30/30		
64B2-15.001	30/24			64B10-15.002			30/32
64B3-2.001	23/51				30/9	30/26	30/32
64B3-2.002	22/34	24/49		64B10-15.0021		25/39	30/32
64B3-2.003	22/34	24/49			30/9	30/26	30/32
64B3-3.001	30/25			64B11-4.005		28/2	30/30
64B3-3.003	30/22		30/29		30/23		30/30
64B3-3.004	23/51			64B12-19.002	27/11		
64B3-6.001	27/5	27/17		64B13-5.003	30/21	30/29	
64B3-8.006	30/30			64B13-6.001	30/22		
64B4-3.001	25/22			64B13-11.001	30/3	30/16	
64B4-4.005	30/29			64B13-11.004	30/3	30/16	
64B4-4.017	25/32			64B13-18.002	30/21	30/29	
64B4-4.018	25/32			64B15-6.0035	29/44	30/10	30/28
64B4-5.007	25/32					30/22	30/28
64B4-6.0013	25/32			64B15-6.013	30/23		30/30
64B4-6.0045	25/32			64B15-13.001	30/22		30/30
64B5ER04-3			30/22	64B15-19.003	30/15		30/28
64B5ER04-4			30/23	64B16-27.104	30/10		30/31w
64B5-2.0135	29/42			64B16-27.104(6)	29/44c		
64B5-2.017	30/20			64B16-27.105	27/4	27/21	
64B5-14.003	30/17		30/25	64B16-28.140	24/38		
64B5-14.004	30/17		30/25	64B16-28.450	30/20		30/30
				64B16-28.871	29/43c		
					29/43c		
				64B16-30.004	30/10		30/31w
					30/20		30/29w

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64B17-3.006	30/9	30/26	30/32	CHILDREN AND FAMILY SERVICES			
64B17-4.006	30/9	30/26	30/32				
64B17-5.001	30/16	30/26	30/32	65-1	30/6c		
64B17-9.001	30/16		30/26		30/9c		
64B18-14.010	30/9	30/14	30/30		30/15c		
		30/23	30/30	65AER04-1			30/31
64B18-14.011	30/9		30/30	65A-1.203	30/23		
64B19-11.001	30/20		30/31w	65A-1.205	30/23		
64B19-11.005	30/21		30/30	65A-1.601	28/11	28/23	
64B19-11.007	30/20		30/31w			28/31	
64B19-17.0035	30/32					28/41	
64B19-17.004	30/20	30/32		65A-1.712	30/26		
64B19-18.0025	30/21		30/30	65A-1.716	30/22		
64B19-18.006	30/21			65A-4.213	25/32		
64B19-18.007	30/21			65A-4.215	30/24		
64B20-2.002	25/45	26/30		65A-4.216	25/32		
64B20-3.004	30/6	30/25	30/32	65A-15.0095	26/4		
64B20-7.004	30/25		30/32	65C-20.008	30/17	30/28	
64B20-7.005	30/25		30/32	65C-20.009	30/17	30/28	
64B24-4.001	29/16	30/32		65C-20.010	30/17	30/28	
64B24-4.002	29/16	30/32		65C-20.011	30/17	30/28	
64B24-4.004	29/16			65C-20.012	30/17	30/28	
64B24-4.006	29/16	30/32		65C-20.013	30/17	30/28	
64B24-4.007	29/16	30/32		65C-21.001	23/20		
64B24-4.010	29/16			65C-22.001	30/17	30/28	
64B32-5.001	28/3	28/5		65C-22.002	30/17	30/28	
64C-4.003	30/29			65C-22.003	30/17	30/28	
64C-13.018	24/22			65C-22.004	30/17	30/28	
64C-23.002	27/17			65C-22.005	30/17	30/28	
64C-27.001	27/17			65C-22.006	30/17	30/28	
64C-27.002	27/17			65C-22.007	29/9		
64E-2.010	30/31				30/17	30/28	
64E-6.007	25/48			65C-22.008	30/17	30/28	
64E-9	30/21c			65E-2.003	26/20	26/28	
64E-9.007(16)(b)	30/10c			65E-14.001	30/28		
64E-9.011(2)(g),(8)(c)	30/10c			65E-14.002	30/28		
64F-12.012	30/17	30/24	30/31	65E-14.021	30/28		
64F-12.015	30/29			65E-14.022	30/28		
64F-12.018	30/29			FLORIDA HOUSING FINANCE CORPORATION			
64F-19.001	30/17	30/26	30/32	67-4.032	29/9	29/45	
64F-19.002	30/17		30/32	67-18.005	28/42		
64F-19.003	30/17	30/26	30/32	67-21.019	24/46	24/46	
64F-19.004	30/17		30/32	67-32.009	24/28		
64F-19.005	30/17		30/32	67-50.001	30/24		
64F-19.006	30/17		30/32	67-50.005	30/24		
64F-19.007	30/17	30/26	30/32	67-50.010	30/24		
64F-19.008	30/17	30/26	30/32	67-50.020	30/24		
64F-19.009	30/17	30/26	30/32	67-50.030	30/24		
64F-19.010	30/17	30/26	30/32	67-50.040	30/24		
64F-19.011	30/17		30/32	67-50.050	30/24		
64F-20.001	30/27			67-50.060	30/24		
64V-1.018	30/2			67-50.070	30/24		
				67-50.080	30/24		
				67-50.090	30/24		
				67-50.100	30/24		

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FISH AND WILDLIFE CONSERVATION COMMISSION				69A-62.020	29/44	29/46	
68A-9.004	30/19		30/28			30/27	
68A-12.007	30/24	30/31		69A-62.021	29/44	29/46	
68A-15.005	30/19		30/28			30/27	
68A-15.062	30/19		30/28	69A-62.022	29/44	29/46	
68A-15.063	30/19		30/28			30/27	
68A-23.005	30/1			69A-62.023	29/44	29/46	
68A-24.003	28/17					30/27	
68A-24.004	28/17			69A-62.030	29/44	29/46	
68A-24.0055	30/1					30/27	
68A-24.006	28/17			69A-62.031	29/44	29/46	
	30/1			69A-62.032	29/44	29/46	
68A-24.009	30/1			69A-62.033	29/44	29/46	
68B-3.007	30/19		30/28			30/27	
68B-4.002	30/19	30/26	30/28	69A-62.034	29/44	29/46	
68B-4.019	30/19	30/26	30/28			30/27	
68B-13.008		26/13	30/28	69A-62.035	29/44	29/46	
	27/31	26/13				30/27	
	30/19		30/28	69A-62.036	29/44	29/46	
68B-13.010	30/19		30/28			30/27	
68B-14.0045	30/19		30/28	69A-62.040	29/44	29/46	
68B-24.0055		29/24	30/28	69A-62.041	29/44	29/46	
	30/19		30/28	69A-62.042	29/44	29/46	
68B-45.002	30/19	30/26	30/28	69A-62.043	29/44	29/46	
68B-45.006	30/19		30/28	69A-62.044	29/44	29/46	
68C-22.013	30/22			69A-62.045	29/44	29/46	
68C-22.014	30/22			69A-64.005	30/20		30/28
68C-22.016	30/22			69B-211.042	30/22		30/29
68C-22.022	30/22			69B-221.051	30/15		30/28w
68E-18.002	30/19		30/28		30/22		30/32
68E-18.005	30/19		30/28	69B-221.060	30/15		30/28w
					30/22		30/32
FINANCIAL SERVICES				69C-6.003	29/38	30/29	
				69H-2.008	30/19		30/27
69-211.042	30/10c			69IER04-1			30/29
69A-2.024	30/18			69IER04-2			30/29
69A-60.002	30/20			69IER04-3			30/29
69A-60.003	30/20			69L-6.021	30/19		30/27
69A-60.004	30/20			69L-6.024	30/22		30/29
69A-60.005	30/20			69L-7.020	30/16	30/21	30/27
69A-60.007	30/20			69L-7.501	30/16		30/27
69A-60.008	30/20			69L-7.602	30/12	30/20	30/27
69A-62.0001		30/27		69M-1	29/52c		
	29/47	30/27		69O-137.001	30/28		
69A-62.001	29/44	29/46		69O-138.001	30/28		
69A-62.002	29/44	29/46		69O-170.013	30/14		
69A-62.003	29/44	29/46		69O-170.013(7)	30/21c		
		30/27		69O-186.003	30/18		
69A-62.006	29/44	29/46		69O-186.005	30/18		
		30/27		69O-186.016	30/18		
69A-62.007	29/44	29/46					
		30/27					